CHAPTER 6:
Water Programs

The goal of the Water Programs is to protect the surface water and groundwater resources for all purposes in Nebraska. This chapter describes the programs administered by the Water Programs, including petroleum remediation programs, surface water and groundwater monitoring and assessment programs, water quality planning, agriculture programs, wastewater permitting and certification programs, financial assistance programs, and drinking water programs.

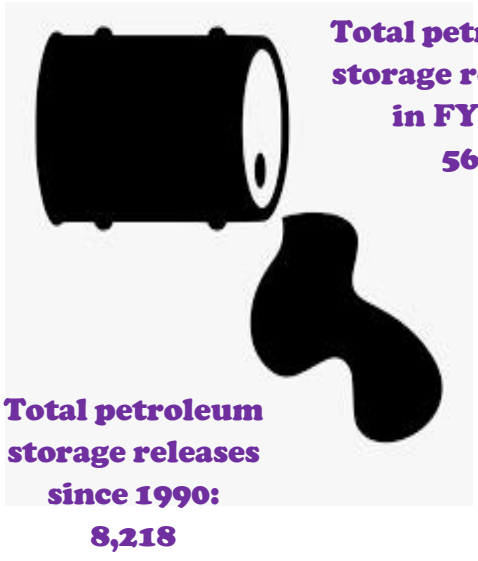
Petroleum Remediation Program

Activities regarding the Petroleum Remediation Program involve two interrelated areas:

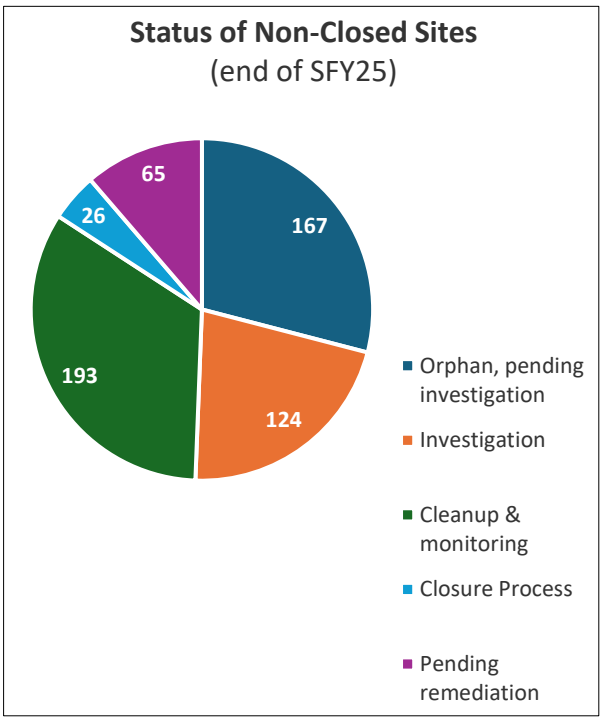
1. Overseeing the **investigation and cleanup** of petroleum contamination resulting from leaking above ground and underground storage tanks as well as other sources such as pipeline leaks and transportation spills; and
2. Administering a **financial assistance program** for persons responsible for investigation and cleanup costs due to petroleum releases from tanks.

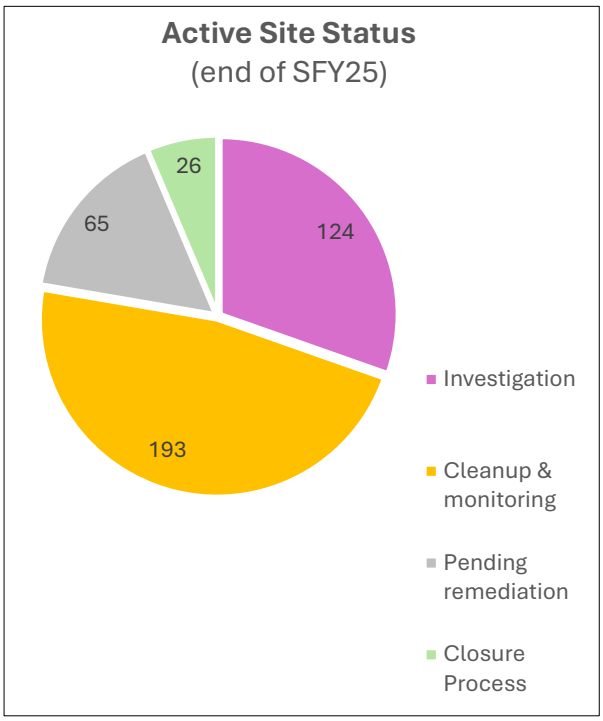
Investigation and Cleanup

The first step in the Petroleum Remediation Program is the review of tank removal assessment reports or other documentation to determine whether contamination exists. If contamination is present, NDEE decides whether more investigation and cleanup are required. NDEE also determines whether parties who caused the contamination are available and financially capable of assuming responsibility.



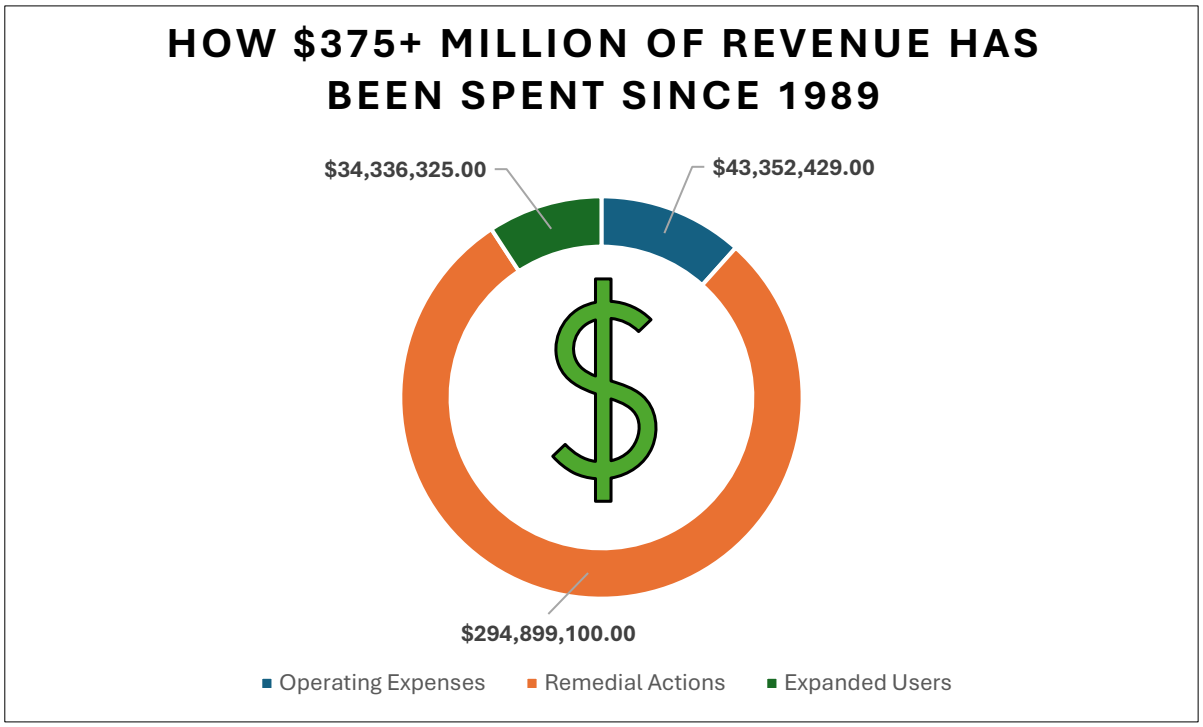
The program has incorporated Risk-Based Corrective Action (RBCA) procedures into regulations and accompanying guidance. The RBCA process allows for the evaluation of all petroleum release sites based on the risk they pose to human health and the environment. Those that pose no significant risk are closed; those that pose significant risk are prioritized for further work. Since 1999, the program has been collecting site-specific information needed for Tier 1, the first step in the RBCA process. Sites that fail Tier 1 are activated for Tier 2, which is a more detailed investigation and the next step in the RBCA process. In FY 2025, 65 Tier 1 / Tier 2 investigations were initiated. If sites fail Tier 2, they are normally scheduled for cleanup. In FY 2025, 262 referrals were received through the notification system (spill reports, complaints, and other).





Financial Assistance – Petroleum Release Remedial Action Reimbursement Fund

When contamination has been found at a site and NDEE has determined that more investigation and/or cleanup is required, NDEE will also determine the "Responsible Person." This term refers primarily to those who owned or operated the tank or other source when the release occurred. Those entities determined to be a Responsible Person may be eligible for reimbursement through the Petroleum Release Remedial Action Reimbursement Fund.



The Fund was created by the Legislature to help tank owners pay for the costs associated with assessing and cleaning up any petroleum releases from tanks as well as meet the $1 million financial responsibility requirement established by EPA for underground storage tanks. Costs for both underground and above-ground tank releases are eligible for reimbursement. The program's activities in this area include receiving and processing applications for reimbursement from the fund and subsequently issuing reimbursements for eligible costs. To assist applicants, the program developed a guideline entitled "Reasonable Rates Schedule and Reimbursement Guidance Manual" which is available on the web site.

Revenue was $12.1 million in FY25. During the year, NDEE reimbursed about $3.2 million to Responsible Persons for work done at 130 different sites, and $5.8 million was spent to clean up 165 different orphan sites. An additional $494,420 of revenue was transferred to NDEE's Superfund program, as directed by legislation passed in 2017. As of June 30, 2025, over $294 million total has been spent on site cleanups.

Responsible Person Sites

Air sparge/soil vapor extraction remediation system at the site of a former gas station.

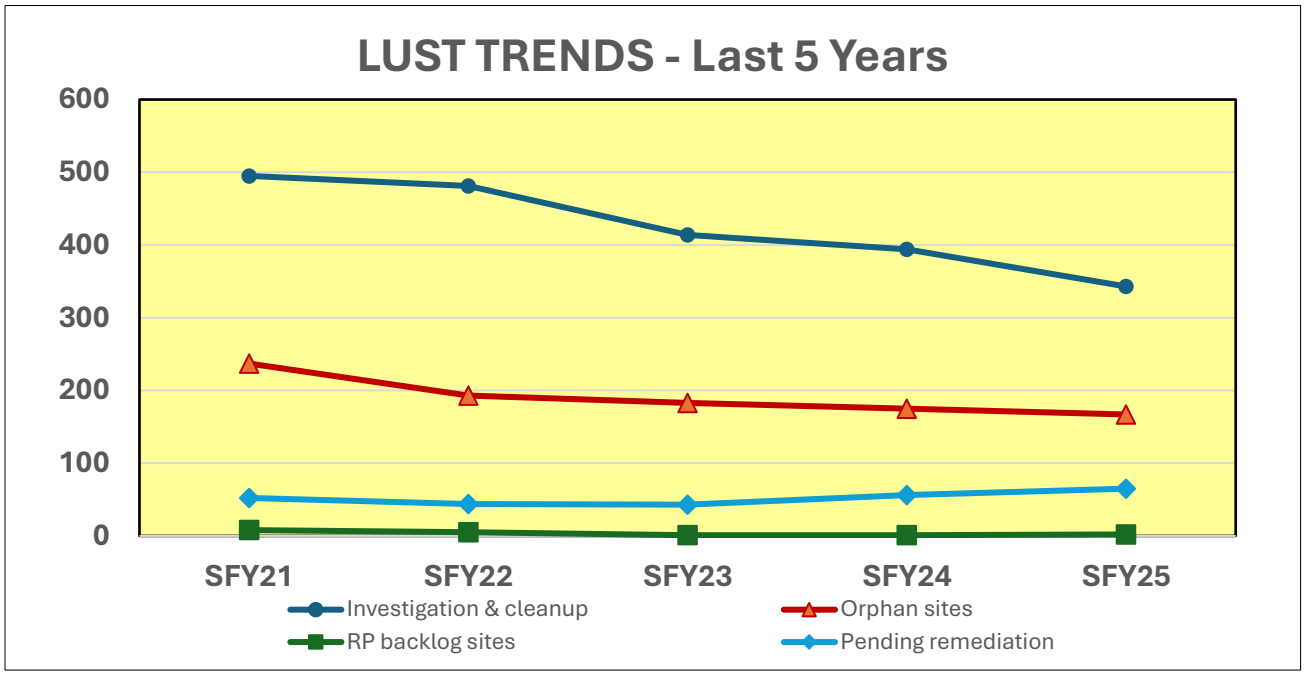
Previously, there had been hundreds of sites where the responsible person was known, but NDEE had not required work to begin. These were lower priority sites, and there was not sufficient funding to reimburse potential costs under the reimbursement fund. The sites were placed on a waiting list (backlogged) until funding was available. NDEE worked steadily to bring that list to zero. By November 2018, there were no more responsible person sites waiting on NDEE to require and approve work. Now when new spills are reported, they are worked on immediately with no waiting required. This helps speed property transactions and redevelopment.

Orphan Sites

In situations involving "orphan" sites (sites where there is no viable responsible person), investigation and remediation costs are paid with federal and/or state funds. In FY 2025, there were 234 active sites for investigation and/or cleanup using State contractors. At the end of FY 2025, there were 165 orphan sites backlogged and not yet investigated.

Leaking Underground Storage Tanks

Another name for the entire program is the acronym **LUST**. Many states use this term for their state petroleum cleanup programs.



Equipment Reuse

As sites are undergoing cleanup, NDEE pays for the purchase of remediation equipment. When sites are cleaned up, NDEE seeks to reuse that equipment at other sites. Since June 2005, NDEE has reused hundreds of pieces of equipment, thus greatly reducing the need to buy new equipment. This reuse program has saved Nebraska taxpayers over $8 million in new equipment costs and allowed that money to be used for cleanup of additional sites.

$551,919 savings in FY '25

Over $8 million since 2005

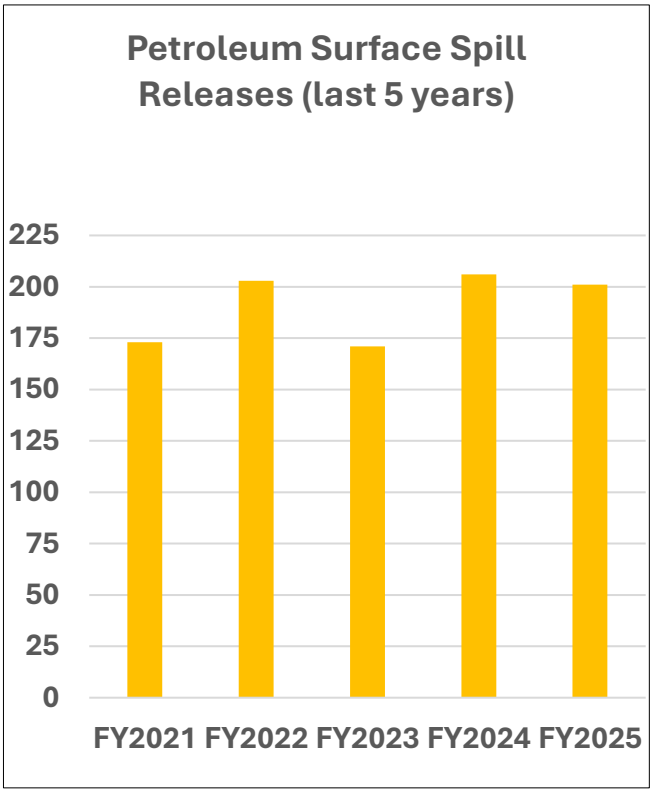
Voluntary Remedial Action

Tank owners can perform voluntary remedial action prior to NDEE's approval of their plans and still be eligible for reimbursement consideration in the future. This allows sites to move forward on their own initiative. To date, 238 suspended or backlogged leaking underground storage tank sites have been closed based on voluntary submittals.

Surface Spills

NDEE has long been aware that many trucking companies, petroleum distributors, emergency response managers, and law enforcement agencies are unaware of Nebraska regulations regarding response to a petroleum spill onto road surfaces and shoulders, especially when groundwater and/or surface water is threatened.

Therefore, the Petroleum Remediation Section developed a brochure for distribution throughout the State explaining NDEE regulations and recommendations for cleaning up after a spill. We have distributed the brochure to all Nebraska county emergency managers, many law enforcement entities, as well as many trucking companies and private citizens.



Frequently Asked Questions about the Sale and Purchase of a Retail Petroleum Convenience Store

January, 2020

The Nebraska Department of Environment and Energy (NDEE) Petroleum Remediation Section often fields questions from real estate agents, lenders, and the public regarding the sale or purchase of a convenience store/gas station. Many of the questions relate to concerns about environmental problems due to leaks of petroleum from the fuel storage tank system or concerns about costs the buyer may incur if the system needs to be upgraded to meet current requirements. Here are some commonly asked questions and suggested methods the public can use to gather information needed to make an informed buying or selling decision.

Contact for more information

NDEE-Petroleum Remediation Section http://deq.ne.gov/NDEQProg.nsf/OnWeb/LUST	(402) 471-2186
NDEE Records Management Section http://dee.ne.gov/NDEQProg.nsf/OnWeb/PRR	(402) 471-3557
NE State Fire Marshal-Fuels Division https://sfm.nebraska.gov/fuels-safety	(402) 471-9465

Sale & Purchase of Retail Petroleum Convenience Store

The Petroleum Remediation Section often fields questions from real estate agents, lenders, and the public regarding the sale or purchase of a convenience store/gas station. Many of the questions relate to concerns about environmental problems due to leaks of petroleum from the fuel storage tank system or concerns about costs the buyer may incur if the system needs to be upgraded to meet current requirements.

As a response, PRS developed a brochure for distribution to the public containing some commonly asked questions and suggested methods the public can use to gather information needed to make an informed buying or selling decision.

More information is available on the Petroleum Remediation website at: https://dee.nebraska.gov/land-waste/petroleum-remediation/leaking-underground-storage-tank-and-surface-spill-site-information

Water Quality Monitoring and Assessment Programs

Surface Water Assessment Programs

Cresent Lake in Garden County

Staff working with the Surface Water Monitoring and Assessment programs collect physical, chemical, and biological water quality samples from streams and lakes; implement surface water improvement projects; and prepare surface water quality reports. Some monitoring programs collect stream and lake samples throughout the state, but most monitoring is focused on one to three major river basins each year in conjunction with a six-year rotating basin monitoring strategy. Monitoring data are used to document existing water quality conditions, assess the support of beneficial uses (such as aquatic life, recreation, and public drinking water supply), and prioritize water quality problems. Current monitoring partners include the Natural Resources Districts (NRDs), Nebraska Public Power District (NPPD), U.S. Army Corps of Engineers (USACE), Nebraska Game and Parks Commission (NGPC), University of Nebraska-Lincoln (UNL), Central District Health Department (CDHD), United States Geological Survey (USGS) and United States Environmental Protection Agency (USEPA).

Each year, surface water samples are collected at hundreds of locations across the state, resulting in over 36,000 individual field measurements and laboratory analyses.

NDEE's surface water monitoring programs have different purposes. Brief descriptions of the basin monitoring strategy, as well as other water quality monitoring programs, are provided as follows. Additionally, a more detailed overview of the programs is provided on the Department's Surface Water Monitoring and Assessment webpage available online.
https://dee.nebraska.gov/water-quality/surface-water-monitoring-and-assessment

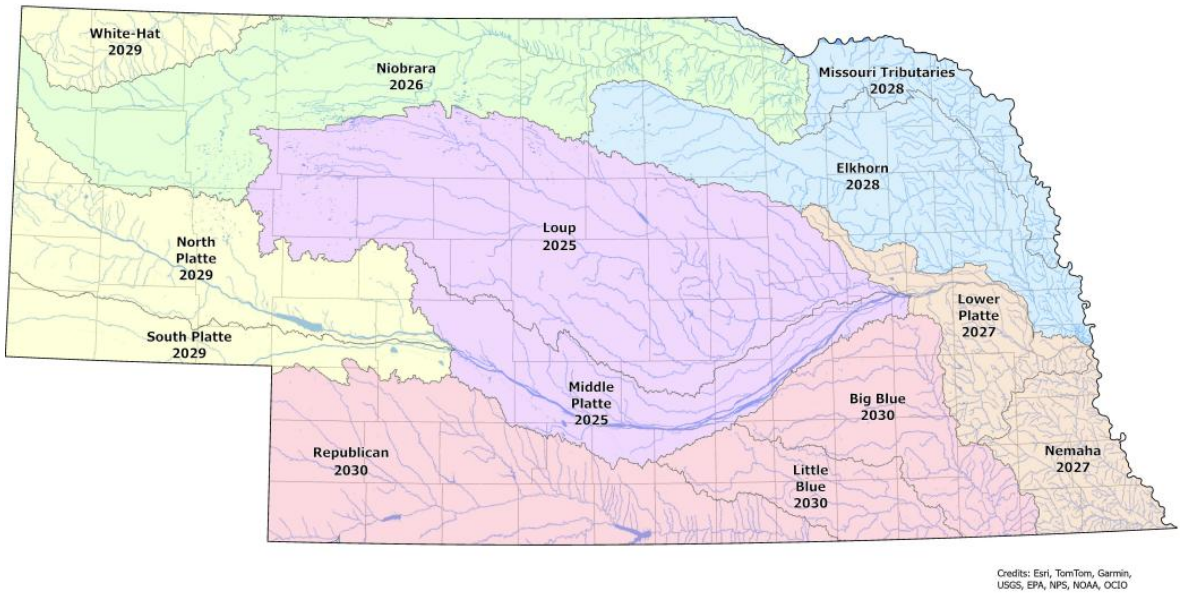
Basin Rotation Monitoring Program

- Water quality sampling focuses on one to three major river basins per year.
- During a six-year cycle all 13 major river basins in the state are intensively monitored.
- Weekly monitoring of rivers and streams from May-September.
- Fourteen parameters analyzed at each sampling location.
- In 2025, NDEE sampled 40 sites within the Loup and Middle Platte River Basins.

