

# Climate Pollution Reduction Grant:

Developing Plans to  
Reduce Greenhouse Gas  
Emissions in Nebraska



Photo credit:  
Taylor Siebert - Unsplash



# EPA Climate Pollution Reduction Grant (CPRG) Program

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## **PHASE 1: Planning**

Nebraska has received a \$3 million non-competitive planning grant to develop climate pollution reduction strategies.

(The City of Omaha has a separate \$1 million planning grant.)

## **PHASE 2: Implementation**

\$4.6 billion available nationwide for competitive grants to implement planned measures. Open to all state agencies, municipalities, and tribes in Nebraska.




# Coordination and Outreach

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As the lead agency for Nebraska, NDEE is required to:

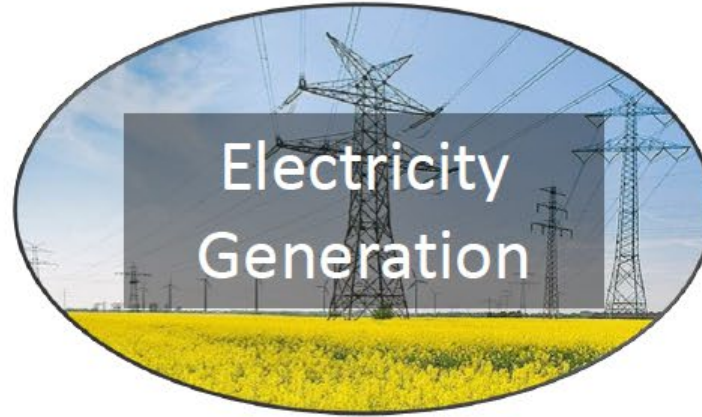
- coordinate with other state agencies and governments in the planning and
- conduct extensive public and stakeholder outreach.

NDEE will work with stakeholders to identify voluntary actions and incentive programs that can be funded through federal grant programs established by the Inflation Reduction Act, Bipartisan Infrastructure Law, and the Climate Pollution Reduction Grant Program.



# Planning will consider key economic sectors:

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## KEY SECTORS



# Planning Grant Deliverables:

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1. *A Priority Climate Action Plan (PCAP)*, due March 1, 2024
2. *A Comprehensive Climate Action Plan (CCAP)* due in August 2025
3. *A Status Report* due at the close of the 4-year grant program.

Governmental entities in Nebraska may submit applications for the first round of implementation grants by April 1, 2024 to implement GHG reduction measures covered by the PCAP.

NOTE: EPA has not yet released program guidelines for the Implementation Grants.




## Priority Climate Action Plan (PCAP – Mar. 1, 2024):

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Propose high-priority, implementation-ready, near-term measures to reduced greenhouse gas (GHG) emissions in one or more sectors.

### Requirements:

- A GHG inventory (may use EPA state-level inventory)
  - Quantified GHG reduction measures
  - Analysis of benefits to low-income and disadvantaged communities.
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# Climate and Economic Justice Screening Tool

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As part of the Justice40 Initiative, the White House Council on Environmental Quality has created this on-line mapping application to identifies communities that are faced with significant challenges or burdens of different types:

- Climate change
- Health
- Legacy pollution
- Water/wastewater
- Energy
- Housing
- Transportation
- Workforce development

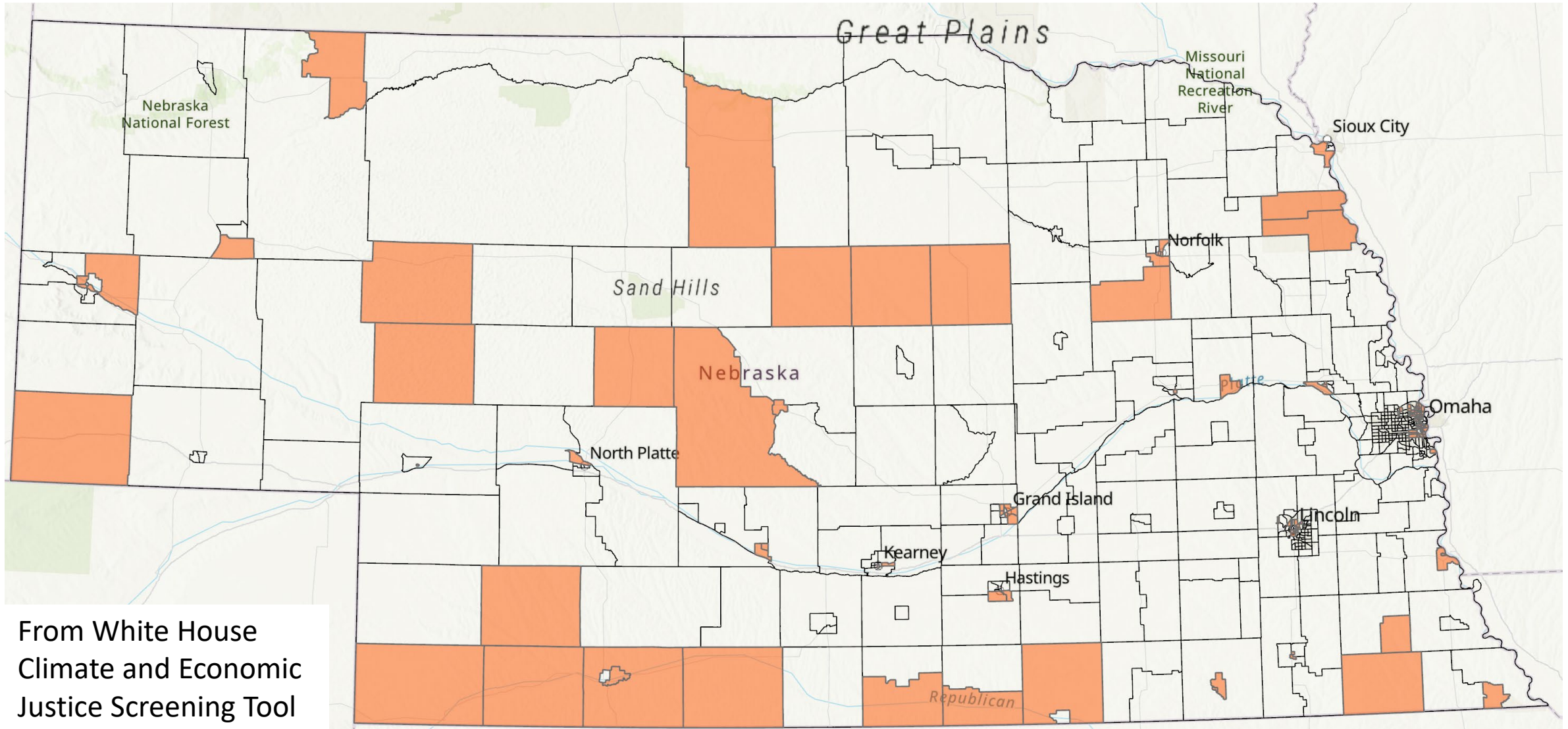
Rankings were established for each category