Measuring instream discharge

Collecting water samples

Six-year Basin Rotation Monitoring Schedule

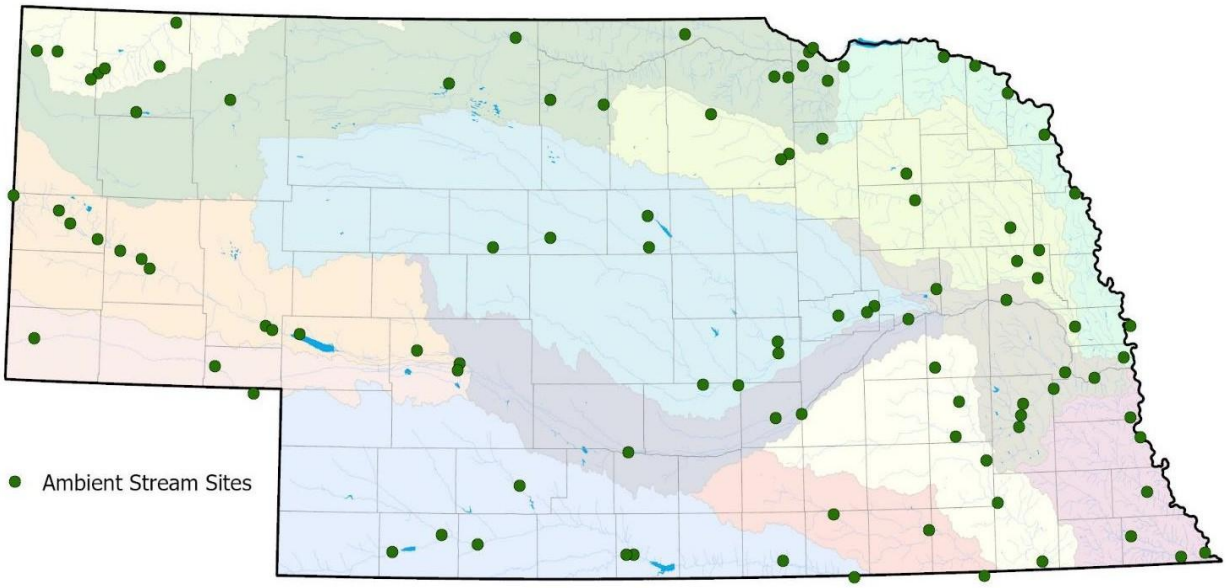


Ambient Stream Monitoring Program

- Network of 101 fixed stations located on main stem and tributary streams including six stations on the Missouri River.
- Thirty-four parameters analyzed at each sampling location.
- Samples are collected monthly, year-round.
- Provides information on the status and trends of water quality in streams within each of the state's 13 major river basins.

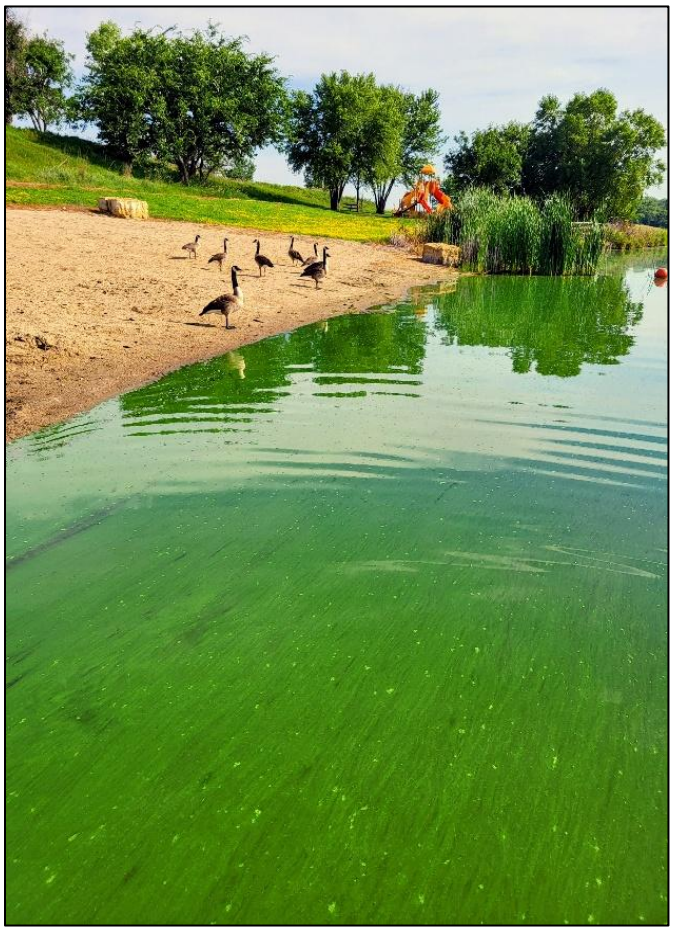
Collecting field measurements from a stream

Locations of NDEE Ambient Stream Monitoring Program Sites



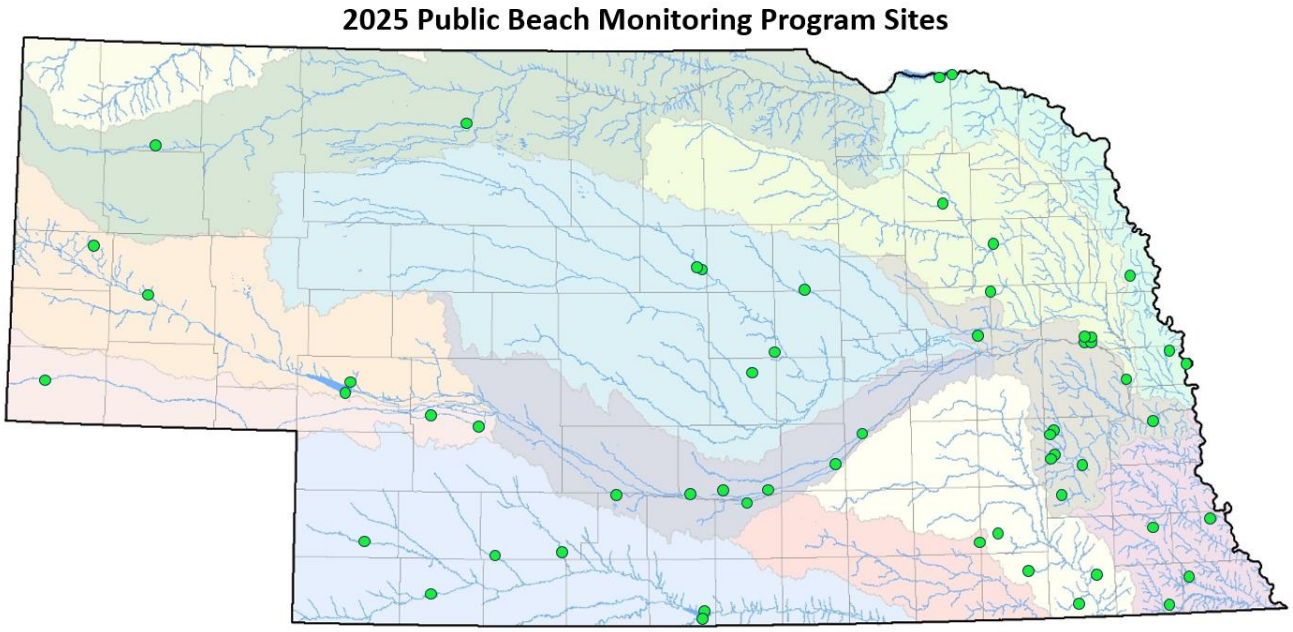
Public Beach Monitoring Program

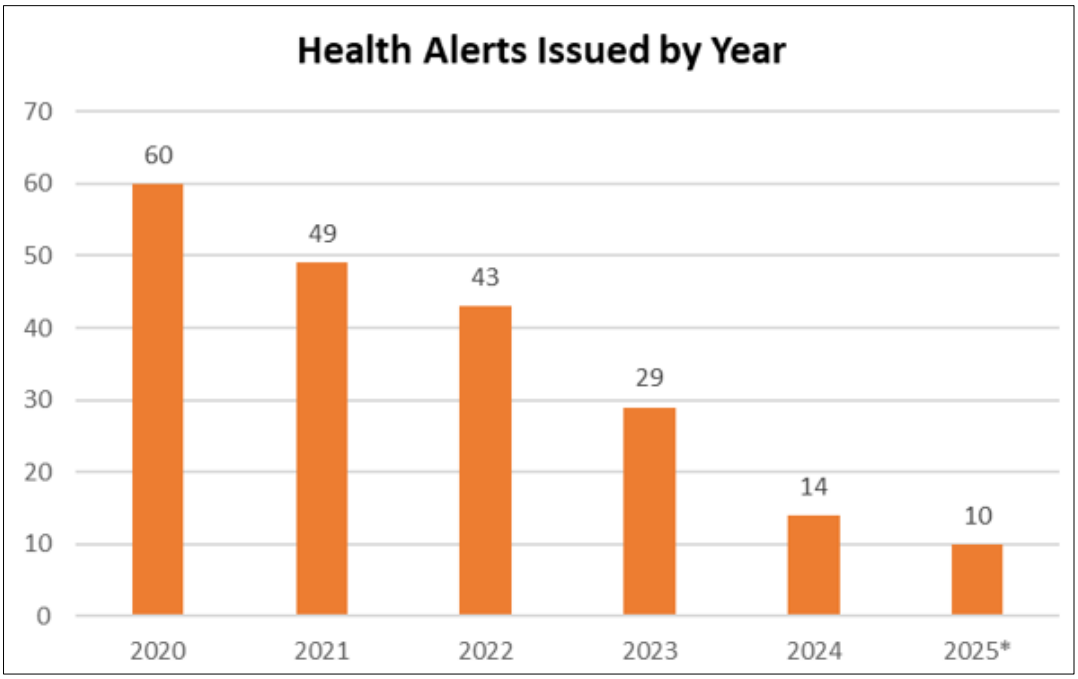
- Nebraska is at the forefront of national sampling and public notification for events related to Harmful Algal Blooms with sampling dating back to 2004.
- 56 public beaches at 51 lakes across Nebraska are sampled weekly May through September during 2025 (Figure 1).
- Samples are analyzed for *E. coli* bacteria and the cyanobacteria toxin, microcystin. The EPA recreational guidelines for *E. coli* is 235 colonies/100 mL and 8 ppb for microcystin.
- Beginning in 2020, USEPA changed their recommended recreational guidelines for microcystin from 20 ppb to 8 ppb. Figure 2 shows the number of Health Alerts since the change to the microcystin guideline.
- When a lake tests above 8 ppb a "Health Alert" is issued and signs are posted at affected beaches warning the public that the beach is closed to swimming.
- A Health Alert is not issued for a beach testing above 235 colonies/100 mL for *E. coli*. The public is urged to make their own informed decision of whether to utilize a lake for recreation or not when *E. coli* levels are above the recommended guideline.
- Risks to humans come from external exposure (prolonged contact with skin) and from ingesting the water.



Harmful algal bloom on the surface of Iron Horse Trail Lake in Pawnee County

- Symptoms from ingestion can include headaches, nausea, muscular pains, abdominal pain, diarrhea, and vomiting. Severe cases could include seizures, liver failure, and respiratory arrest. The severity of the illness is related to the amount of water and the concentrations of the toxins ingested.
- Children are at risk for more intensive symptoms, because of their smaller body size.
- Results are reported each week during the summer on the NDEE's Beach Watch web page. The weekly and past results are available online at https://deq-iis.ne.gov/zs/bw/
- Directions to sign up for the Listserv email are at the bottom of the Beach Watch web page.
- Beach Watch also added an interactive map of beach sites and results available at https://gis.ne.gov/portal/apps/experiencebuilder/experience/?id=5e204827d1344382aa3b353cabe094e5





**Denotes sampling through August 2025.*

Stream Biological Monitoring Program

- Diversity and numbers of resident aquatic macroinvertebrate and fish communities are evaluated to assess the overall health of streams.
- Sampling also provides information on changing abundances and ranges of fish in the state.
- Sites chosen with a probabilistic sampling design within the framework of the basin rotation schedule.
- Thirty-two sites (4 completed in partnership with Nebraska Game and Parks Commission) were sampled in 2025 within the Loup and Middle Platte River basins.

Electrofishing the Platte River

Northern Plains Killifish

Collecting aquatic macroinvertebrates

Stonefly nymph

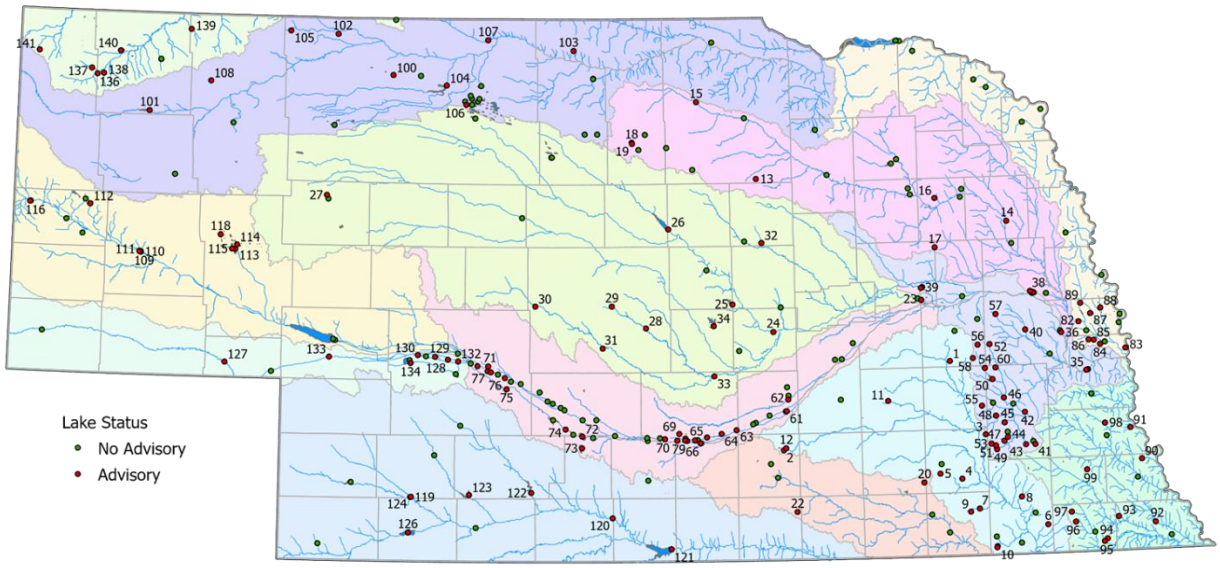
Fish Tissue Monitoring Program

- NDEE annually monitors waterbodies for contaminants in fish through Nebraska's Fish Tissue Monitoring Program (FTMP) program.
- Data gathered from these monitoring efforts are used to assess risk to humans from consuming impacted fish, posting consumption advisories, measuring long-term trends in regional contaminants such as mercury and polychlorinated biphenyl compounds (PCBs), and to monitor for emerging contaminants of concern.
- Current fish tissue consumption advisories at 141 locations (136 lakes and 5 river/stream segments; see maps on the next page).
- In 2025, 71 lakes and 2 river locations were sampled within the Middle Platte and Loup River basins.
- The most recent report can be found on NDEE's Fish Tissue Monitoring page.

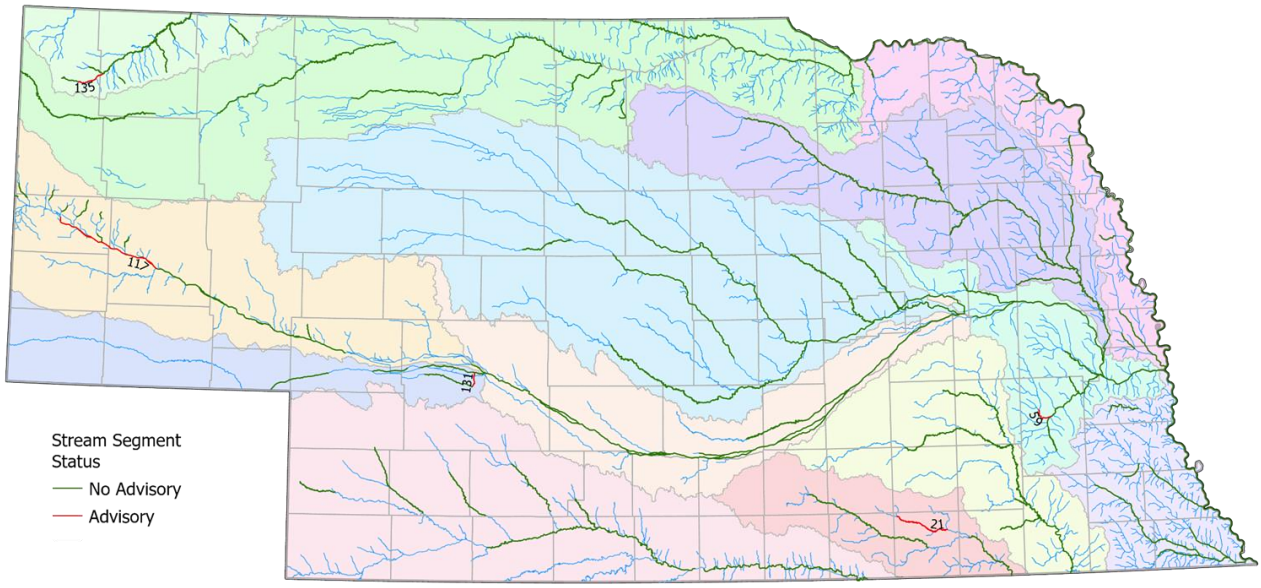
Weighing a walleye before tissue sample collection

Collecting a fish tissue plug sample from a channel catfish for analysis

Lake - Fish Consumption Advisory Sites in Nebraska Through 2024



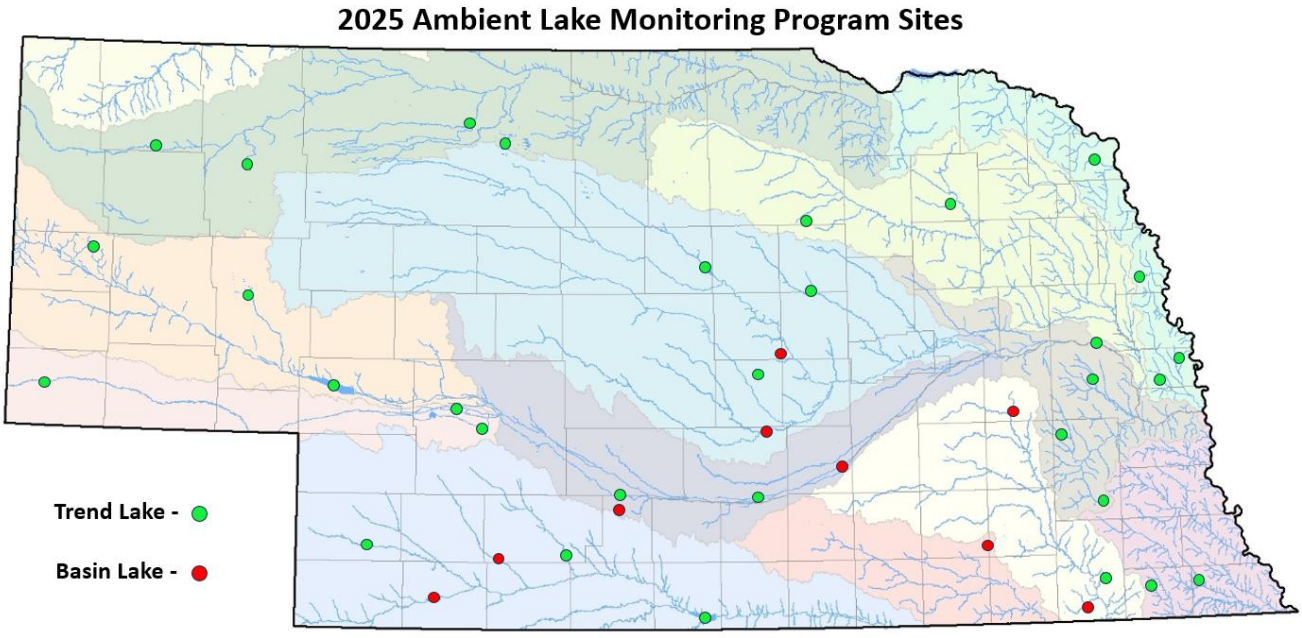
Stream - Fish Consumption Advisory Sites in Nebraska Through 2024



Ambient Lake Monitoring Program

- Data from 24 trend lakes (sampled every year) and nine basin lakes (sampled according to basin rotation schedule) were collected monthly May through September in 2025.
- Seven additional trend lakes are sampled for this program by staff from the USACE and the Lower Loup and Nemaha NRD's.
- Thirteen parameters are analyzed at each lake.
- Depth profile data are taken at deep water and mid-lake locations to determine stratification.
- Data are used to evaluate water quality suitability for fish and aquatic organisms to survive and reproduce.
- Long-term changes to water quality can be assessed.

Meter used to collect depth profile data of water temperature, dissolved oxygen, conductivity, and pH, at Merritt Reservoir south of Valentine.



Fish Kill and Citizen Complaint Investigations

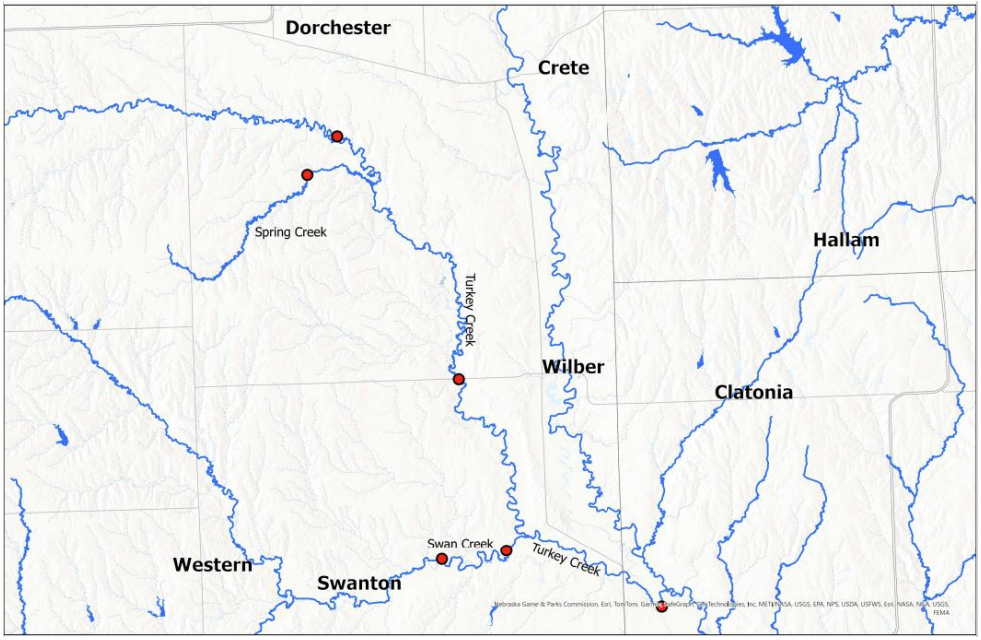
- Dead fish and other surface water concerns are relayed to NDEE throughout the year.
- Onsite investigations and water quality sampling performed at sites of many of the complaints.
- Eleven fish kills investigated from July 1, 2024, to June 30, 2025: Eight resulted from low dissolved oxygen levels and three resulted from an unknown cause.
- Eighty-four complaints about surface water pollution were taken by the Monitoring Section in the last year; many were forwarded to other NDEE programs.

Fish kill due to low dissolved oxygen levels in Swan Creek Lake 5A in Saline County

NRD Watershed Special Studies

- NDEE has partnered with several NRDs on Watershed Special Studies with strategic plans to monitor the sources and quantities of pollutants entering these systems from specific sub-watersheds.
- Information gathered allows a complete assessment of stream segments where data is insufficient to determine if all designated uses are met.
- Allows finer calibration of predictive models to allocate pollutant loads to specific sub- watersheds and to quantify load reductions from sub-watershed conservation projects.
- Sampling partners of past Watershed Special Studies include the Lower Loup NRD – South Loup River, Lower Platte North NRD – Wahoo Creek, Lewis and Clark NRD – Bow Creek and Lower Big Blue NRD – Turkey Creek Special Study.

Turkey Creek Special Study sampling locations within the Turkey Creek Watershed



Regional Monitoring Network

Sensor deployed in East Branch Verdigre Creek

- Collaboration between the USEPA and numerous states, tribes, and other organizations to collect continuous stream discharges and temperatures and other chemical and biological data.
- Data are used as baselines for long term comparisons of stream condition.
- Having many sensors deployed nationwide that collect continuous data allows USEPA and other partners to detect significant yet subtle trends in stream condition.
- NDEE has been monitoring seven streams since May 2017.
- Each location has a sensor that collects water level and temperature every thirty minutes, typically bolted to a post driven into the stream bottom.

Nebraska Water Quality Integrated Report

States are required by the federal Clean Water Act to prepare a biennial water quality report called the Integrated Report. The Integrated Report provides a comprehensive summary of the status and trends of surface water quality in Nebraska and includes a list of impaired surface waters that do not support their assigned beneficial uses. The most recent Integrated Reports are available on NDEE's web site at: https://dee.nebraska.gov/aid/water-quality-planning/impaired-waters-and-total-maximum-daily-loads-tmdls

Groundwater Assessment Programs

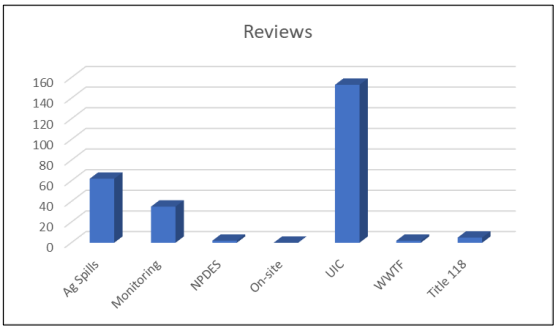
Groundwater Quality Monitoring Report

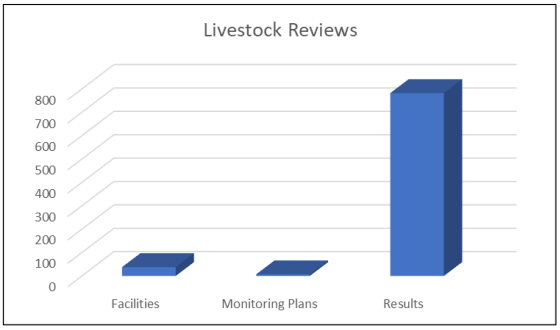
The Groundwater Quality Monitoring Report summarizes the water quality monitoring efforts of the Natural Resources Districts, NDEE, and other state, local and federal agencies. The 2023 Groundwater Quality Monitoring Report can be accessed on the NDEE website at https://dee.nebraska.gov/sites/default/files/publications/2024%20Nebraska%20Groundwater%20Quality%20Monitoring%20Report.pdf. The statistics and maps showing nitrate-nitrogen groundwater monitoring results were all created using the Clearinghouse. This data is accessible to the public as the Nebraska Groundwater Quality Clearinghouse at http://clearinghouse.nebraska.gov.

Hydrogeologic Studies and Reviews

The Groundwater Section is responsible for hydrogeologic review of various NDEE programs to determine possible effects on groundwater quality and to recommend possible courses of action. These reviews are completed for projects that address leaking underground storage tanks, surface spills, underground injection control, wastewater treatment facilities, septic systems, NPDES permits, livestock waste control facilities, and for outside entities, such as the Natural Resources Districts' Groundwater Management Plans

In addition, the Groundwater Section performs reviews and oversees remediation if a situation does not fall under another agency program and is of environmental significance. Section personnel continue to take responsibility under Nebraska Administrative Code (NAC) *Title 118 — Groundwater Quality Standards and Use Classification* for many site investigations and have sampled and supervised site cleanups.





Underground Injection Control (UIC)

The Underground Injection Control (UIC) program reviews and issues permits, conducts inspections, and performs compliance reviews for wells used to inject fluids into the subsurface. There are six classes of injection wells:

- Class I injection wells are for the injection of wastewater below the lowermost underground source of drinking water.
- Class II wells are associated with oil and gas production and are regulated by the Nebraska Oil and Gas Conservation Commission.
- Class III wells are used to inject fluids for the purpose of extracting minerals.
- Class IV wells are associated with the injection of hazardous waste, which are illegal, and have never been allowed in Nebraska.
- Class V injection wells are any wells not included in the other specific classes. Common examples of Class V wells include open loop heat pump systems, large capacity septic systems, and subsurface drip irrigation systems.
- Class VI wells are associated with the injection of carbon dioxide for permanent disposal. This class of wells is currently regulated by the EPA.

Currently the State of Nebraska has five permitted Class I wells. Two of these are issued to Crow Butte Resources, Inc., a uranium facility near Crawford. The other three are issued to the City of McCook, Kugler Oil Company in Culbertson, and Nebraska Public Power District near Sutherland. The only Class III wells in the state are at the Crow Butte Resources, Inc. Class V wells are located throughout the state and make up the majority of Nebraska UIC wells.

Mineral Exploration Program

The Mineral Exploration program reviews and issues permits, conducts inspections, and performs compliance reviews for holes drilled, driven, bored, or dug for the purpose of mineral exploration. These permits are issued to persons exploring for potential mineral resources such as consolidated rock; sand and gravel; or material commingled, in solution, or otherwise occurring beneath the surface or in waters of the State and are regulated under NAC *Title 135 – Rules and Regulations for Mineral Exploration Holes*. This type of exploration specifically excludes oil and gas exploration, which is regulated by the Nebraska Oil and Gas Conservation Commission.

Wellhead Protection

The State Wellhead Protection (WHP) program is a voluntary program which assists communities and other public water suppliers in preventing contamination of their water supplies. State WHP activities include delineating the zones of influence which may impact public supply wells, training communities on how to inventory all potential sources of pollution within these vulnerable zones, working with the local officials to identify options to manage these potential pollution sources, developing monitoring plans and contingency plans to provide alternate water supplies and site new wells. Over 118 community water supplies have approved Wellhead Protection plans as of June 30, 2025.

The Department develops and updates wellhead protection (WHP) areas for public water systems across the state to help communities safeguard their drinking water sources. By using advanced groundwater modeling and data from regional studies, NDEE efficiently delineates capture zones and evaluates potential impacts to water quality. This approach not only improves the accuracy and consistency of WHP maps and reports but also allows the Department to spend more time collaborating directly with local leaders and assisting communities in managing and protecting their groundwater resources.

Source Water Assessment and Protection

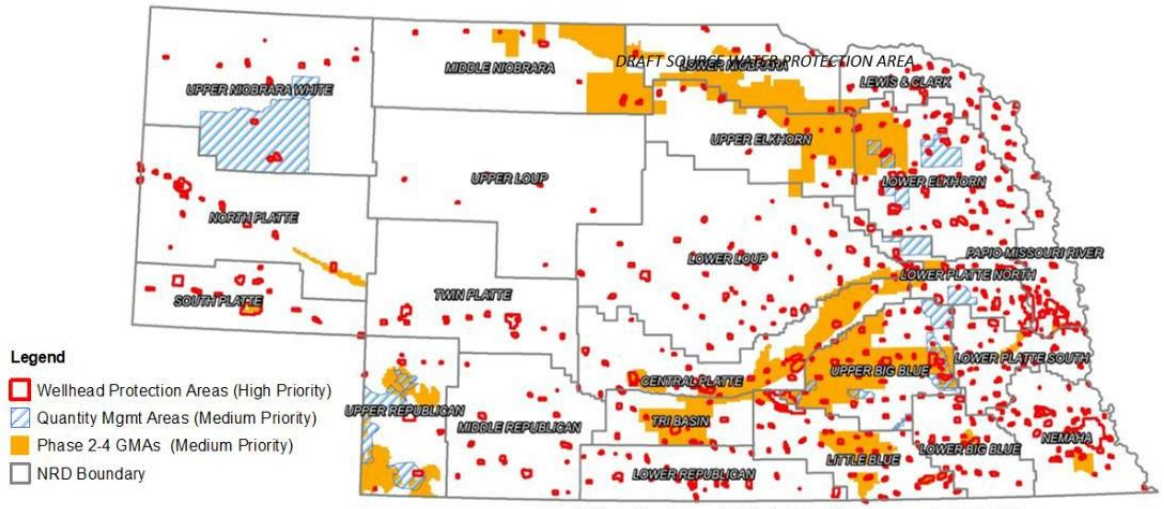
The State Source Water Protection (SWP) Program is a voluntary program that provides technical and financial assistance to political subdivisions operating a Public Water System (PWS) serving a population of 10,000 or less experiencing financial hardship. The goal of Nebraska's SWP Program is to assist communities with protecting their drinking water at the source.

SWP Program Grants have been distributed to complete 100 separate Source Water Protection projects throughout the state since 2004. In SFY2025 SWP funds were allocated to the City of Fullerton, totaling $54,000. Funding will be used for the proper decommissioning of up to 25 unused, abandoned private wells, two municipal wells, and the conversion of one abandoned municipal well into a monitoring well. Funding is authorized under Section 1452 of the Federal Safe Drinking Water Act (SDWA) and administered through Nebraska's Drinking Water State Revolving Fund (DWSRF) 15% Set-Aside.

The Source Water Protection program coordinates closely with the CWA 319 program to engage Nebraska's communities and producers and develop alternative 9-element Watershed Management Plans known as Drinking Water Protection Management Plans (DWPMP) that proactively address nonpoint source contamination. These plans bring together key stakeholders and increase on-the-ground adoption of agricultural best management practices (BMP). The first DWPMP was accepted by EPA in summer of 2016. Since then, nine plans have been completed and approved through Nebraska's SWP Program. Upon approval of the plan, a community becomes eligible for Federal Clean Water Act (CWA) Section 319 funding. Three plans received financial assistance in SFY2025.

The 2018 Farm Bill dedicated 10% of total conservation funds (with the exception of Conservation Reserve Funds), to be used for source water protection each year. NDEE worked with the NRCS to develop the priority areas in Nebraska where funds are focused. This effort is meant to address excessive nutrients and other impairments of drinking water. For Nebraska, this effort will primarily focus on groundwater as it is the predominant source for drinking water in the state. The highest priority areas include community public water systems WHP areas and NRD groundwater management areas (Phases I - IV) that include WHP areas.

NRCS Priority Areas for the National Water Quality Initiative



Total Medium & High Priority Areas: 8,006,050 acres

The Phase 2-4 and Quantity Management Areas that intersect a Wellhead Protection Area are medium priority.

A Phase I area covers an entire NRD district. In specific areas within an NRD where nitrate reaches a determined threshold, they may move into Phase II, III or IV areas. Some NRDs only define areas as I - III, while others go from I - IV. Each NRD determines the 'trigger' (or contaminant level) that would move a Phase area into the next level. Each Phase level has requirements for landowners/producers to follow. Moving from a Phase I to a Phase II level often means that producers need to complete an educational requirement such as nutrient management or fertilizer application training. Phase II-IV may also require that certain Best Management Practices (BMPs) may be required such as split application of fertilizer, cover crops, or not applying fertilizer in the fall for example. Best management practices incentive payments will go to the NRCS - EQIP eligible owner/operators of agricultural land who install conservation practices relating to water quality and quantity.

The farm bill helps many Nebraska communities enact voluntary Drinking Water Protection Management Plans, and the priority in funding from NRCS may ensure that all community public water systems have on-the-ground practices that work to reduce nitrate in source water protection areas.

Water Well Standards and Contractors' Licensing Program

This program is tasked with inspecting all domestic wells and 25% of all other wells drilled in the previous calendar year. Program personnel include three inspectors and one administrative assistant. Inspectors are using iPads equipped with GPS and mapping software to assist in completing inspections.

Starting July 1, 2021 all licensing tasks were moved to the NDEE Water Well Standards Program. The Program is responsible for licensing and regulating over 800 licensed water well professionals which includes administering examinations on a quarterly basis.

Advising the Program is the Water Well Standards and Contractors Licensing Board. The board is comprised of five government representatives (including NDEE, DHHS, UNL Conservation and Survey Division, Nebraska Resources Districts and Nebraska Department of Natural Resources) and five non-government entities (including pump installation contractors, irrigation water well contractors and equipment suppliers/manufacturers). Board members meet quarterly to make decisions related to issues such as application fees, rules and regulations, continuing education units and disciplinary action.

Water Quality Planning

The stated public policy of Nebraska related to water quality includes conserving water and to protect and improve the quality of water for human consumption, wildlife, fish and other aquatic life, industry, recreation, and other productive, beneficial uses (Neb. Rev. Stat. 81-1501(1)). NDEE carries out this important mandate, in part, through water quality planning along with water quality standards.

Surface Water Quality Standards

NDEE develops surface water quality standards which are found in NAC *Title 117 – Nebraska Surface Water Quality Standards*. Through these standards, waterbodies in the state are assigned beneficial uses in one of the following categories:

- Public water supply
- Aquatic life
- Agriculture
- Industry
- Recreation
- Aesthetics

Each beneficial use has water quality criteria for chemical and physical parameters that are developed to be protective of that use. For example, when considering nitrogen, waters assigned for public water supply will have a different criteria for nitrogen than waters assigned beneficial use for recreation. These criteria form the basis of water quality protection for all surface water quality programs conducted by NDEE. The federal Clean Water Act (CWA) also instructs states to review and revise their water quality standards on a regular basis. This is done every three years, and is known as a “triennial review”.

Nebraska completed its most recent Triennial Review in early 2025. The current standards are available on NDEE’s website. In addition to developing the standards, staff develop and implement procedures for applying the standards to surface water quality programs, such as NPDES permits.

Impaired Waters and Total Maximum Daily Loads (TMDLs)

The Federal CWA, Section 303(d), requires states to prepare a list of impaired surface waters. These are waters that do not support the assigned beneficial uses as listed in NAC *Title 117 - Nebraska Surface Water Quality Standards*. From this list, states are instructed to prepare TMDLs that include the pollution control goals and strategies necessary to improve the quality of these waters to where they meet water quality standards associated with their beneficial uses and can be removed from the 303(d) list of impaired waters.

As in previous years, NDEE has opted to combine the required CWA Section 303(d) list with the Section 305(b) report on the general status of water quality in the state. This combination is referred to as the Integrated Report (IR). The 2022 Integrated Report was finalized in August 2023 and is available on the NDEE website along with past IRs and additional information regarding impaired waters: https://dee.nebraska.gov/aid/water-quality-planning/impaired-waters-and-total-maximum-daily-loads-tmdls.

Stormwater infrastructure tour, Omaha

The following table summarizes NDEE's most recent work in this area. A comprehensive list of approved TMDLs for Nebraska is available through NDEE

IR Category	TMDL/5-alt Name	# of Waterbodies	Pollutant	Status
4a				
	Republican River Basin	5	*E. coli*	TMDL submitted to EPA in December, 2023. EPA approved in May, 2024.
5-alt[1]				
	--	--	--	No 5-alts currently in development.

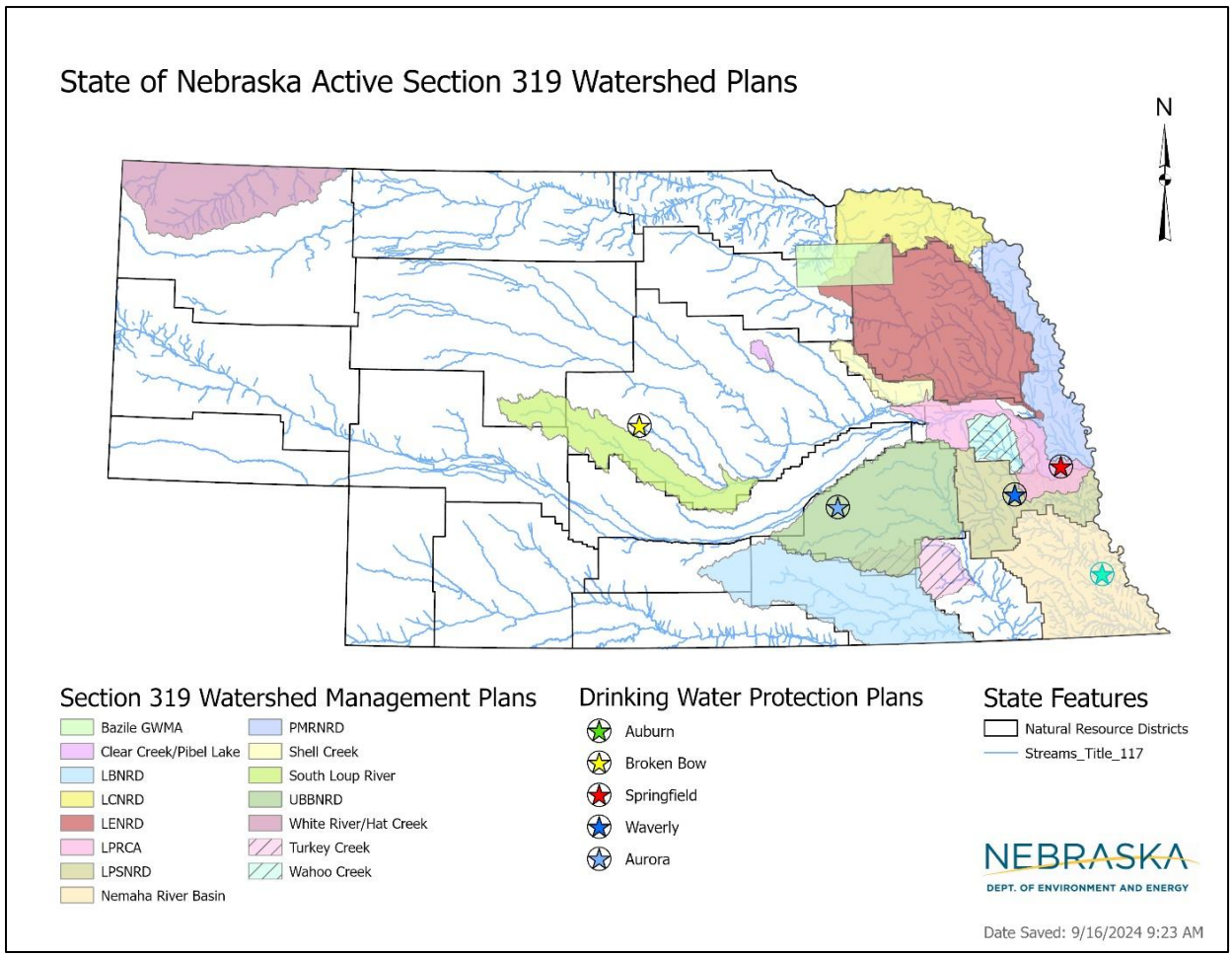
[1]In 2015, NDEQ (now NDEE) and EPA created the "5-alt" alternative to developing TMDLs for impaired waterbodies in order to address missing TMDLs in areas where project sponsors have targeted restoration work. This alternative restoration approach allows the state flexibility to align efforts with public interests to restore impaired waters more effectively and efficiently.

Nonpoint Source Pollution Management Program

The goal of the Nebraska Nonpoint Source Pollution Management Program is to protect and improve water quality impacted by nonpoint source pollution through an integrated statewide effort. The program is of particular significance because nonpoint source pollution is the most prevalent, widespread cause of water quality degradation in Nebraska, and is associated with runoff and percolation from agricultural and urban areas to waters of the state. The program is largely funded by the Environmental Protection Agency (EPA) through Section 319 of the federal CWA and involves key federal, state, and local partners.

State nonpoint source concerns and priorities are defined in the Nebraska Nonpoint Source Management Plan: "Strategic Plan and Guidance for Implementing the Nebraska Nonpoint Source Management Program – 2021 through 2036," available at https://dee.nebraska.gov/forms/publications-grants-forms/wat119. The program emphasizes watershed and groundwater management area planning, targeting impaired waters on the 303(d) list, and community participation in water quality management plan development. Projects emphasize implementation of 9-Element watershed management plans or Alternative to 9-Element plans in the case of groundwater quality plans.

Included in the major program highlights this year were the development of Project Implementation Plans for: Eagle Run, Lower Platte River Corridor Alliance, Soldier Creek. We have also been working to develop Watershed Management Plans for: Lake Hastings WBP, Papio-Missouri River NRD WMP, Lower Elkhorn NRD WMP, and Lower Platte South NRD WMP.

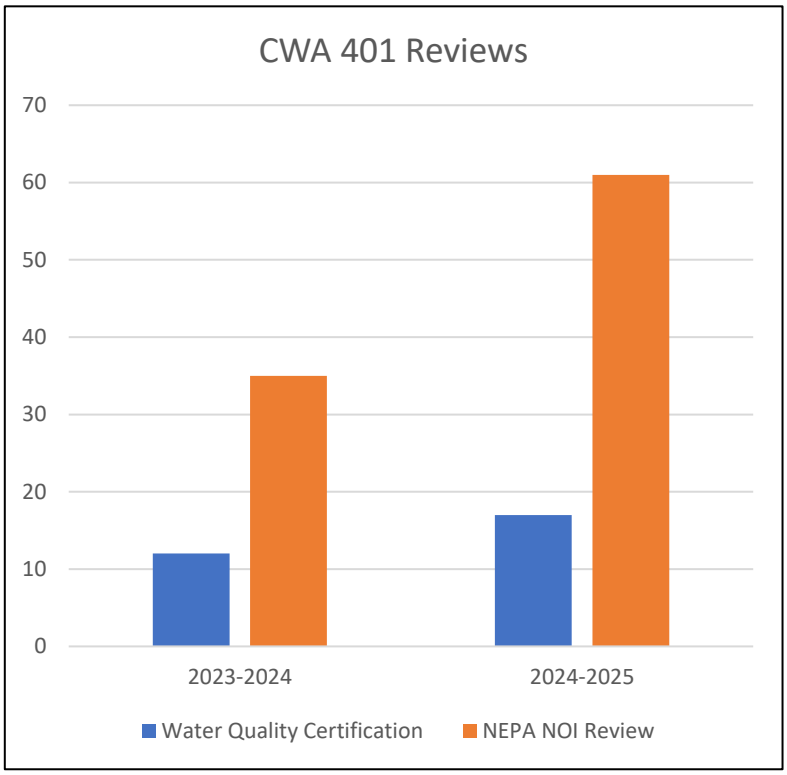


Water Quality Data Handling and Storage

NDEE continues adding Nebraska surface water quality information to the EPA's Water Quality Exchange (WQX) electronic storage system for water quality data. This will make Nebraska surface water quality information available to anyone who has an internet connection. The website for this information is https://www.epa.gov/waterdata. During FY2024, NDEE continued to add surface water monitoring results to the WQX database. NDEE has developed an internal database application which has increased the efficiency of processing surface water monitoring data, resulting in significant time savings.

CWA Section 401 Water Quality Certification

The Water Planning Section administers the Water Quality Certification Program in accordance with Section 401 of the CWA. This program evaluates applications for federal permits and licenses that involve a discharge to waters of the U.S. and determines whether the proposed activity complies with *Title 117 - Nebraska Surface Water Quality Standards*. If the activity is likely to violate the standards, conditions for complying with the standards will be issued with the certification, or certification will be denied. In fiscal year 2024 there were seventeen certifications issued which is an increase of 29% from the previous year.



The U.S. Army Corps of Engineers' Section 404 Dredge and Fill Permits and Federal Energy Regulatory Commission licenses are examples of federal regulatory programs that require State Water Quality Certification before federal permits or licenses can be issued. For projects that may impact surface water quality that do not require a 404 permit, the agency reviews the project and issues a letter of recommendation if the project is not anticipated to negatively impact water quality. Lastly, the department reviewed sixty-one projects that are required to comply with the National Environmental Policy Act for any impacts to natural resources and the potential need to comply with programs administered by the Department.

Agriculture Programs

The responsibilities for the Agriculture programs are divided amongst the Permitting and Engineering Division and the Inspection and Compliance Division. The Permitting and Engineering Division is responsible for issuing state construction and operating permits, issuing National Pollutant Discharge Elimination System (NPDES) permits, and issuing licenses to Chemigation Applicators. The Inspection and Compliance Division conducts inspections of livestock operations, investigates complaints, and implements the Agricultural Chemical Containment Program. Beginning on July 1, 2025 (FY 2026), these activities have been consolidated into the Livestock and Agriculture section of the Inspection and Compliance Division.

Livestock Waste Control Program

Overview

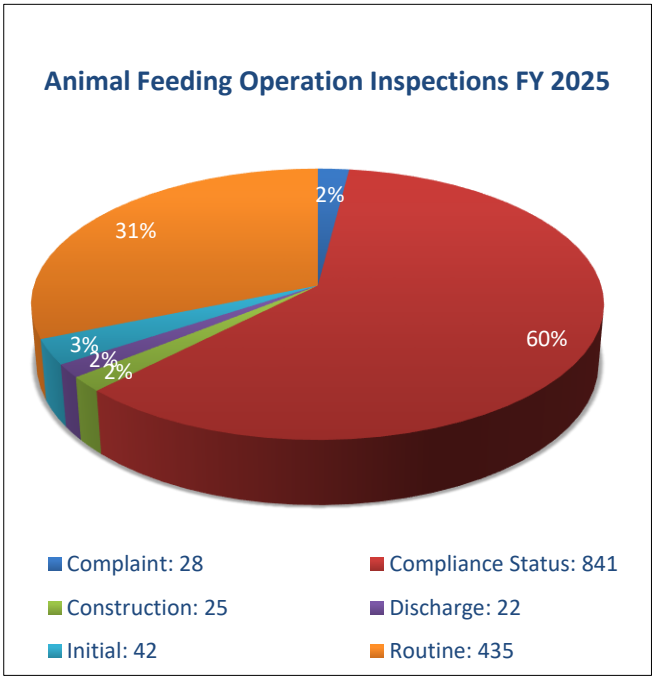
The NDEE is charged with the overall responsibility to protect Nebraska's surface water and groundwater from discharge of livestock waste from any of the thousands of Animal Feeding Operations (AFOs) in Nebraska.

To accomplish this responsibility, the NDEE administers NAC *Title 130 - Livestock Waste Control Regulations*. The NDEE focuses primarily on the 882 active large Concentrated Animal Feeding Operations (CAFOs) required to have permits but also works with approximately 2,191 active Medium Animal Feeding Operations (AFOs) and over 7,000 active small AFOs. The NDEE uses inspections, permitting, and periodic groundwater monitoring to fulfill this responsibility. The program also implements the National Pollutant Discharge Elimination System (NPDES) program for CAFOs.

Amendments to Title 130 became effective in 2011 to reflect changes in the U.S. Environmental Protection Agency (EPA) CAFO Rule for NPDES permitting, which primarily involved who needs to apply for NPDES permit coverage. The changes were necessary to ensure the Department would continue to administer the NPDES permit program for EPA. As a result, only CAFOs that discharge or have the potential to discharge are required to apply for NPDES permit coverage.

Inspections

The LWC Compliance and Inspection staff conducted a total of 1,393 livestock waste control inspections in SFY2025. The chart above illustrates the breakdown by type of inspection. A concerted effort continues to revisit medium-sized operations to ensure compliance with Title 130 and the EPA CAFO Rule. In addition, the LWC inspectors continue to contact and visit Class I sites to determine the current operating status of these AFOs. The Class I designation is a size category that is no longer in use by the LWC program. A Class I site could be considered a large, medium or small AFO by current regulations.



A short description of each type of inspection follows:

Initial Inspection: Before constructing a new operation or expanding an existing operation, all medium and large AFOs - whether or not the operation currently is permitted - must request an initial inspection to be conducted by LWC Compliance and Inspection staff. The reason for this inspection is to determine if livestock waste control facilities (LWCF) must be constructed, expanded, or modified to prevent a discharge and to properly manage the livestock waste generated by the operation.

Post-Construction Inspection: Upon completion of any required construction of a LWCF, Compliance and Inspection staff conduct a post-construction inspection to verify the LWCF was constructed as approved by the Department.

Routine Inspections: Once a CAFO or an AFO has received a permit and the Department has approved operation of the LWCF, Compliance and Inspection staff will conduct periodic routine inspections to monitor operation of the livestock waste control facilities, management of the operation's livestock waste, and the records these CAFOs and AFOs are required to maintain. Routine inspections are regularly scheduled at an AFO, involving a detailed, extensive review of the operation's recordkeeping and waste management at the operation.

Discharge Inspections: Discharge inspections are conducted when a discharge at a livestock waste control facility is reported. Permitted facilities are required to self-report all discharges to the Department.

Complaint Inspections: When a complaint is received, LWC Compliance and Inspection staff will investigate and may conduct an on-site inspection.

Compliance Status Inspections: Generally conducted to verify the AFO's operating status or level of compliance with a specific requirement; these inspections are usually less urgent, non- emergency situations.

Construction and Operating Permits SFY2025

Type of Application or Permit	Applications Received	Permits Issued
New permits	6	11
Modified permits	25	29
Transfer permits	17	12
TOTAL	**48**	**52**

State Permitting

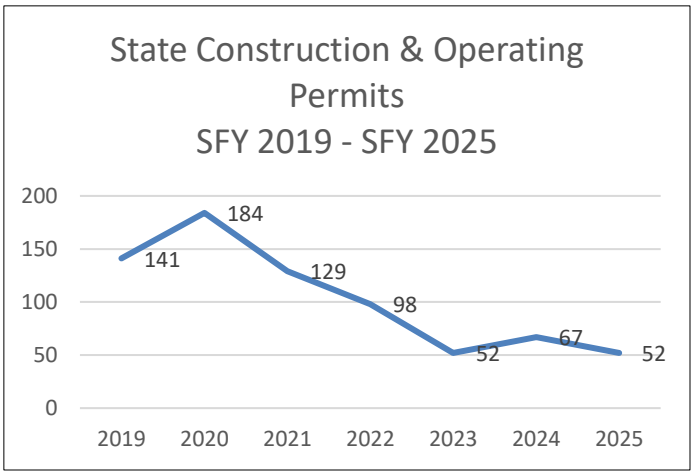
After conducting an initial inspection, the NDEE may require the AFO to submit an application for a Construction and Operating Permit – the state permitting process for livestock waste control facilities – prior to construction of livestock waste control facilities.

The Department received a total of 48 permit applications and issued 52 permits during SFY2025, as shown in the table to the right.

Permits were evaluated by the State and NPDES Permit staff. As part of the application review, staff evaluate compliance with Title 130. An agronomist evaluates the sufficiency of the nutrient management plan, an engineer reviews the adequacy of the design of the livestock controls, and a geologist from the Drinking Water and Groundwater Division evaluates whether there may be a potential threat to groundwater. The Natural Resource District and the County Government where the new/expanded AFO are provided an opportunity to share comments with the NDEE on the

application prior to public notice. Once the review team is satisfied that the facility will meet Title 130 requirements, a notice of intent to issue a permit is publicly noticed and open for public comment. There is no opportunity for the public to request a hearing on state construction and operating permits.

The chart on the right shows the total number of state permits issued annually for livestock waste control facilities since SFY2019. During this time, the department updated some existing Construction Permits, Construction Approvals and Operating Permits to Construction and Operating Permits if the AFOs updated their nutrient management plans (NMP) to current Title 130 standards.



Once a permitted AFO has completed its construction project, the LWC Inspectors conduct a post-construction inspection. If the post-construction inspection shows the construction was completed as approved, the NDEE notifies the AFO that operation of the new livestock waste control facility is approved and animals may be confined at the approved location.

National Pollutant Discharge Elimination System (NPDES) Permit

The State and NPDES Permit staff also oversee the NPDES permitting process for livestock, issuing coverage under individual NPDES permits and NPDES General Permits for Concentrated Animal Feeding Operations. NPDES permits expire every five years, and permittees are required to submit a reissuance application to continue NPDES permit coverage.

The table at right summarizes the number of NPDES applications received and permits issued for livestock waste control facilities in FY2025. More permits were issued than applications received due to the issuance date of NEG023000. Many applications were received prior to the coverage period. They were issued while on extension.

NPDES PERMITS – SFY2025		
Type of NPDES Application/Permit	Applications Received	Permits Issued
GENERAL PERMIT FOR CAFOS CONFINING CATTLE		
New Coverage	16	23
Modified or Transferred	9	11
Reissued	109	118
SUBTOTAL GENERAL PERMIT:	**134**	**152**
INDIVIDUAL PERMITS		
New Coverage	0	0
Modified or Transferred	0	1
Reissued	2	2
SUBTOTAL INDIVIDUAL PERMIT:	**2**	**3**
NPDES TOTALS:	**136**	**155**

There are approximately 480 CAFOs subject to an NPDES General Permit. In order to balance out workload, the NDEE divided up coverage of the NPDES-subject facilities over 4 separate general permits. Many individual permittees are now obtaining coverage under a general permit. In SFY 2025, NDEE worked towards the reissuance of general permit NEG020000, which was signed and issued in August 2025. There are approximately 130 facilities expected to seek coverage under that permit.

Fees

An annual fee is assessed on all permitted Large CAFOs and all CAFOs covered under an NPDES permit. The fee is determined based upon the number of head of livestock for which the operation has a permit. The fees provide 20% of the Department's costs to administer the livestock waste control program, as required by statute. The Department received $316,887 in annual permit fees. In addition, the Department received $19,750 in initial inspection fees, $29,728 in permit application fees, $1,550 in late payment fees, and $11,584 in investment income for a total of $379,499 in fees.

General information about the Livestock Waste Control Program, including applications, fact sheets, forms, guidance documents, copies of the NPDES General Permit and the four general permits, Title 130 regulations, and public notices of permit issuance or denial, can be found on the Department's website at http://dee.ne.gov.

Chemigation Program

The Chemigation program, which functions in cooperation with Nebraska's 23 Natural Resources Districts (NRDs), works to ensure that users of irrigation systems applying fertilizers and pesticides do not contaminate the sources of irrigation water. These regulations are contained in NAC *Title 195 – Chemigation Regulations.*

Since 1987, the NRDs have inspected irrigation systems used for chemigation for functioning safety equipment and issued site permits. Chemigation permits are issued annually and are reported to the Department on a calendar year basis each March. The 29,226 chemigation permits issued in Calendar Year (CY) 2024 constituted a 1.2% decrease in permits issued compared to CY2023.

A chemigation applicator must be certified by the Department every four years. To receive certification, an applicator must complete training and testing, which is provided under contract with the University of Nebraska-Lincoln Nebraska Extension. Applicator certifications also are reported on a calendar-year basis.

In CY2025 1,1997 applicators were trained, tested, and certified, bringing the current number of certified chemigation applicators to 5,274. Information about chemigation applicator training dates and certified applicators is available after January 1 of each year at https://dee.nebraska.gov/land-waste/agriculture/chemigation-program. Title 195 was updated on April 19, 2020.

Agricultural Chemical Containment Program

The Agricultural Chemical Containment program regulates the construction and use of commercial and private facilities for the storage, loading, and rinsing activities of bulk liquid fertilizers and bulk liquid and dry pesticides. These regulations are contained in NAC *Title 198 - Rules and Regulations Pertaining to Agricultural Chemical Containment*.

The regulations administered by this program provide specific requirements for design by a Nebraska Registered Professional Engineer, construction materials, containment capacities, and maintenance. Although no permit or registration is required, the operation must have a construction plan for the facility and a management program.

The Department and the Nebraska Department of Agriculture have a cooperative agreement that outlines the procedure for coordinating inspection activities between the two agencies. The agreement enhances the communication between the agencies and provides specific protocols to be followed when investigating Agricultural Chemical Containment complaints. Title 198 was updated on April 25, 2020.

Water Permitting and Certification Programs

There are a number of certification and permitting programs relating to wastewater treatment facilities, ranging from certification of those who work on septic systems to the permitting of large municipal facilities. These programs include:

- **Onsite Wastewater Treatment Facilities Program** – This program administers system design, professional certification, and system registration requirements that affect mostly smaller wastewater treatment or storage systems, such as septic systems, household lagoons, holding tanks, and anyone doing work on these types of facilities.

- **Wastewater Treatment Facility Operator Certification Program** – This program administers the certification program for wastewater treatment facility operators to ensure proper operation and maintenance of these facilities.

- **Environmental Safety** – The Environmental Safety Program inspects the following types of facilities: public swimming pools, recreational camps, and mobile home parks. The Environmental Safety Program also performs well and septic inspections upon request for property transfers. The Department has Memorandums of Understanding with the Nebraska Departments of Health and Human Services and Agriculture to perform food inspections at the following facilities: schools, college food service (operated by university), senior centers, and childcare centers (upon referral from the DHHS Licensure Unit).

- **Wastewater Engineering Program** – The wastewater engineering program reviews and issues permits for commercial, industrial, and municipal wastewater facilities that are planned for construction. The program also maintains regulations for the operation and maintenance of wastewater facilities and for the proper abandonment of facilities when they are removed from service.
- **Drinking Water Engineering Program** – The drinking water engineering program provides engineering plan review; issuance of construction permits; inspection of newly constructed projects for issuance of approvals for placement into service; and technical assistance and advisory contacts with owners/operators of public water systems, consulting engineers, state, federal and local officials, organizations, and the general public in matters relating to siting, design, construction, maintenance, and operation of public water systems. In addition to public water systems, the program provides similar services for all new and substantially modified public swimming pools and spas.

- **The National Pollutant Discharge Elimination System (NPDES) Program** – This program is responsible for regulating discharges of pollutants to Waters of the State to maintain and protect the water quality of Nebraska's streams, lakes, rivers, and groundwater.

- **The Nebraska Pretreatment Program** – This program functions to protect municipal wastewater collection and treatment systems from damage or overloading by industries.

Onsite Wastewater Treatment Facilities Program Overview

The requirements administered by the Onsite Wastewater Program cover septic systems, wastewater holding tanks, individual household wastewater lagoons, and other decentralized wastewater treatment systems not connected to municipal wastewater treatment systems. The majority of onsite systems are for single households. However, there are onsite or decentralized systems that provide wastewater treatment for multiple houses (these systems are sometimes called cluster systems), mobile home parks, churches, recreational facilities, camper trailer parks, a variety of businesses with high strength wastes (such as restaurants, butcher shops, and wineries), equipment maintenance buildings, and other commercial or industrial facilities. The U.S. EPA estimates that nearly one in four households depend on onsite systems for wastewater treatment.

The Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act (the Act) passed in 2003 required that anyone doing work associated with onsite wastewater systems be certified by the State of Nebraska. The Act provided for the registration of all onsite wastewater systems constructed, reconstructed, altered, or modified. The law also provided for certification and system registration fees to support the program. The Act was amended in 2007 to provide for application fees for permits and subdivision approvals as well as waiving fees for government inspectors. A certification by examination is required for professionals to obtain initial certification. Currently, 518 people hold onsite wastewater certificates. Some professionals obtain certification in multiple categories. The categories of certification are Installer (Master and Journeyman), Pumper (Master and Journeyman), Inspector, and Soil Evaluator. Certificates must be renewed every two years. Current certificates expire December 31, 2025, and may be renewed via continuing education requirements or re-examination.

The registration requirement for onsite wastewater systems provides a statewide inventory of new or modified onsite systems. Since registrations began in 2004, over 32,000 systems have been registered, with 1,399 systems registered in FY2025.

The Section received 59 complaints. Typical types of complaints that are investigated include: failed systems that have a surface discharge, and which may pose a threat to public health or the environment, and systems installed by individuals who are not certified by NDEE. In addition, the Section fields approximately 2,500 calls and emails annually from individuals seeking compliance assistance.

Wastewater Treatment Facility Operator Certification Program

Competent and qualified operators are a critical component to ensure that wastewater treatment plants are well run and protect the environment. The life span of treatment facilities can be prolonged and proper operation and maintenance programs can protect the owner's substantial financial infrastructure investment. The Wastewater Treatment Facility Operator Certification Program was established to help accomplish this. The program administers the operator certification program, which includes administering certification exams, issuing certificates, evaluating continuing education programs, tracking certificate compliance, processing certificate renewals, and conducting facility ratings to determine operator needs, in addition to continuing to evaluate ways to help wastewater treatment facility operators obtain continuing education to maintain their certification and help them do their jobs.

The Department contracts with the Association of Boards of Certification (ABC) for testing services for the Operator Certification Program. Program staff administers nationally-accredited certification exams to new wastewater operators and operators wishing to advance their credentials, and issues certification renewals for operators who have obtained the necessary Department-approved continuing education as provided for in NAC *Title 197 – Rules and Regulations for the Certification of Wastewater Treatment Operators in Nebraska*. In FY2025, a total of 193 exams were administered with an overall pass rate of 58%. There are currently 1011 certified wastewater operators in the State of Nebraska.

Municipal, commercial, compatible industrial facilities, and non -compatible industrial facilities are required to employ certified operators based on the point rating assigned to each facility by NDEE. The point rating for each facility is based on the design flow, type of treatment, instrumentation and control systems, and laboratory analysis requirements at each location. Certified Operators for municipal, commercial, and compatible industrial facilities are classified under the following categories: Class L (lagoons), Class I, Class II, Class III, and Class IV, according to the type of facility and its point rating. Certified operators for non-compatible industrial facilities are classified under the following categories: Industrial I, Industrial II, Industrial III, and Industrial IV, according to the type of facility and its point rating. Staff will continue to monitor those facilities that are required to have certified operators and work with them to help them comply with the regulations.

This photo shows a Wastewater Treatment Facility for Lincoln.

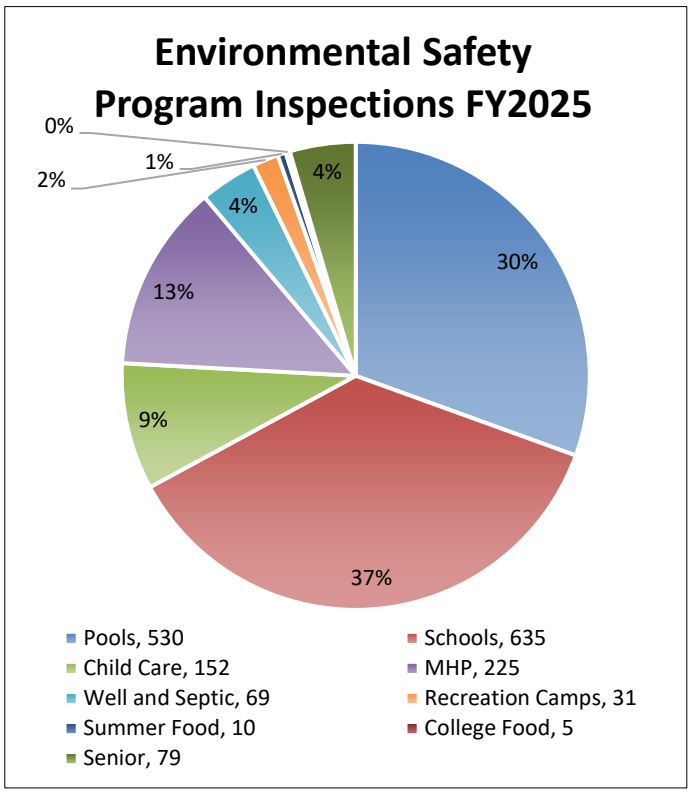
NDEE also reviews applications and issues operator certification exemptions for towns and other entities that have full-retention non-discharging lagoon wastewater treatment facilities that may not require qualified operators due to very limited maintenance and operational needs. The exemption is for a fixed four-year period and the period under current review will close at the end of calendar year 2025. NDEE has contacted 250 facilities potentially eligible for the exemption and, of these, issued four-year operator exemptions to 208 facilities.

Environmental Safety Program

The Environmental Safety Program provides oversight and inspections of public swimming pools and spas, including municipal pools as well as those located at hotels, apartments, and recreational facilities. During inspections staff evaluate water chemistry, safety equipment, personnel training, bathhouses, and mechanical areas. The program also provides training to individuals who would like to become certified pool operators within the State of Nebraska.

Additionally, NDEE has a Memorandum of Understanding with the Nebraska Department of Agriculture to perform food inspections at the following facilities: schools, college good service (room and board for students, senior centers and childcare centers (upon referral from the DHHS Licensure Unit).

Environmental Safety staff also inspect recreation camps and mobile home parks to assure conditions are safe, sanitary, and comply with NAC *Title 178 - Environmental Health*. Sanitarians also conduct evaluations of private drinking water supplies and onsite wastewater treatment systems at the request of homeowners, purchasers, or mortgage lending institutions. Many lenders require an inspection of the onsite water and wastewater treatment systems for compliance with applicable State of Nebraska regulations prior to granting a zloan. During the evaluation, staff visually inspect the water well and the onsite wastewater treatment system and collect water samples to test for bacteria and nitrates.



NDEE partners with local health departments to perform inspections of some facilities within their jurisdictions. The partnerships include: Douglas County, Lincoln-Lancaster County, Sarpy County, Two Rivers, Central District Health Departments.

During FY2025, the Environmental Safety Program staff completed 1,736 inspections. The chart above shows a breakdown of FY2025 inspections.

Engineering Section

Wastewater & Onsite Construction

Industries, commercial facilities, and municipal utilities are required to submit the plans and specifications for their wastewater projects, including sewer mains and lift stations to NDEE for review and approval. The construction documents are reviewed to make sure that the collection systems and treatment facilities will function properly, are able to meet treatment standards as well as meet discharge limits and protect the public and the environment from adverse effects. During FY2025, the Engineering Section received 205 applications for wastewater projects. The average time for review was 12 days.

Nebraska's design standards for wastewater facilities are found in NAC *Title 123 - Rules and Regulations for the Design, Operation and Maintenance of Wastewater Works*. These standards are updated periodically to keep Nebraska in alignment with regional standards.
The state's design standards are written to encourage the use of proven technologies but have also allowed the use of innovative designs where they are appropriate. The last update became effective on September 4, 2019. This update addressed duplicative language and provided clarity to the reader. The update also removed an exemption for not requiring a construction permit for pretreatment facilities if the facility discharged to a public owned treatment works in another state.

NAC *Title 124 - Onsite Wastewater Treatment Systems* requires Department approval prior to construction of any subdivision with any lot less than three acres where onsite wastewater treatment

is proposed, or if design standards cannot be achieved. Common examples are if a system cannot meet setback distances or the 4-foot groundwater separation distance prescribed in the regulation. Department engineers review construction/operating permit applications. In FY2025, the program received 47 applications for construction/operating permits and 8 applications for subdivision review and approval. The average time for review was 12 days.

Public Water System & Swimming Pool Construction

Plans and specifications are required to be reviewed and approved by the NDEE for many types of projects at public water systems such as new wells, new intake structures, new or modified treatment plants, transmission mains and pump stations. The NDEE engineers also inspect newly constructed projects for issuance of approvals for placement into service to assure proper adherence to specifications. During FY2025, NDEE received 176 projects for review which took an average of approximately 20 days to review. NDEE engineers inspected 130 projects that had completed construction to place into service.

In 2010, NAC *Title 179, Chapter 7: Siting, Design, and Construction of Public Water Systems* became effective. As a result, public water systems can enter into a three-year agreement to construct water distribution main projects without having to submit plans and specifications for review and approval. These systems are subject to an annual audit as a condition of the agreement. There are a total of 24 public water systems that have agreements with the agency. Of the 24 systems, NDEE conducted audits of 13 systems. Eight systems that were not audited had not completed any projects and three were not audited due to distance and low number of projects completed but will be audited in the coming fiscal year.

Another public health and safety review conducted by the engineers is the review of plans and specifications for swimming pools and spas. The NDEE reviews pools for places such as hotels, apartment complexes, health clubs, and municipalities. Reviews are conducted in accordance with NAC *Title 178, Chapter 2: Design Construction, Operation, and Maintenance of Public Swimming Pools (effective July 27, 2020)*. During FY2025, NDEE received 61 projects for review which took an average time of approximately 24 days to review. Additionally, NDEE engineers inspected 59 pools to assure adherence to the rules and specifications.

Other Engineering Activities

The Engineering Section also reviewed justifications provided by professional engineers for any new drinking water well siting that does not meet the setback distances identified in Title 179 NAC 7. A total of 8 new well site justifications were reviewed. In addition, the engineering staff worked with NDEE and city officials to evaluate encroachment issues that may be of concern to existing public

drinking water wells. Three encroachment related issues were evaluated and resolved. In addition, three operation and maintenance manuals for DWSRF projects were reviewed. The engineering team works closely with the State Revolving Fund Section and the National Pollutant Discharge Elimination System (NPDES) programs.

The Engineering Section also works with communities that need to upgrade their facilities, meeting with municipal officials, funding agencies, and consulting engineers to develop affordable projects for Nebraska's communities.

The National Pollutant Discharge Elimination System (NPDES) Program

The NPDES Program is responsible for regulating discharges of pollutants to Waters of the State in order to maintain and protect the water quality of Nebraska's streams, lakes, rivers, and groundwater. NPDES programs also include:

- **Combined Sewer Overflows**, which addresses those municipalities that have combined storm water and wastewater sewer systems. Currently, the City of Omaha is the only municipality operating a combined sewer in the state.

- **Wastewater Treatment Sludge and Bio-solids Disposal**, which are requirements for treatment and disposal of municipal and industrial wastewater sludges and bio-solids.

- **Storm Water Permit Program**, which involves: 1) Construction sites of a specific size; 2) the Municipal Separate Storm Sewer System permits for medium and large municipalities; and 3) Industrial facilities.

NPDES Permits

Anyone who directly discharges pollutants to Waters of the State is required to obtain a permit. NPDES permits control pollutant discharges by establishing wastewater limitations for pollutants and/or requiring permittees to maintain certain operational standards or procedures. Permittees are required to verify compliance with permit requirements by monitoring their wastewater, maintaining records, and/or filing periodic reports.

NDEE is responsible for developing and issuing NPDES permits, and for ensuring that permitted facilities comply with permit requirements. The regulatory basis for this program is through an Environmental Protection Agency (EPA) delegation agreement with the Department and NAC *Title 119 - Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System.* The Nebraska NPDES program encompasses a number of different types of discharges including municipal, commercial, and industrial wastewater discharges; livestock waste control; industrial discharges to public wastewater treatment systems (also known as the Nebraska Pretreatment Program); municipal combined sanitary and storm sewer overflows (CSO); and construction, industrial, and municipal storm water discharges. Livestock NPDES permits may be found under the Agriculture Program.

Most NPDES permits limit the discharge of pollutants by establishing effluent limitations for specific pollutants such as biochemical oxygen demand, total suspended solids, and ammonia, among others. The permittee is then responsible for testing their wastewater discharge to ensure that the limits are not exceeded. Permits may also limit toxicity in effluents and permittees may be required to demonstrate that their wastewater is not toxic to aquatic organisms (e.g., daphnia or fathead minnows) and to be able to determine the presence of additional or unknown pollutants. Permits may also require development of Best Management Practice Plans to minimize or control pollutant discharges.

The permit development process involves identifying the pollutants of concern, and then developing permit limits based upon the more stringent of either technology-based standards or water quality-based standards. Technology-based standards reflect effluent quality that can be achieved using treatment technology that is available to the permittee. NDEE Title 119 sets technology-based standards for municipal facilities and many types of industrial facilities.

Technology-based standards can also be developed on a case-by-case basis when necessary.

Water quality-based limits are the limits necessary to meet the in-stream water quality standards established in NAC *Title 117 - Nebraska Surface Water Quality Standards*. In some instances, where a surface water/groundwater interconnection may be of concern, NPDES permit limits may be based upon NAC *Title 118 - Groundwater Quality Standards and Use Classification*.

Permits may be developed and issued on an individual site-specific basis, or they may be developed and issued to apply to facilities with similar activities or effluent characteristics. These two types of permits are respectively referred to as individual permits and general permits. To date, the Department has developed and issued general permits for the following activity categories: hydrostatic testing, dewatering, land application of concrete grooving/grinding slurry, pesticides applications to, over, and near Waters of the State, gasoline contaminated groundwater remediation projects, petroleum product contaminated groundwater remediation projects, construction site storm water, and industrial site storm water. Municipal Separate Storm Sewer System (MS4) permits have been issued to entities, including metropolitan areas and counties that meet the criteria of the NPDES Storm Water Program.'

There are 594 facilities with discharge authorizations under individual permits (municipal, industrial, and pretreatment), and 26 municipal storm water permits (MS4). There are currently 3294 active authorized discharges under other general permits. The general permits include 1,708 active authorizations under the construction general storm water permit, 495 dewatering, 150 hydrostatic testing, 906 industrial storm water, 9 pesticide, and 26 Treated Ground Water Remediation Discharge sites.

Municipal and Industrial Facilities

Industrial and municipal facilities are both grouped as major or minor facilities based upon their size and/or their potential to impact the receiving stream.

Municipal and industrial facilities are required to verify compliance with numeric permit limits by monitoring their effluents (i.e., self-monitoring). Monitoring frequency can vary from daily to annually depending upon the pollution and impact potential of the facility. The facility must report monitoring results to NDEE, typically on a quarterly basis. However, monitoring results that indicate non-compliance with permit requirements must be reported verbally within 24 hours. Records of all monitoring activities must be kept for a period of three years.

The Section verifies compliance through a variety of activities including reviewing discharge monitoring reports, following up on complaints and incident reports, conducting on-site inspections, and performing effluent monitoring inspections. Inspections are planned and conducted to align with the federal fiscal year.

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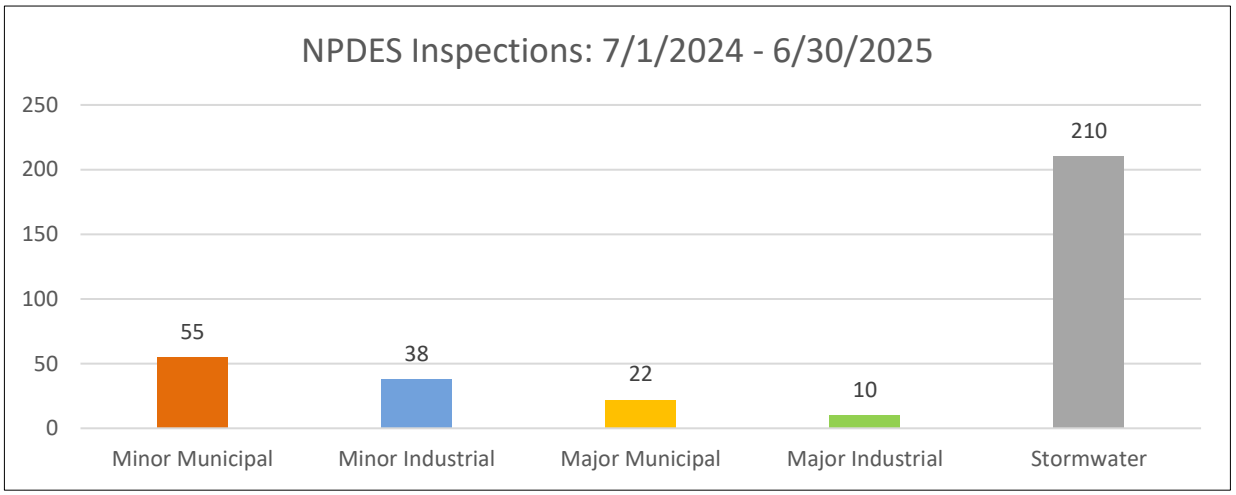
During on-site inspections, section personnel walk through the facility and review operational procedures and records. Major industrial, major municipal, and pretreatment facilities receive annual on-site inspections. The priority of minor facilities inspections is based on discharge compliance histories, incident reports and complaints. Minor facilities are inspected once every five years at a minimum. Inspectors performed 458 NPDES inspections in Fiscal Year 2025. A breakdown of those inspections is provided in the chart on the following page.



The major & minor industrial inspections include 123 pretreatment inspections. During selected effluent monitoring inspections, effluent samples are collected and analyzed by the Department to compare with self-monitoring results. Facilities selected for effluent monitoring inspections are chosen based upon pollution potential, past compliance or incident report histories, complaints, and/or Basin Management Approach priorities. Data generated by facility monitoring and NDEE on-site and effluent monitoring inspections are reviewed and entered into the federal Integrated Compliance Information System (ICIS) computer database. This database is used to generate facility reports and review facility compliance history.

In addition to inspections, NDEE provides permit assistance visits to help permittees better understand the requirements in their permits and help identify problems before they become significant noncompliance. These visits can be requested by the permittee or offered by NDEE. NDEE conducted 35 assistance visits in the 2025 Fiscal Year.

Combined Sewer Overflow Program

The City of Omaha has combined sewers that are subject to storm-induced bypasses of untreated wastewater. Many of Omaha's systems were built prior to the existence of secondary sanitary wastewater disposal standards. When storm or snow melt runoff is occurring, these systems may become hydraulically overloaded and excess water flows bypass the treatment

system. These type of bypass events are detrimental to receiving streams due to the present of pollutants such as E. Coli. By reducing the combined sewer overflows, Omaha is able to further minimize pollutants discharging to Nebraska streams.

The City and the Department work within the framework of the Clean Water Act, a consent Order initiated in 2007, and the City's Long-Term Control Plan (LTCP). The projects included in the LTCP span through 2037 and are estimated to cost approximately $2.125 billion. The goal of the projects is to reduce or eliminate combined sewer overflows and comply with State and Federal regulations. The City has identified 21 projects in the LTCP for delivery in the next 13 years.

Thirteen of these projects are scheduled for completion by 2026. The order was amended in October 2019 that upon NDEE approval of the LTCP and schedule, the City is to implement the LTCP according to the schedule on or before October 1, 2037. The City submitted the update to the LTCP in March 2021; NDEE approved the LTCP in August 2021. The City plans on submitting an updated LTCP in 2026 along with a Water Resource Recovery Facility Master Plan update, which will also likely require a permit modification. The CSO NPDES permit was last modified on April 1, 2025.

Omaha modeled estimates of wet-weather volume capture for the Missouri River Watershed (MRW) and the Papillion Creek Watershed (PCW). With 2002 as the baseline and 2037 the compliance, the model shows the following:

Percent Volume Capture			
	Year		
Watershed	**2002**	**2019**	**2037**
Missouri River Watershed	32	57	85
Papillion Creek Watershed	78	84	97

The City of Omaha and NDEE continue to work cooperatively on evaluating and implementing long-term solutions to protect water quality, comply with the CSO requirements of the Clean Water Act, and minimize the financial impacts to the most vulnerable citizens in the community. The key elements of this process are evaluating the success of completed efforts, maximize the effectiveness and value of future efforts, and balance these achievements with other infrastructure needs. The City provides updates and encourages public involvement with its CSO program. This can be viewed on the City's website at http://omahacso.com/.

Wastewater Treatment Sludge and Biosolids Disposal

Disposal requirements for municipal and industrial wastewater treatment sludges or biosolids can be incorporated into NPDES permits. These sludge disposal requirements assure that sludges or biosolids are treated and disposed in a manner that is environmentally sound and protective of human health. Beneficial use through the land application of biosolids is an effective management tool.

On Feb. 19, 1993, the EPA published the federal sludge regulations under 40 CFR 503. Under these regulations, an estimated 330 municipal facilities in the state have sludge monitoring requirements. These requirements include metal and nutrient content analyses, improved records for tracking the amount of sludge and metals applied to each disposal site, and cumulative disposal limits. The Department has not sought delegation of this program from the EPA. The program is managed out of the EPA Region 7 office in Lenexa, Kansas. NDEE provides guidance for municipalities, approves land application sites, and provides permit language to assist with biosolids program compliance.

Storm Water Programs

In compliance with federal regulations, the NPDES Storm Water Programs regulate the discharge of pollutants in storm water from certain construction sites, industrial facilities, and municipal storm sewers. Federal Storm Water regulations determine the threshold for coverage of construction sites at one acre or more or sites that are less than one acre if they are part of a common plan of development or sale. Industrial facilities include a number of different types of facilities in addition to typical process industries (e.g., landfills, wastewater treatment sites, recycling centers, scrap yards, mining operations, transportation facilities, and hazardous waste facilities). These regulations also determine the number of municipalities and urban areas that are subject to the NPDES program for storm water discharges.

Two general permits have been issued to provide coverage for industrial facilities and construction sites. Both of these general permits require the permittee to develop Storm Water Pollution Prevention Plans to control and reduce the discharge of pollutants. Since FY2017, an online application process is utilized for the Construction Storm Water General Permit that streamlines the issuance of coverage to applicants. This online process coordinates with the Nebraska Game and Parks Commission and facilitates endangered and threatened species reviews, reducing the time and paperwork needed. The City of Lincoln now shares a construction storm water permitting and records system with the NDEE. This increases communication and efficiency with the state, city, and permitted community.

The Industrial Storm Water General Permit online application was made available to public in FY2022. Like the CSW online application process, the process coordinates with the Nebraska Game and Parks Commission and efficiently walks the user through portal registration and the document upload process needed to obtain approval.

Urbanized areas are subject to the Municipal Separate Storm Sewer System (MS4) Program. Currently, permitted urbanized areas in Nebraska include the cities of Lincoln and Omaha; Douglas, Sarpy, and Dakota Counties; and the communities of Beatrice, Columbus, Fremont, Grand Island, Hastings, Kearney, Lexington, Norfolk, North Platte, South Sioux City, Gretna, Gering, Terrytown, and Scottsbluff. The program also requires coverage for the University of Nebraska's campuses in Lincoln and Omaha; the Nebraska Department of Transportation; and Offutt Air Force Base. The NDEE works with individual permittees and organizations, like Nebraska H2O, Papillion Creek Watershed Partnership, and the Nebraska Floodplain & Stormwater Managers Association, to conduct outreach. The NDEE also evaluates the individual storm water management plans provided by permittees and communicates if these plans meet requirements. This can also include site visits throughout the year to evaluate implementation of the plans.

Nebraska Pretreatment Program

The Nebraska Pretreatment Program functions to protect municipal wastewater collection and treatment systems from damage or overloading by industrial dischargers. The pretreatment

regulations are found in NAC Title 119. The rules and regulations set forth prohibited discharge standards that apply to all industrial users of publicly owned wastewater treatment facilities and require permits for significant industrial users. The significant industrial users are determined by one of several means: 1) the existence of an industrial category for which pretreatment discharge standards are established in NAC Title 119; 2) the volume or strength of the wastewater discharged from the facility; or 3) the potential of the industrial user to adversely affect the wastewater collection or treatment facilities. There are 130 significant industrial users with a pretreatment permit.

The authority for establishing the Pretreatment Program is derived from the NPDES program requirements set forth in Section 402 of the federal Clean Water Act. The issuance procedures and general format of Pretreatment Program and NPDES permits are very similar. Permittees are required to carry out self-monitoring activities, maintain records, and submit periodic reports. Compliance activities include report reviews, on-site inspections, and compliance monitoring inspections. Compliance data are entered into the national database, ICIS, to facilitate compliance review activities.

Although the Pretreatment Program is really a subprogram of the NPDES program, administration of this program requires more coordination and cooperation with local municipal officials. To accomplish this, the Department has entered into Memorandums of Agreement (MOAs) with 11 communities describing respective city and state responsibilities. The agreements vary in nature depending on the size and capabilities of the community. Omaha and Lincoln are the most active municipal partners, accepting responsibility for a large variety of activities including facility sampling, inspections, complaint investigations, permit reviews, and industrial user technical assistance. Other communities rely more heavily upon the State for compliance inspections and technical reviews. However, all cities with agreements conduct initial complaint or incident investigations, report significant incidents to the NWEE, and assist in permit development by reviewing draft permits. The NDEE is working with communities throughout the state to get them more involved in the pretreatment program and to improve cooperative efforts in this program.

NDEE established Pretreatment team in 2024. This team has been successful working with the City of Omaha and other municipalities to identify facilities that qualify for the Nebraska Pretreatment Program. In the last year the team has identified two dozen unpermitted facilities that were required to submit an application for review and potential permitting. The team has aided new permittees fill out applications, answer facility questions, and conduct compliance assistance visits.

State Revolving Fund and Associated Grant Programs

The Planning and Aid Division's State Revolving Fund Section administers distribution of state and federal assistance for the Clean and Drinking Water State Revolving Funds (SRFs), which provide below market financial assistance to communities. This section also oversees the Emerging Contaminants in Small or Disadvantaged Communities, the Lead Service Line Cash Fund, the Sewer Overflow and Stormwater Reuse Municipal, the Revitalize Rural Nebraska Grant Program, the Small, Underserved, and Disadvantaged Communities and the Voluntary School and Child Care Lead Testing and Reduction Grant programs. Federal and State funding for these programs comes from annual congressional appropriations, the Infrastructure Investment and Jobs Act (IIJA), and appropriations from the Unicameral, respectively. Funding awards for traditional water and wastewater infrastructure projects, along with those to address emerging contaminants, remain on track. The Department's increased focus on the development of funding awards to address the replacement of Lead Service Lines has been successful to date, albeit with much still left to accomplish. The remediation of lead containing drinking water appurtenances in schools and licensed childcare facilities will be primary focus of the section for the upcoming year.

Separate from the IIJA, and signed into law by Governor Pete Ricketts in 2022, the Section also administers several projects with allocations from the American Rescue Plan Act of 2021 (ARPA), as any essential water and sewer infrastructure projects funded under ARPA are aligned with that eligible is under the SRFs. For this funding the infrastructure projects tasked to the NDEE to implement include:

- Wastewater and drainage system improvements at the State Fair Grounds
- Drinking water system improvements in the City of Wisner and for the Cedar Knox Rural Water Project
- Reverse Osmosis system installations for Private Well Owners

Funding for the projects met the initial ARPA December 31, 2024 deadline, with only construction to complete before the end of 2026.

Clean Water State Revolving Fund

The Clean Water State Revolving Fund (CWSRF) program provides below-market loan financing with forgiveness assistance to municipalities for construction of wastewater treatment facilities and sanitary sewer collection systems to alleviate public health and environmental problems. The loan principal repayments revolve back into new loans, and interest earnings on the fund are primarily used to pay off the state match bonds. An administrative fee is assessed to each loan made, which pay for program operating costs including day-to-day program management activities and for other costs associated with debt issuance, financial management, consulting, and support services necessary to provide for a complete program.

The CWSRF program receives capitalization grants annually from EPA. There is a 20% state match requirement to obtain those grants, which is typically a debt issuance provided through a Nebraska Investment Finance Authority (NIFA) bond. In fall of 2024, the EPA awarded Nebraska's annual and IIJA CWSRF capitalization grants in the amounts of $4,176,000 and $11,632,000, respectively. The required match amount of $3,161,600 was provided through bonds and cash from the Construction Administration Fund. In SFY 2025, the CWSRF funded projects totaling $46,080,800, with $10,793,961 loan forgiveness and grant assistance.

Additional Subsidy Awards

Many small municipalities find that the development and construction of needed projects are too costly without additional grant subsidy provided with CWSRF loans. To assist those communities, the CWSRF provides additional subsidy awards to financially distressed municipalities with a population of 10,000 or less. One available grant is the Project Planning Activities and Report Grant (PPAR). This grant is funded through the Administrative Cash Fund and awarded to small communities to identify wastewater project needs. For this past fiscal year no grants were awarded. After a project is identified, the CWSRF may also provide a Small Town Grant (STG).

In addition to the above, loan forgiveness has become the primary method of providing additional subsidy, through reserving up to 30% of the annual capitalization grant and the required 49% IIJA grant. Like the PPAR and STG, borrowers must meet affordability criteria to be eligible for forgiveness assistance, then eligibility is based on:

Letter of Non-Compliance, Administration of Consent Order Projects

- Population of 10,000 or less – Up to 40%

- Population of 3,300 or less – Up to 50%
- Population of 500 or less – Up to 60%

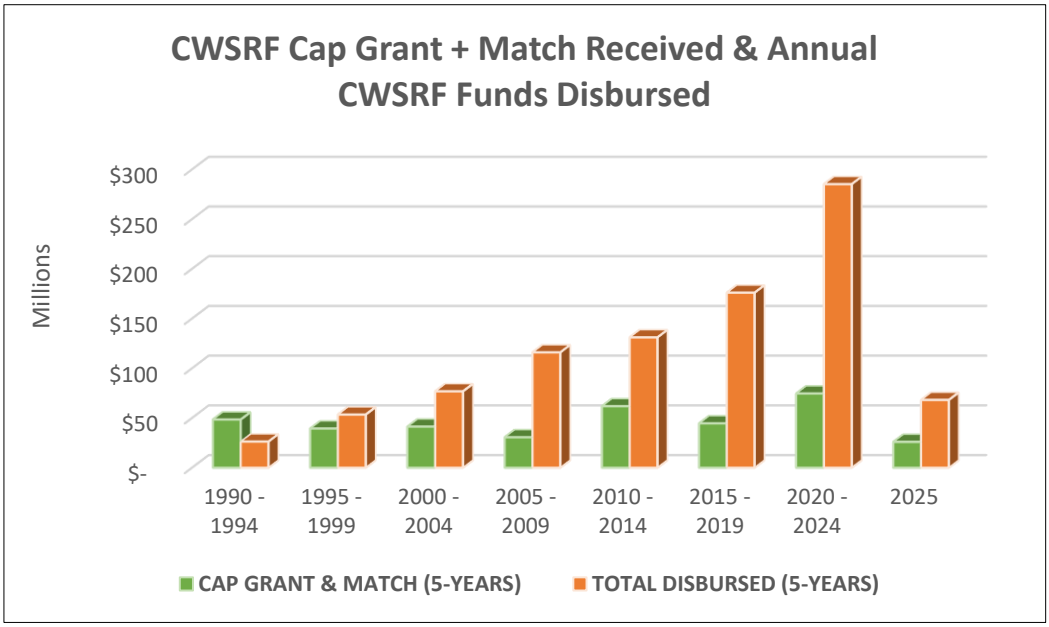
For all remaining projects and if it is assessed by the Department that the non-compliance or order was caused by negligence of the municipality, the forgiveness caps below shall apply.

- Population of 10,000 or less – Up to 30%
- Population of 3,300 or less – Up to 40%
- Population of 500 of less – Up to 50%

Total CWSRF Assistance Provided

After 37 years of activity, the Fund's Net Assets have reached $411.5 million as of June 30, 2025. Since its inception, the CWSRF has provided loans for 368 projects with a cumulative loan award amount of $935.1 million.

The following graph provides the total assistance provided by the Clean Water program per year and the cumulative amounts of capitalization grants and match received and total amounts disbursed.



Drinking Water State Revolving Fund

The Drinking Water State Revolving Fund (DWSRF) program provides below-market rate loans, with forgiveness and grant assistance, to owners of public water systems (PWSs). The DWSRF is unique in that loans may also be awarded to privately-owned non-for-profit PWSs. Loan principal repayments revolve back into new loans, and interest earnings on the Fund are used to pay off NIFA bonds issued for the required EPA capitalization grant match. There is also an administration fee assessed to each DWSRF loan for program management activities.

The DWSRF program receives capitalization grants annually from EPA. There is a 20% state match requirement to obtain those grants, which is typically a debt issuance provided through a NIFA bond. In the fall of 2024, the EPA awarded Nebraska's annual and BIL CWSRF traditional

project capitalization grants in the amounts of $4,661,000 and $22,985,000, respectively. The required match amount of $5,529,200 was provided through bonds and cash from the Drinking Water Administration Fund. Through the DWSRF, Nebraska was also awarded a grant for Lead Service Line Replacement projects (LSLRs) in the amount of $28,650,000, and an award for $8,728,000 for Emerging Contaminant projects, those that primarily address manganese in drinking water systems. Those two grants do not require any state match contributions. In SFY 2025, the DWSRF funded projects totaling $85,675,000 in loans with $20,905,000 in loan forgiveness, with $12,054,000 being for LSLRs.

Forgiveness assistance is offered based on the long-standing established Median Household Income disadvantaged community definition criteria following a tiered system:

Public Health/Administrative Order Projects

- Population of 10,000 or less – Up to 40%
- Population of 3,300 or less – Up to 50%
- Population of 500 of less – Up to 60%

Low Priority Projects ranked with a Sustainability Factor and new GPR projects, or greater

- Population of 10,000 or less – Up to 30%
- Population of 3,300 or less – Up to 40%
- Population of 500 of less – Up to 50%

Projects that in part address an Emerging Contaminant (e.g., PFAS, Manganese)

- Population of 10,000 or less – Up to 55%
- Population of 3,300 or less – Up to 65%
- Population of 500 of less – Up to 75%

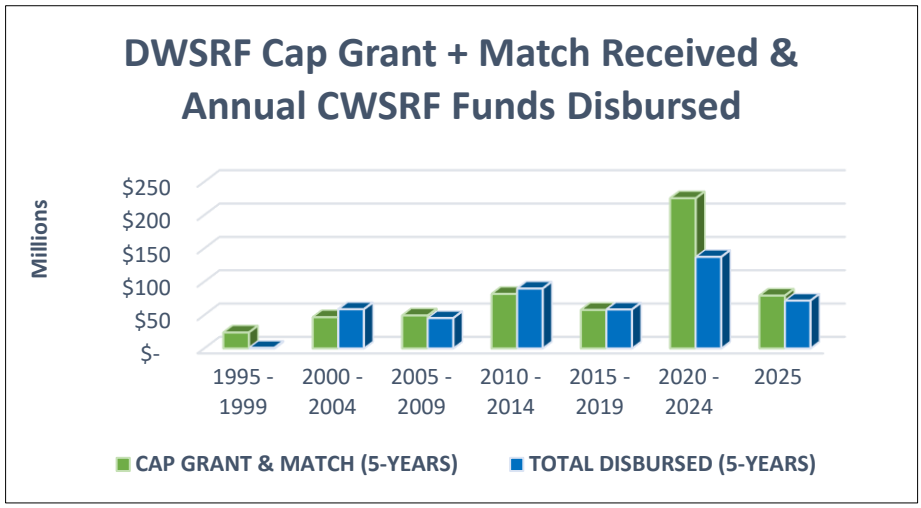
For Lead Service Line Replacement funding up to 60% forgiveness assistance is available, with a possible 10% increase in grant assistance for mechanical LSL inventory efforts (e.g., potholing, hydro-vacuum excavation, etc.).

DWSRF Set-Aside Funds

A notable difference between the SRFs, the DWSRF include set-asides for funding within the Department's Drinking Water Division to provide technical assistance, source water protection, capacity development and operator certification.

The Small System Technical Assistance set-aside (up to 2% of the capitalization grant) provides technical, managerial, and financial assistance to PWSs serving a population of 10,000 or less. This is accomplished through contracts with organizations that have expertise in dealing with small systems. Up to 4% of the grant is permitted to be used for administration of the DWSRF program. The state may use up to a total of 10% of the capitalization grant from the State Program Management set-aside, which the DWSRF typically allocates to help fund NDEE's Drinking Water Division.

In SFY 2025, under the Local Assistance and Other State Programs set-aside (15%), the community of Fullerton was selected to receive a Source Water Grant totaling $54,000.



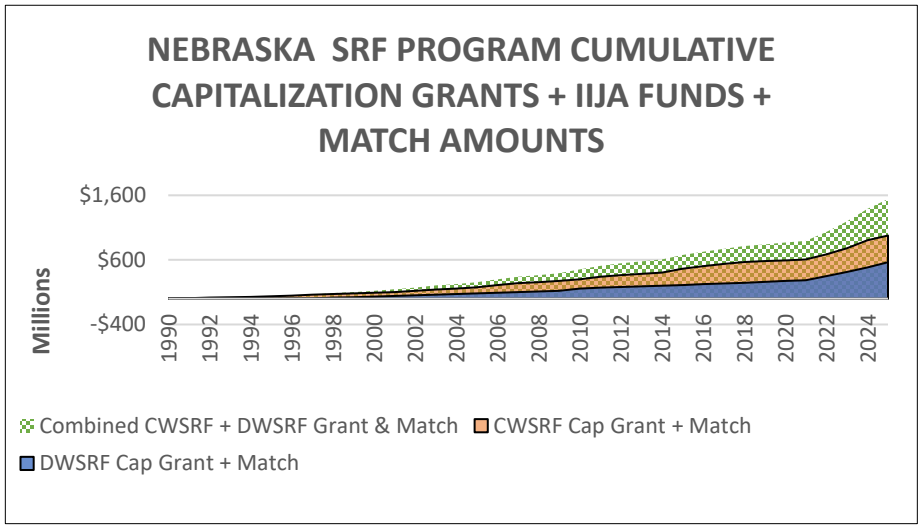
From the FFY 2024 capitalization grant of $4,082,540 the following was allocated to 2% ($115,000), 4% ($186,40), and 15% ($3,315,000) set-asides, with $2,865,000 of that latter amount being for mechanical inventory efforts for LSLRs.

After 27 years of activity, the Fund's Net Assets have reached $295.7 million as of June 30, 2025. Since its inception, the DWSRF has provided loans for 315 projects with a cumulative loan award amount of $627.6 million.

The following graph provides the total assistance provided by the Drinking Water program per year since inception and the cumulative amounts of capitalization grants and match received and total amounts disbursed.

SRF Summary

Each year the CWSRF and DWSRF publish an Intended Use Plan (IUP), which explains how the SRF programs will use capitalization grants received annually from EPA, annual state matching funds, and current program funds to meet Nebraska's communities' drinking water and wastewater infrastructure needs and funding requirements for the upcoming fiscal year. The IUP requires a comment period that is then formally presented to the Environmental Quality Council (EQC) for review and approval. Lastly, a more detailed annual report is prepared to meet EPA program requirements, including the Auditor of Public Account's report done for SRF programs. These can be found at the State Revolving Fund Section at dwee.ne.gov.



State Revolving Fund Assistance by Legislative District as of June 30, 2025

*The data collected is from loan obligations and grants awarded to communities for SRF related projects. Grants include Loan Forgiveness,

	CWSRF Funding to Districts (approximate)			DWSRF Funding to Districts (approximate)			TOTAL SRF ASSISTANCE TO DISTRICTS (approximate)		
District #	CWSRF Loan Agreement	CWSRF Subsidy TOTAL	CWSRF Total Assistance	DWSRF Loan Agreement	DWSRF Subsidy TOTAL	DWSRF Total Assistance	TOTAL SRF LOAN AGREEMENTS	TOTAL SRF SUBSIDY	TOTAL SRF ASSISTANCE
1	$9,993,593	$697,126	$10,690,719	$34,272,729	$5,862,987	$40,135,716	$44,266,322	$6,560,113	$50,826,435
2	$45,533,703	$394,039	$45,927,742	$28,051,449	$364,535	$28,415,984	$73,585,152	$758,574	$74,343,726
3	$0	$0	$0	$0	$0	$0	$0	$0	$0
4	$0	$0	$0	$0	$0	$0	$0	$0	$0
5	$0	$0	$0	$0	$0	$0	$0	$0	$0
6	$0	$0	$0	$0	$0	$0	$0	$0	$0
7**	$205,100,011	$1,908,000	$207,008,011	$17,752,655	$30,072,182	$47,824,837	$222,852,666	$31,980,182	$254,832,848
8	$0	$0	$0	$0	$0	$0	$0	$0	$0
9	$0	$0	$0	$0	$0	$0	$0	$0	$0
10	$0	$0	$0	$0	$0	$0	$0	$0	$0
11	$0	$0	$0	$0	$0	$0	$0	$0	$0
12	$9,726,000	$0	$9,726,000	$0	$0	$0	$9,726,000	$0	$9,726,000
13	$0	$0	$0	$0	$0	$0	$0	$0	$0
14	$0	$0	$0	$0	$0	$0	$0	$0	$0
15	$8,896,699	$620,577	$9,517,276	$14,267,009	$5,173,792	$19,440,801	$23,163,708	$5,794,369	$28,958,077
16	$15,875,054	$1,330,215	$17,205,269	$86,731,263	$20,531,031	$107,262,294	$102,606,317	$21,861,246	$124,467,563
17	$63,312,279	$3,771,564	$67,083,843	$19,649,407	$10,181,747	$29,831,154	$82,961,686	$13,953,311	$96,914,997
18	$0	$0	$0	$0	$0	$0	$0	$0	$0
19	$11,798,578	$189,394	$11,987,972	$2,733,027	$239,967	$2,972,994	$14,531,605	$429,361	$14,960,966
20	$0	$0	$0	$0	$0	$0	$0	$0	$0
21	$1,992,000	$270,000	$2,262,000	$2,056,127	$20,000	$2,076,127	$4,048,127	$290,000	$4,338,127
22	$3,685,714	$514,979	$4,200,693	$5,291,469	$1,947,227	$7,238,696	$8,977,183	$2,462,206	$11,439,389
23	$44,172,409	$9,113,513	$53,285,922	$17,263,094	$10,649,894	$27,912,988	$61,435,503	$19,763,407	$81,198,910
24	$27,774,084	$1,055,564	$28,829,648	$23,682,614	$8,963,176	$32,645,790	$51,456,698	$10,018,740	$61,475,438
25	$271,286	$0	$271,286	$829,007	$112,303	$941,310	$1,100,293	$112,303	$1,212,596
26	$0	$0	$0	$0	$0	$0	$0	$0	$0
27**	$34,576,358	$1,250,000	$35,826,358	$24,105,829	$23,472,000	$47,577,829	$58,682,187	$24,722,000	$83,404,187
28	$0	$0	$0	$0	$0	$0	$0	$0	$0
29	$0	$0	$0	$0	$0	$0	$0	$0	$0
30	$4,856,586	$305,000	$5,161,586	$17,422,426	$1,830,051	$19,252,477	$22,279,012	$2,135,051	$24,414,063
31	$0	$0	$0	$0	$0	$0	$0	$0	$0
32	$17,404,852	$5,165,473	$22,570,325	$14,221,431	$6,893,971	$21,115,402	$31,626,283	$12,059,444	$43,685,727
33	$5,272,521	$275,991	$5,548,512	$1,496,858	$1,653,693	$3,150,551	$6,769,379	$1,929,684	$8,699,063
34	$16,495,680	$1,345,388	$17,841,068	$6,286,357	$1,663,068	$7,949,425	$22,782,037	$3,008,456	$25,790,493
35	$33,831,257	$0	$33,831,257	$1,260,000	$3,240,000	$4,500,000	$35,091,257	$3,240,000	$38,331,257
36	$97,599,121	$0	$97,599,121	$4,659,623	$650,000	$5,309,623	$102,258,744	$650,000	$102,908,744
37	$62,663,336	$0	$62,663,336	$24,470,942	$3,311,869	$27,782,811	$87,134,278	$3,311,869	$90,446,147
38	$16,884,877	$1,797,705	$18,682,582	$23,569,377	$4,440,970	$28,010,347	$40,454,254	$6,238,675	$46,692,929
39	$3,255,467	$0	$3,255,467	$297,522	$0	$297,522	$3,552,989	$0	$3,552,989
40	$12,098,416	$3,012,508	$15,110,924	$20,858,853	$12,032,970	$32,891,823	$32,957,269	$15,045,478	$48,002,747
41	$16,526,903	$1,802,126	$18,329,029	$8,998,974	$2,273,352	$11,272,326	$25,525,877	$4,075,478	$29,601,355
42	$18,523,121	$537,829	$19,060,950	$10,846,128	$737,046	$11,583,174	$29,369,249	$1,274,875	$30,644,124
43	$25,490,116	$8,412,983	$33,903,099	$12,861,663	$1,534,493	$14,396,156	$38,351,779	$9,947,476	$48,299,255
44	$50,371,025	$2,017,573	$52,388,598	$10,011,187	$1,802,564	$11,813,751	$60,382,212	$3,820,137	$64,202,349
45	$0	$0	$0	$0	$0	$0	$0	$0	$0
46	$0	$0	$0	$0	$0	$0	$0	$0	$0
47	$16,873,150	$3,182,344	$20,055,494	$28,165,604	$5,289,306	$33,454,910	$45,038,754	$8,471,650	$53,510,404
48	$14,752,244	$991,959	$15,744,203	$8,157,221	$2,456,546	$10,613,767	$22,909,465	$3,448,505	$26,357,970
49	$0	$0	$0	$988,800	$0	$988,800	$988,800	$0	$988,800

Small Town Grant (CW only), and Planning Grants.
***For the cities of Omaha and Lincoln, which have multiple districts in the area, District 7 was selected for Omaha projects and District 27 was used for Lincoln area projects*

Other Clean Water and Safe Drinking Water Act Grants

Small, Underserved, and Disadvantaged Communities Grant Program

An annual grant program authorized under the Water Infrastructure Improvements for the Nation Act (WIIN), the Small, Underserved, and Disadvantaged Communities Grant Program was established to assist such PWSs. The grant program is designed to help systems meet and comply with the Safe Drinking Water Act. Aid is provided to underserved communities that are served by a PWS that violates or exceeds any Maximum Containment Level, treatment technique, or action level.

The recipient of this grant is the Village of Steele City to help that community return into compliance with the Nitrate drinking water standard. This past fiscal year, their award was increased to $1,211,605 to replace a failed transmission water main installation.

Sewer Overflow and Stormwater Reuse Municipal Grants Program

America's Water Infrastructure Act of 2018 amended section 221 of the Clean Water Act, which reauthorized the Sewer Overflow and Stormwater Reuse Municipal Grants Program (OSG). These amendments expanded project eligibilities to include stormwater management projects and authorized appropriations for the program. Grants are awarded to states, which will then provide sub-awards to eligible entities for projects that address infrastructure needs for combined sewer overflows (CSO), sanitary sewer overflows (SSO), and stormwater management. In August of 2024, an allotment of $3,406,000 was awarded to Nebraska, bringing the total program funding to $5,486,000.

The recipients for the 2024 OSG allotment will be the City of Omaha ($2,895,100), the Village of Colon ($400,000), and the Village of Oshkosh ($110,900). As the City of Omaha's project is the primary, categorically eligible, need for this grant program, it is planned that for each funding allotment, another political subdivision will be selected as a best paired fit to meet the OSG's program minimum allocation to rural and financially distressed communities, this year being the Villages of Colon and City of Oshkosh.

The EPA has issued guidance for the Federal Fiscal Year 2024 OSG award stating that should other Region 7 states decline their OSG funding those funds may be reallocated to another recipient. The Department requested the reallocation of the regional funds to provide funding for the Cities of Omaha, Oshkosh, and St. Edward, the latter two seeking funds to remedy infiltration and inflow concerns for their collection system.

Voluntary School and Child Care Lead Testing and Reduction Grant

The NDEE is committed to reducing childhood exposure to lead from drinking water. NDEE applied for grant funding as part of EPAs 2021 WIINs Lead Testing in School and Child Care Programs and have been implementing the 3Ts (training, testing, and taking action) for reducing lead exposure in drinking water.

With the passage of the IIJA, the authority for this grant program has been expanded to now include projects that remediate lead contamination in drinking water. Eligible entities include schools and early childhood education programs, but only those under the jurisdiction of local educational agencies, a requirement of the federal law. As such, sampling at public pre- schools, elementary schools, and associated childcare facilities will be a renewed focus of this WIIN Grant award. The funding will be focused on facilities serving underserved and low-income communities, elementary

schools and those school facilities older than 1988, as they are at highest risk for internal plumbing and drinking water appurtenances containing lead, all within tiered program remediation trigger levels ranging between 10 to greater than 100 parts per billion (ppb). Funding assistance was offered out to all schools with levels above 10 ppb, with the following made in SFY 2025:

Date of Agreement	Facility	Award Amount
10/16/2024	North American Martyrs Extended Care	$ 7,609
04/03/2025	Lincoln Lancaster County Health Dept.	$ 160,000
04/28/2025	Educational Service Unit 9	$ 6,589
03/18/2025	St. Paul's Child Care	$ 9,160
05/27/2025	Learning Adventures Child Care Center	$ 1,342
06/03/2025	Behaven Kids	$ 13,102

Emerging Contaminants in Small or Disadvantaged Communities Grant

EPA issued implementation guidance for this approximate $48 million grant during the latter part of the fiscal year. A master program workplan was approved by EPA that will focus on the regionalization of small communities that have elevated levels of Manganese, in order to avoid the installation or the replacement of a more costly water treatment plant alternative. Specific workplans for projects in the Riverton and Talmage areas of the state have been approved, while those for the Craig and Giltner areas are drafted for EPAs review.

Revitalize Rural Nebraska Grant Program (RRNGP)

The RRNGP was established in 2023 by the Nebraska Legislature to fund the demolition of dilapidated commercial properties owned by a village or a city of the first or second class. To be eligible for funding, properties likely have to be owned by the applying municipality, abandoned or vacant for at least six months, and not on or eligible to be listed on the National Register of Historic Places. Recipient communities must also provide a local match. NDEE assessed applications for eligibility and competitive ranking with priority given to applications from villages and second-class cities.

The NDEE made nine awards in the prior state fiscal year and two additional in SFY 2025.

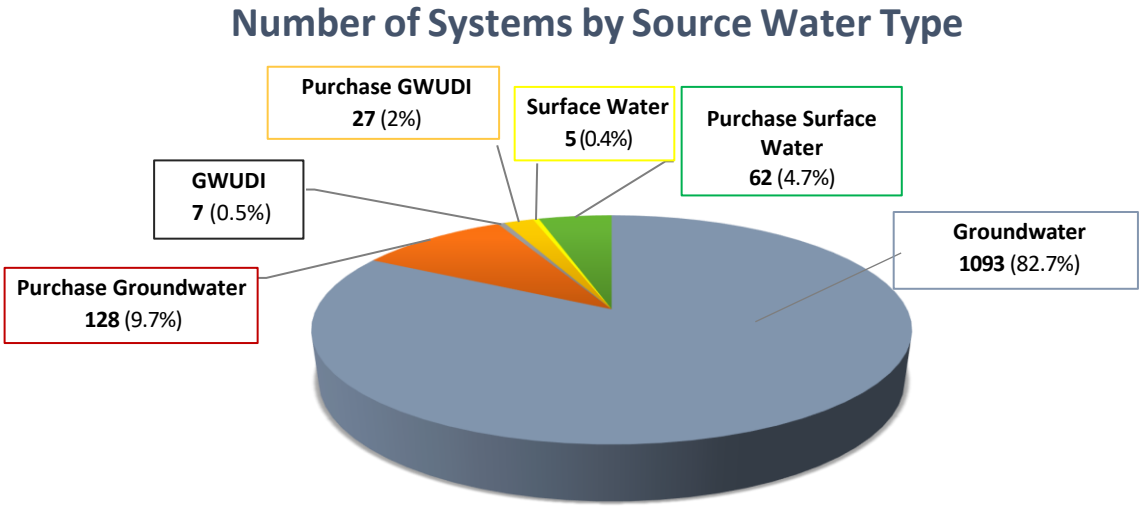
The two grant awards by municipality:

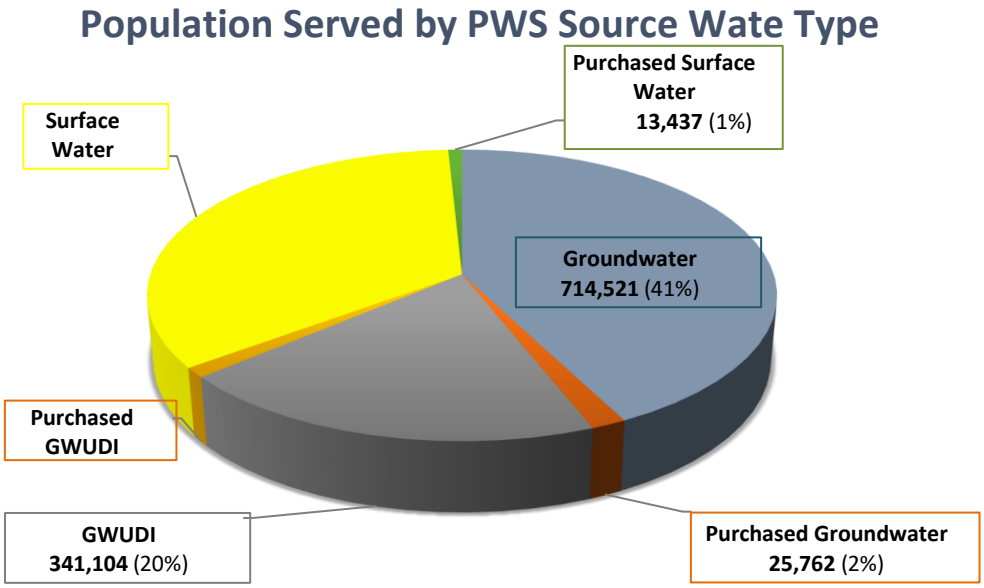
- Harvard – $120,000 for the property on 306 N Clay Avenue
- Lodgepole – $57,900 for the property on 266 Sheldon Street

Drinking Water Programs

The Drinking Water Program at the NDEE administers the State's regulations governing Public Water Systems (PWSs), NAC Title 179, Chapters 2 through 26, promulgated under the Nebraska's Safe Drinking Water Act pursuant to the federal SDWA. State regulations must be at least as stringent as the federal regulations.

Approximately 80% of Nebraska's population is on public water. Private domestic wells, which are not regulated under the SDWA, provide water for other 20% of Nebraskans. Most of the water Nebraskans drink is ground water and only five public water systems in the state obtain their drinking water from surface water. Another 62 systems purchase water from those five systems. In addition, 7 systems utilize ground water under the influence of surface water (GWUDI), and 27 additional systems purchase water from those seven systems. The remaining 1,093 systems use ground water, and an additional 128 systems purchase their water from another ground water system.





As you can see above, although surface water sources account for the smallest number of public water systems in Nebraska, these sources provide public water to a significant population in the state. This is because Omaha and all of the consecutive water systems that purchase water from Omaha utilize surface water from the Missouri River.

Nebraska's Public Water Systems

Nebraska public water systems can be broken down into categories based on the size of the population served and/or the type of population served. All public water systems serve at least 25 people daily. PWSs are separated into three categories based on the potential duration of exposure to a source of drinking water.

Community Water Systems (CWS) provide water to the same people year-round; villages, rural water districts, mobile home parks, and sanitary improvement districts are CWSs.

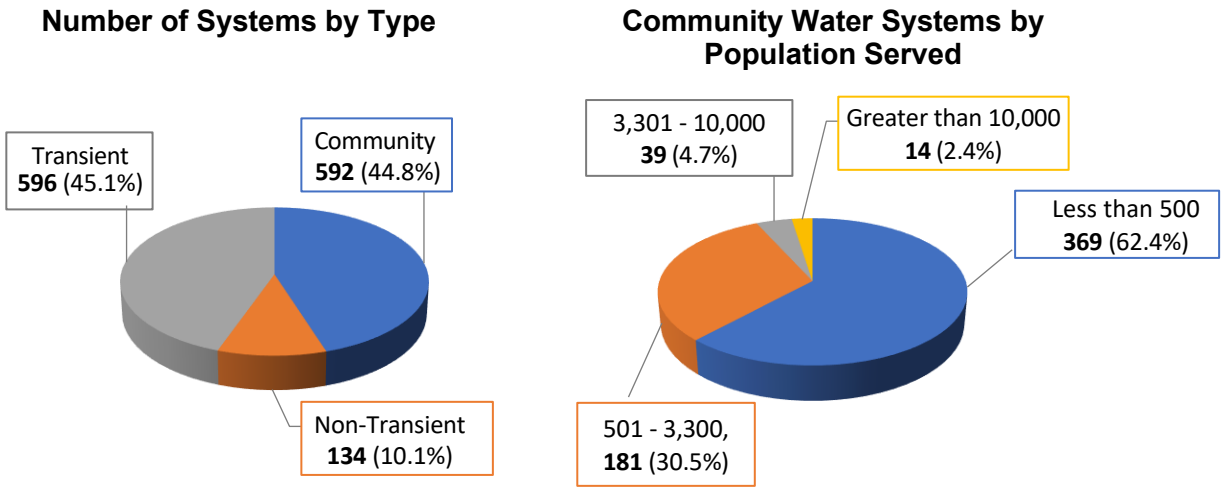
Non-Transient Non-Community (NTNC) facilities usually consist of a single building with its own ground water well, and has the same 25 non-residential individuals there for at least 6 months of the year; a manufacturing company with its own well and a rural school with over 25 students are NTNCs.

Transient Non-Community (TNC) PWSs serve at least 25 people daily and still must be permitted and monitored, but transient PWSs don't serve 25 of the same people daily (i.e., they serve an entirely *transient* population) rural gas stations, golf courses, and campgrounds with their own wells are TNCs.

Daily Population Served	CWS	NTNC	TNC	Count (%) PWS by Population
Less Than 101	107	77	491	**675** (51.1%)
101 - 500	262	40	96	**398** (30.1%)
501 – 1,000	95	10	7	**112** (8.5%)
1,001 – 3,300	86	5	0	**91** (6.9%)
3,301 – 10,000	28	2	2	**32** (2.4%)
10,001 – 50,000	11	0	0	**11** (0.8%)
Greater Than 50,000	3	0	0	**3** (0.2%)
Count (%) PWS by Type	**592** (44.8%)	**134** (10.1%)	**596** (45.1%)	**1322**

**Based on approximate population*

Communities in Nebraska are predominantly small and rural. Approximately 93% of the state's CWSs serve populations under 3,300 people, and more than 60% serve fewer than 500. Despite these challenges, Nebraska's small systems continue to perform commendably in maintaining compliance with Safe Drinking Water Act (SDWA) requirements.



The figure above demonstrates the proportional breakdown of PWS types in Nebraska. CWSs account for about half of all PWSs (44.8%), and TNCs account for about the other half (45.1%). Only about 10-% of PWSs in Nebraska are NTNCs.

This is because most facilities in Nebraska (office buildings, private businesses, etc.) that would otherwise qualify as an NTNC PWS due to their population (serving at least 25 people daily) are purchasing water from a CWS. These locations are not subject to regulation by the SDWA because their water quality monitoring and reporting is covered by the CWS.

This means that the number of NTNC and TNC PWSs in Nebraska can be considered a general reflection of the number of rural facilities (schools, rest stops) that serve, minimally, an average of 25 people daily, and have their own source of drinking water (typically a groundwater well). The relatively low number of NTNCs in Nebraska can be attributed to the relatively low number of larger rural facilities that do not purchase their water from a CWS.

Drinking Water Program Activities

During SFY25, the Drinking Water Program oversaw compliance for 1,322 public water systems (systems), including 596 Transient Non-Community (TNC) systems, 134 Non-Transient Non-Community (NTNC) systems, and 592 Community Water System (CWS).

Drinking Water Field Services, Water Operator Training, and Capacity Development

These areas encompass four separate, but related areas of responsibility:

1) Field Services (inspections, operator assistance, etc.)
2) Water Operator Training
3) Capacity Development, and
4) Water System Security

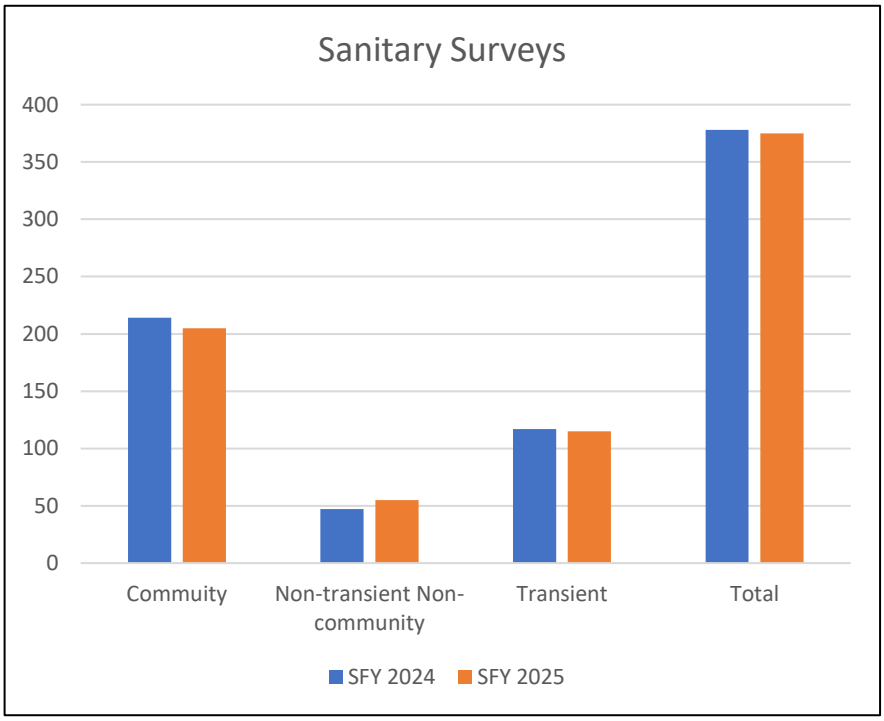
Field Services staff include a supervisor, and eight field representatives. The Water Operator Training and Capacity Development components of the program are overseen by a training coordinator, and capacity development coordinator, respectively. Staff within these areas conduct sanitary surveys, train public water system operators, attend and present information at continuing education programs for water operators, assist public water systems (PWSs) with Level 1 and Level 2 assessments, provide support during emergency situations, and help public water systems to

achieve or maintain adequate technical, financial, and managerial capacity. There are eight field areas located throughout the State to provide close contact and timely assistance to Nebraska's public water systems.

Field Services

Sanitary Surveys

Routine sanitary surveys are conducted once every three years for community water systems (CWS) and non-transient non-community (NTNC) public water systems and once every five years for transient non-community (TNC) PWSs. A sanitary survey helps to ensure that a water system is operating properly by working with their licensed water operator(s) to evaluate records, review their emergency plan and cross-connection control program, and inspect components of the water system.



Field Services personnel conducted 378 sanitary surveys (205 community, 55 non-transient non-community, and 115 transient public water systems). A total of 541 deficiencies were found. This reflects an overall deficiency rate of 1.4 deficiencies per sanitary survey. No deficiencies were found in 194 (52%) of the sanitary surveys completed. The average number of deficiencies found in Nebraska's public water systems has remained stable, highlighting the great work of water operators in our State.

Outside of sanitary surveys, field staff conduct site inspections for the location of new public wells, assist engineering services personnel in conducting construction inspections of public water system projects (such as the drilling of wells, the construction of treatment plants, and the erection of water towers). Field services staff are essential workers that respond to emergencies associated with natural disasters, water service interruption, and/or contamination of a PWS.

Level 1 & Level 2 Assessments

When public water systems have a confirmed presence of coliform bacteria, the Revised Total Coliform Rule (RTCR) requires that an assessment of the system be conducted. An assessment helps to identify the likely reason for the presence of coliform bacteria in the system. Any identified defects are required to be corrected.

A Level 1 assessment is triggered when a system detects total coliform bacteria but not *E. coli.* The public water system is responsible for completing a Level 1 assessment. Then field staff are responsible for reviewing Level 1 assessments to ensure all potential contamination-causing issues were considered.

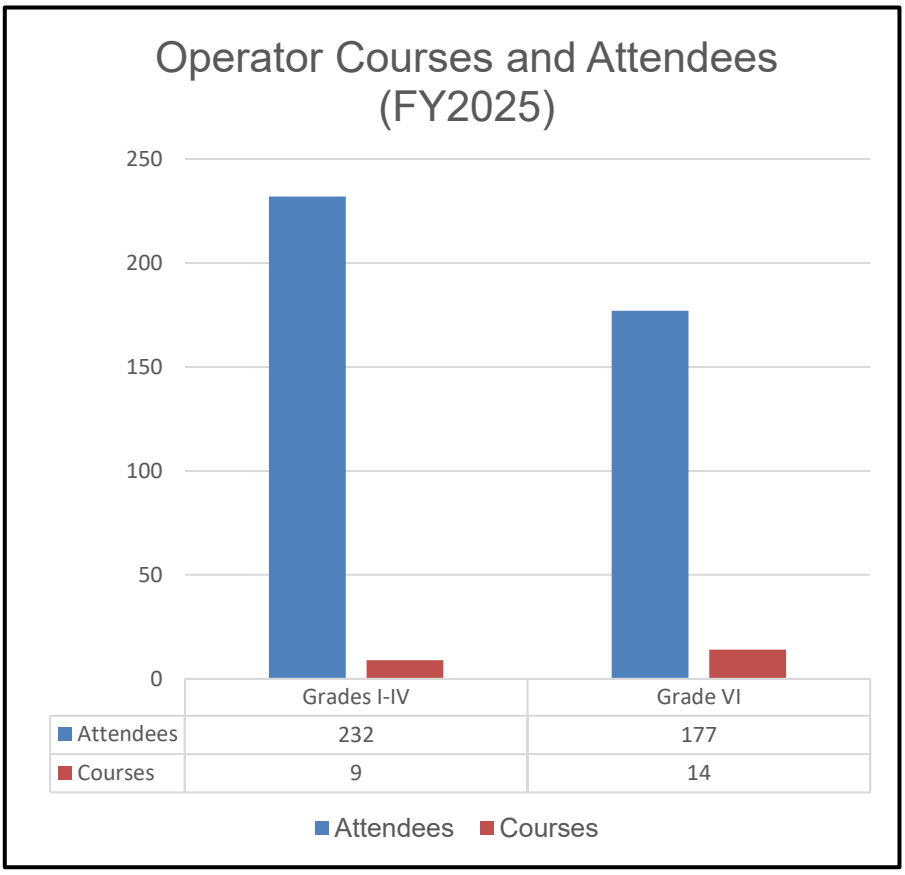
A Level 2 assessment is triggered by either multiple Level 1 assessments within a running twelve-month period, or by the confirmed presence of *E. coli* bacteria in the system. A Level 2 assessment is conducted by field staff and provides a much more detailed evaluation of the PWS.

Hypochlorinators

The Drinking Water Program maintains several hypochlorinators to temporary loan public water systems when bacterial contamination is a source of concern. This equipment helps communities with temporary chlorination of their water supplies to ensure the safety of their drinking water. When a power outage or source failure is involved, program staff also help systems locate equipment and supplies which may be needed.

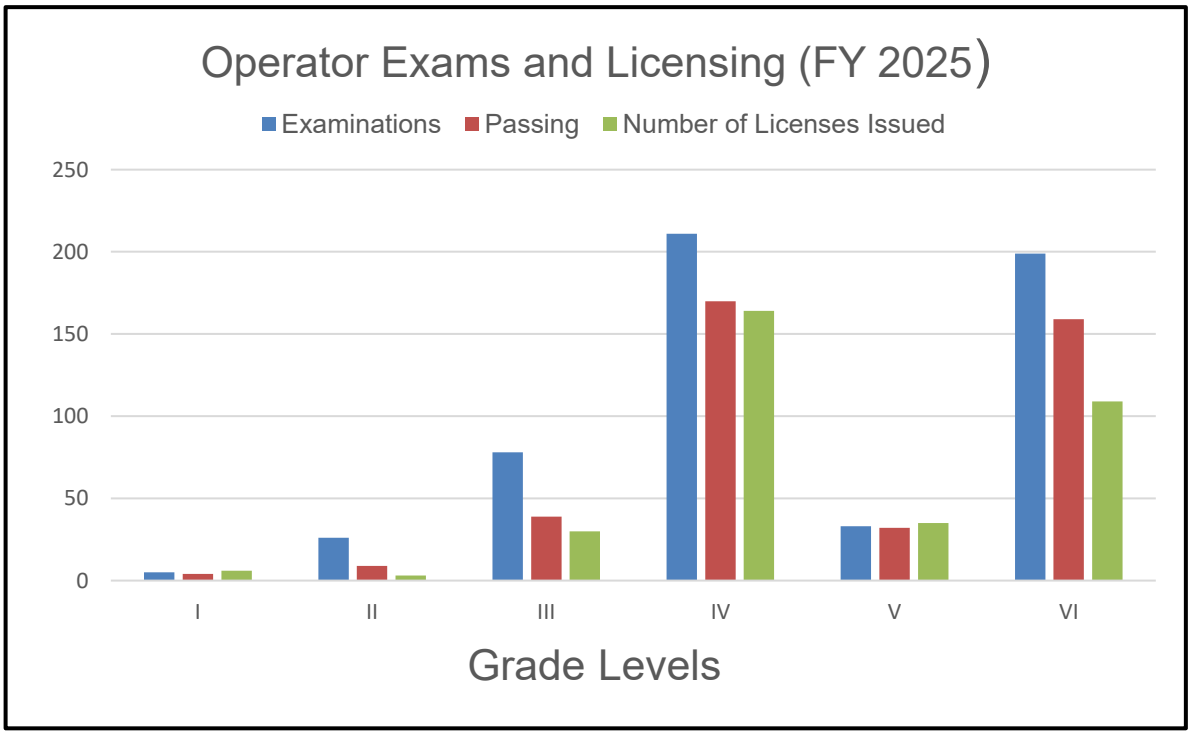
Training

Field Services and Training Program personnel conducted 9 water operator training courses, Grades I through IV, with a total of 232 attendees. The correspondence course that is also offered to prepare for the Grade IV licensure examination was completed by 16 individuals.
For Grade VI licensure (backflow preventer testing and repair), 14 courses were offered with a total of 177 attendees.
For Grade V operators (transient systems only), there are no classroom courses.
Training is obtained through a self- study process. Water operators are licensed only after successfully passing an exam. Examinations are offered following each training course and can also be scheduled individually.



The following table breaks down the number of initial licenses issued, and examinations conducted at each grade level over the course of FY 2025:

Grade	Examinations	Passing	Number of Licenses Issued
I	5	4	6
II	26	19	3
III	78	39	30
IV	211	170	164
V	33	32	35
VI	199	159	109



The Drinking Water Program and other training providers have adapted to evolving training needs, continuing to provide both in person, and virtual training formats for water operators in SFY 2025. Coordinated by the program, a group informally known as the Water Operator Training Coalition coordinates to identify training needs and to assist with scheduling of training opportunities. Members include the Nebraska Rural Water Association, the League of Nebraska Municipalities, the Midwest Assistance Program, Central Community College, and the Nebraska Section of the American Water Works Association. As in past years, the Coalition produced a calendar identifying dates and locations of continuing education opportunities for distribution to licensed water operators

A total of 77 workshops/seminars/conferences were initially offered in Nebraska for the purpose of water operator continuing education. Of these, 22 focused primarily on backflow prevention continuing education for Grade VI operators.

Capacity Development

Capacity development is a proactive approach, through which water systems acquire and maintain adequate technical, managerial, and financial capabilities, enabling them to provide safe drinking water to Nebraskans. NDEE's activities to bolster water systems' capacity are overseen by the program's Capacity Development Coordinator.

Additional support is provided by the 2% Assistance Team, which consist of the same members as the Water Operator Training Coalition. The name comes from the 2% set-aside from the Drinking Water State Revolving Fund (DWSRF).

DWSRF 2% Assistance Contracts

Funds from the 2% Set-Aside of the DWSRF are used to provide assistance to public water systems serving 10,000 or less people, to develop and maintain technical, managerial, and financial capacity. NDEE contracts with assistance providers to provide this assistance. There are currently three contracts, one to provide board/council workshops and trainings, a second to assist with the development of lead service-line inventories, and the third to provide broader, technical, managerial, and financial assistance to aid in achieving/maintaining regulatory compliance and system capacity. All three contracts were awarded in SFY 2023 and are still active.

Board/Council Workshops & Trainings: It is critical that local board and council members understand their responsibilities as owners of a public water system, and the importance of ensuring the managerial and financial aspects of running a water system are being addressed. Regional workshops, and trainings for individual systems, provide ownership, and other public water system personnel, with the knowledge, ability, and resources to effectively maintain their system, become sustainable, and ensure compliance with the Safe Drinking Water Act. Six training in total were provided during this time and these trainings were attended by 27 different communities.

Regional Workshops: These workshops are conducted throughout the state, with the goal to educate owners of public water systems about their responsibilities and provide resources to accompany that education goal. The workshops include practical exercises for technical, managerial, and financial capacity building, including rate setting, capital reserves, and asset management. The regional approach enables representatives from multiple systems the ability to attend and participate in discussions with each other. In SFY 2025 three regional workshops were held, with representatives from public water systems attending.

Individual System Trainings: Trainings for individual systems cover the same elements as the workshops, but also emphasize the particular needs of that system. These trainings are conducted at the request of the public water system, or as a required element of an Administrative Order issued by the Department to address on-going compliance issues. Three individual board trainings in total were held in SFY 2025

Lead Service Line Inventory Assistance: EPA's Lead and Copper Rule Revision requires public water systems to identify lead service lines, make available to the public the location of known lead service lines, and develop a plan for replacement of lead service lines. The intent of this contract is not to complete the inventories for systems, but to educate them, and provide tools and resources to aid in the development of their inventories, as well as replacement plans and public outreach, as

needed. Projects aiding with the development of lead service line inventories were conducted at 109 public water systems. The next phase of this contract will provide technical assistance to water systems in developing lead service line replacement plans.

Compliance & Capacity Assistance: The purpose of this contract is to aid public water systems in achieving/maintaining compliance with the Nebraska Safe Drinking Water Act and regulations promulgated under that Act, as well as voluntary implementation of capacity building programs to ensure the continuous supply of drinking water that meets regulatory standards.
Work under this contract provides:

Routine sanitary survey (RSS) preparation. This component provides assistance to ensure public water systems have the knowledge and preparation needed for a successful routine sanitary survey. Often, many RSS deficiencies are due to a lack of knowledge of what a RSS is, and how to prepare for one. Oftentimes there is also a misunderstanding of how to respond to deficiencies. This component provides both on- and off-site assistance with follow-up to systems that receive deficiencies from the RSS. Twenty-five water systems received this technical assistance.

New operator hands-on training and mentoring. Many newly licensed operators are hired by very small community systems without other operators for orientation and support. Likewise, operators hired for non-community systems may find in-house training unavailable to learn their new job. This component provides on-site, multiple-day training, and mentoring, to ensure new operators understand their responsibilities for maintaining the operation of water system, and regulatory compliance. Assistance was initiated with eight public water system operators.

Technical, Managerial, and Financial (TMF) Assistance. Individualized assistance is often needed to build the capacity of water systems. This element of the contract covers requests by water systems, and NDEE, to assist with activities such as rate setting, water loss, deficiency and compliance issues, asset management, and other items where assistance will improve the understanding and ability of the system to become sustainable. Assistance provided by this component, depending on the situation, is and will be done as a supporting role to ensure the systems obtain needed understanding and skill. Thirteen operators across nine systems received this technical assistance.

Capacity Assessment

Assessment of a public water system's technical capacity is primarily addressed through the Routine Sanitary Survey process. In the past, the sanitary survey also included a very brief, high-level assessment of managerial and financial capacity. A much more thorough assessment was conducted of water systems that received loans through the DWSRF.

An updated capacity survey, which includes detailed information about asset management, has been created to replace the managerial and financial capacity assessment processes used previously in both the sanitary survey, and the DWSRF loan process. Beginning July 2022, the updated capacity surveys are sent out a quarter or three months in advance to the routine sanitary surveys for community and non-transient non-community (NTNC) systems. The surveys are to be completed by board members, or owners, with input from other water system personnel. The survey also requests signature/verification from a board member or owner, and the operator. This process will ensure surveys are updated every three years for all community and NTNC systems. If a survey isn't on file when a system applies for a DWSRF loan, the DWSRF program sends the survey as part of the application.

Completed capacity surveys are scored based on the answers provided to the survey questions. Public water systems with a score of 70%, or higher, are considered to be demonstrating stronger capacity. Upon request from the system, those with a population of 10,000 or less, and a score of 70 to 89 may request assistance and be referred to the appropriate 2% contractor. A system serving a population of 10,000, or less, that scores below 70%, is offered assistance from the appropriate 2% contractor. In SFY 2025 208 completed surveys were received from community water systems with an average score of 84%, and 28 non-transient non-community systems with average score of 77%. Nineteen community, and six NTNC systems scored below 70%.

Education and Outreach

In-person training is a focus for the capacity development program. Outreach and training regarding capacity development was provided by the capacity development coordinator, NDEE Drinking Water team members, as well as Training Coalition partners.

Nebraska Capacity Development Strategy

States must develop and implement a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity. America's Water Infrastructure Act of 2018 required States to amend their strategies to include efforts encouraging public water systems to develop asset management plans. Nebraska's revised strategy was approved on August 19, 2022. As the first strategy submitted in Region 7, it was also subject to concurrent review from the U.S. EPA Office of Ground Water and Drinking Water.

Monitoring and Compliance Section

The Monitoring and Compliance (M&C) Section of the Drinking Water Program reviews analytical results for contaminants in drinking water, issues enforcement actions, maintains and tracks each PWS's compliance status, provides compliance assistance internally and externally, and maintains the Safe Drinking Water Information System (SDWIS) database for PWSs.

Safe Drinking Water Information System

The Safe Drinking Water Information System (SDWIS) database was developed by EPA for states to track and report water quality data test results, violations, compliance assistance, enforcement, compliance schedules, water operator licensure, and PWS operating permits. SDWIS receives electronic data from the State of Nebraska Environmental Health Laboratory and four contract laboratories (Midwest Laboratories Inc., Central District Health Department, American Agriculture Laboratory Inc., and Enviro-Service Inc.) that perform water analyses for NDEE.

NDEE is preparing for transition to cloud-based software called the State, Federal, and Tribal Information Exchange System (SFTIES) that will replace the current SDWIS database. This new database is being provided to the states by EPA. This transition will include staff training, implementing routine quality assurance and quality control measures, and implementing standard data entry and reporting methods.

Monitoring and MCL Violations, and Assessments

A public water system is required to monitor for the presence of 83 different contaminants. If a contaminant is present in the water, the system must verify that the contaminant does not exceed its maximum contaminant level (MCL).

Only 8 of 83 contaminants for which community public water systems monitor were found to be present above a SDWA MCL. That means 78 contaminants, for which monitoring was conducted, were not found above their respective MCL in a PWS in Nebraska.

In SFY25, the Monitoring and Compliance team issued a total of 498 drinking water violations to 289 PWSs**.** Violations are generally categorized into Maximum Contaminant Level (MCL), Monitoring and Reporting (M/R), Treatment Technique (TT), and Public Notification (PN) violations.

- **MCL Violations (92 total)**: Out of 83 regulated contaminants, 5 exceeded their MCLs.
    - Nitrate-nitrite (MCL = 10 mg/L) was the leading contaminant, with 49 MCL violations across 25 systems.
    - *E. coli* (MCL = 1 CFU) presence resulted in 16 MCL violations; 100% of systems have since been returned to compliance.
    - 12 uranium (MCL = 30 µg/L) (MCL = 10 µg/L) and 12 arsenic MCL violations were also recorded, reflecting Nebraska's geological characteristics.
    - One community exceeded the MCL for total trihalomethanes (MCL = 80 µg/L), chlorine reacts with tap water in distribution systems to produce the disinfection by-product TTHM.
- **Lead and Copper Rule:** Systems are not issued violations when they exceed the lead or copper standard (called an Action Level). Instead, the exceedances trigger additional required compliance activities, including public education and installation of a chemical feed that reduces water corrosivity. In SFY25, 8 systems exceeded the lead action level, and 9 systems exceeded the copper action level**.**
- **Monitoring & Reporting Violations (202 total)**: These were primarily for failure to monitor for coliform bacteria, nitrate/nitrite, and lead & copper.
- **Public Notification Violations (37 total)**: Issued when required notices were not delivered timely or were missing mandatory elements.
- **Lead and Copper Rule Revision (LCRR) Violations (167 total)**: These were issued to systems that did not submit required lead service line inventories (LSLI) by the October 16, 2024 deadline. All systems did submit LSLI prior to EPA issuing formal enforcement.
- **Treatment Technique Violations (0 total):** Some National Primary Drinking Water Rules, instead of establishing an MCL for a contaminant, establish required compliance activities triggered by presence of a contaminant. Examples of treatment technique rules are the Lead and Copper Rule, and the Revised Total Coliform Rule. TT violations are issued when systems fail to complete required compliance activities. Systems in Nebraska work daily to fulfill all regulatory requirements, the lack of TT violations is a demonstration of these efforts.

Administrative Orders (AO)

Administrative Orders are typically issued to PWSs whose drinking water repeatedly violates a health-based standard. These orders establish a legally enforceable timeline (3 years) for the PWS to develop and implement mitigation measures and ensure safe drinking water for consumers. Mitigation measures in Nebraska typically include drilling a new groundwater well, interconnection with a compliant PWS, or installation of a treatment plant. Administrative Orders may also be issued for repeated failure to monitor, or if sample analytical results show contamination may be an "Unreasonable Risk to Health," or double the MCL.

The Drinking Water Program issues an AO when a PWS is significantly out of compliance. (Each contaminant has different parameters that indicate what constitutes "significantly out of compliance.") Once an AO is issued, MCL violations continue to be issued until the PWS returns to compliance. Failure to comply with the terms of an AO can result in administrative action or revoking the system's permit to operate.

	Nitrate-Nitrite	Uranium	Arsenic
AO's Issued	3	0	1
Population Affected	2249	0	58

Revised Total Coliform Rule (RTCR)

The objective of the Revised Total Coliform Rule (RTCR) is to identify and reduce potential exposure to bacterial contamination in drinking water. Testing for coliform bacteria is a way to indicate whether potentially harmful bacteria may be present. All public water systems are required to routinely monitor for the presence of coliform bacteria and *E.coli,* or the fecal form of coliform bacteria. The RTCR establishes a MCL for *E. coli*. Treatment technique requirements in the form of PWS assessments and corrective actions are required if either total coliform or *E.coli* bacteria are found. A system is required to issue a Public Notice (PN) if they fail to monitor for coliform bacteria, if *E.coli* bacteria are found, or for failure to complete an assessment or corrective action.

A Level 1 assessment is triggered when a system detects total coliform bacteria but not *E.coli*. PWS officials are responsible for conducting Level 1 assessments, in which they report sampling site conditions, typical sample procedures, and other water-related events. NWEE's Field Services team is responsible for reviewing Level 1 assessments to ensure all potential contamination-causing issues were considered.

A Level 2 assessment under the RTCR is a more comprehensive and detailed evaluation conducted when a PWS experiences either a second occurrence of total coliform bacteria or detects *E. coli* bacteria. This type of assessment is conducted by NWEE's Field Services and is designed to identify and address more complex or severe issues, known as significant deficiencies, within the system.

RTCR Assessments

Type of RTCR Assessment	Number of Assessments Triggered	Number of Systems	% of Systems with Assessments
Level 1	113	113	8.55%
Level 2	90	69	5.22%
Level 2, *E. coli* MCL triggered	10	10	0.76%

RTCR Violations

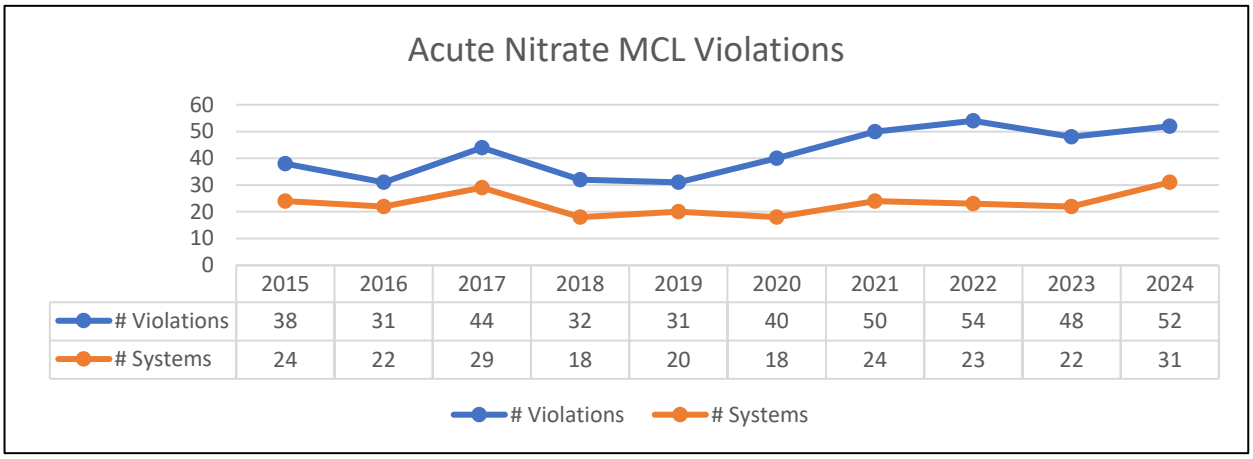
Type of RTCR Violation	Number of Violations Issued	Number of Systems	% of Systems with Violations
Treatment Technique, Level 1	0	0	0%
Treatment Technique, Level 2	0	0	0%
MCL – *E. coli* +	15	15	1.13%
Monitoring	100	61	4.61%
Startup Procedures TT	0	0	0%

Nitrate-Nitrite Rule

All public water systems monitor for nitrate-nitrite. Adverse health effects may be experienced when pregnant women, infants under six months of age, and nursing mothers, consume high levels of nitrate or nitrite in drinking water. A system is out of compliance when it receives one monitoring or MCL violation. A system is issued an administrative order (AO) to correct a nitrate contamination problem if two nitrate-nitrite violations are issued within a consecutive three- quarter period.

Nitrate-Nitrate Violations

Violation	Number of Violations	Number of Systems	% of Systems with Violations
MCL (10 mg/L)	48	25	1.88%
Monitoring	24	18	1.36%



Public Notification Rule

Public notification is required if a PWS receives a MCL, monitoring, or treatment technique violation. There were nine systems in violation of the PN Rule.

Rule	Number of Violations	Number of Systems
Public Notification Rule	38	9

Consumer Confidence Rule

The Consumer Confidence Rule (CCR) requires all community water systems to prepare and distribute an annual water quality report summarizing information regarding source water, detected contaminants, compliance issues, and educational information. No CCR violations were issued in SFY25.

Rule	Number of Violations	Number of Systems
Consumer Confidence Rule	0	0

MCL Violations for Chronic Contaminant Exposure

Ingestion of bacteria and nitrate-nitrite in drinking water are typically associated with acute (i.e., sudden) adverse health effects. Exposure to other drinking water contaminants is considered to be associated with chronic health effects (i.e., the adverse health effect is evident only after repeated exposure or ingestion of the same contaminated water over a long period of time.)

Because of this, transient systems are not required to sample or meet standards for chronic contaminants. Typically, EPA requires CWS and NTNC systems to routinely sample for chronic contaminants every three years. If a contaminant is detected during three-year routine monitoring, sampling requirements increase to quarterly to monitor contaminant levels.
Below is a list of tables that outline the type of contaminants, and the number of violations issued for each.

Volatile Organic Chemical (VOC) Violations

(Per the SDWA, only community and non-transient, non-community systems monitor for VOCs.)

VOC Contaminant	Number of MCL Violations	Number of Monitoring Violations	Number of Systems	% of Systems with Violations
Aldrin	0	1	1	0.08%
Benzene	0	0	0	0.0%
Carbon tetrachloride	0	0	0	0.0%
cis-1,2-Dichloroethylene	0	0	0	0.0%
Dicamba	0	0	0	0.0%
1,1-Dichloroethylene	0	0	0	0.0%
Dichloromethane	0	0	0	0.0%
1,2-Dichloropropane	0	0	0	0.0%
Metribuzin	0	1	1	0.08%
Monochlorobenzene	0	0	0	0.0%
o-Dichlorobenzene	0	0	0	0.0%
para-Dichlorobenzene	0	0	0	0.0%
Styrene	0	0	0	0.0%
Tetrachloro-ethylene	0	0	0	0.0%
Toluene	0	0	0	0.0%
trans-1,2-Dichloroethylene	0	0	0	0.0%
1,2,4-Trichlorobenzene	0	0	0	0.0%
Trichloroethylene	0	0	0	0.0%
1,1,1-Trichloroethane	0	0	0	0.0%
1,1,2-Trichloroethane	0	0	0	0.0%
Vinyl chloride	0	0	0	0.0%
Xylenes (total)	0	0	0	0.0%

Inorganic Chemical Contaminant (IOC) Violations

(Per the SDWA, only Community and Non-transient, non-community systems monitor for IOCs.)

Contaminant	Number of MCL Violations	Number of Monitoring Violations	Number of Systems	% Systems with MCL Violations
Antimony	0	0	0	0%
Asbestos	0	0	0	0%
Arsenic	12	0	5	0.38%
Barium	0	0	0	0%
Beryllium	0	0	0	0%
Cadmium	0	0	0	0%
Chromium total	0	0	0	0%
Cyanide (as free cyanide)	0	0	0	0%
Fluoride	0	0	0	0%

Mercury	0	0	0	0%
Nickel	0	0	0	0%
Selenium	0	0	0	0%
Sodium	0	0	0	0%
Thallium	0	0	0	0%

Non-Volatile Synthetic Organic Chemical (SOC) Contaminants

(Per the SDWA, only community and non-transient, non-community systems monitor for SOCs.)

Contaminant	Number of MCL Violations	Number of Monitoring Violations	Number of Systems	% Systems with Violations
Alachlor (Lasso)	0	1	1	0.08%
Atrazine	0	1	1	0.08%
Benzo[a]pyrene	0	1	1	0.08%
Butachlor	0	1	1	0.08%
Carbaryl	0	0	0	0%
Carbofuran	0	0	0	0%
2,4-D	0	0	0	0%
2,3,7,8-TCDD (Dioxin)	0	0	0	0%
2,4,5-TP	0	0	0	0%
Chlordane	0	0	0	0%
Dalapon	0	0	0	0%
Di(2-ethylhexyl) adipate	0	1	1	0.08%
Di(2-ethylhexyl) phthalate	0	1	1	0.08%
Dibromochloropropane	0	0	0	0%
Dieldrin	0	1	1	0.08%
Dinoseb	0	0	0	0%
Diquat	0	0	0	0%
Endothall	0	0	0	0%
Endrin	0	1	1	0.08%
Ethylene dibromide	0	0	0	0%
Glyphosate	0	0	0	0%
Heptachlor	0	1	1	0.08%
Heptachlor epoxide	0	1	1	0.08%
Hexachlorobenzene	0	1	1	0.08%
Hexachlorocyclopentadiene	0	1	1	0.08%
Lindane	0	1	1	0.08%
Methomyl	0	0	0	0%
Methoxychlor	0	1	1	0.08%
Oxamyl (Vydate)	0	0	0	0%
Pentachlorophenol	0	0	0	0%
Picloram	0	0	0	0%
Polychlorinated biphenyls	0	0	0	0%
Propachlor	0	1	1	0.08%
Simazine	0	1	1	0.08%
Toxaphene	0	0	0	0%

Radionuclide Violations

(Per the SDWA, only Community water systems monitor for Radionuclides.)

Contaminant	Number of MCL Violations	Number of Monitoring Violations	Number of Systems	% Systems with Violations
Combined Radium (Radium)	0	0	0	0%
Gross Alpha Including Radon	0	0	0	0%
Combined Uranium	9	0	2	0.68%

Disinfection Byproduct Violations

(Only water systems that disinfect their water, monitor for Disinfection Byproducts and Disinfectant Residuals.)

Contaminant	Number of MCL Violations	Number of Monitoring Violations	Number of Systems
Total Haloacetic Acids	0	0	0
Total Trihalomethanes	3	0	1

Disinfection Byproducts Stage 1 Monitoring

Violation	# Violations	# Systems
Qualified Operator Failure	0	0

Disinfection Byproducts Monitoring

	# Violations	# Systems
Monitoring	0	0

Disinfectant Residual Violations

MRDL	Treatment Technique # Violations	Treatment Technique # Systems	Monitoring # Violations	Monitoring # Systems
0	2	2	0	0

Lead and Copper Rule Violations

(Per the SWDA, only Community and Non-transient, non-community water system monitor for Lead and Copper.)

Contaminant	Number of Monitoring Violations	Number of Systems	Systems with Violations
Lead and Copper	9	9	0.68%

Surface Water Treatment Rule Violations

Type of Violation	Number of Violations	Number of Systems
Monitoring	0	0
Record Keeping	0	0
Treatment Technique	0	0

Ground Water Rule

Type of Violation	Number of Violations	Number of Systems
Monitoring/Reporting/Recordkeeping	0	0
Sanitary Survey – Failure to Address	0	0
Sanitary Survey – Failure to Consult	0	0
Treatment Technique	0	0

Variances and Exemptions

No variances or exemptions were issued.

MCL Violations other than Total Coliform/RTCR and Nitrate

Population Affected by Various Contaminants

Contaminant	Number of MCL Violations	Number of Systems	Population Affected
Arsenic	12	5	908
Uranium	12	2	437
Nitrate	49	25	7548

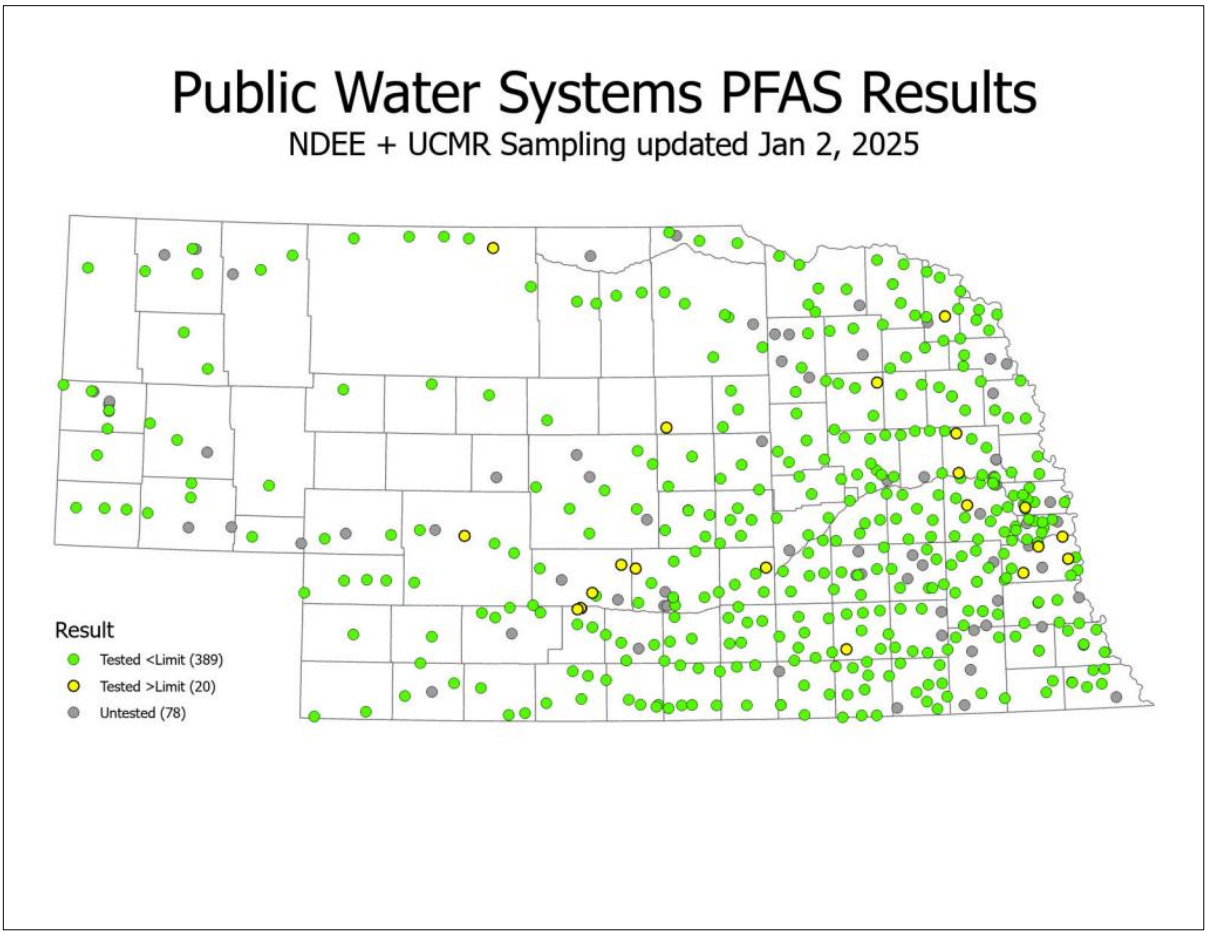
Emerging Issues

On June 25, 2024 the National Primary Drinking Water Rule (NPDWR) for PFAS was finalized. The PFAS Rule established sampling requirements and contaminant limits for 6 different PFAS chemical Systems have three years from the date NPDWR's are finalized to prepare for new requirements. Nebraska CWS and NTNCs have to be in compliance with the PFAS Rule by June 25, 2027.

Regulated PFAS Chemical(s)	Maximum Contaminant Level
Perfluorooctanoic acid (**PFOA**)	4.0 nanograms per liter (ng/L)
Perfluorooctane sulfonate (**PFOS**)	4.0 ng/L
*Perfluorohexane sulfonic acid (**PFHxS**)	10.0 ng/L
*Hexafluoropropylene Oxide Dimer Acid (HFPO-DA) or **GenX**	10.0 ng/L
*Perfluorononanoic Acid (**PFNA**)	10.0 ng/L
*Mix of 2 or more of PFHxS, GenX, PFNA, and PFBS	Hazard Index (HI) of 1 (unitless)

In conjunction with this new regulation, since 2023 EPA has been coordinating initial PFAS sampling in all of Nebraska's communities with populations over 3,300. To assist in initial sampling costs for CWS below 3,300, and publicly owned NTNCs (like rural schools), NDEE is utilizing federal grants to provide PFAS sampling kits free of charge.

The map on the following page shows preliminary PFAS results in Nebraska's public water systems. NDEE is working to identify sources of PFAS across the state and establish funding strategies for mitigating PFAS found in PWSs.



On May 15, 2025 EPA announced its intention to reconsider the regulatory determinations for 4 of the 6 regulated PFAS (denoted with an asterisk in the above table) and extend the compliance deadlines for the 2 remaining PFAS. The EPA plans to propose an updated final PFAS Rule in Spring 2026. For more information and updates from EPA regarding PFAS regulations visit: https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas.

The EPA final rule on PFAS in drinking water became effective on June 25, 2024 which applies to both Community and Non-transient Non-Community public water systems. NDEE is reviewing the final rule and will work to update its regulations to ensure compliance with the new federal standards. In addition, the Department is reviewing the new Emerging Contaminant Bipartisan Infrastructure Law funds for 2024 to learn more about funding available to public water systems affected by this new standard and how the agency can provide support. The final rule regulates six unique PFAS (see chart on the following page) and requires initial monitoring by 2027 with compliance to the PFAS MCLs beginning in 2029.

The EPA has PFAS sampling data for public water systems that serve populations of 3,300 or more through the Fifth Unregulated Contaminant Monitoring Rule (UCMR5). That data is available online: https://www.epa.gov/dwucmr/data-summary-fifth-unregulated-contaminant-monitoring-rule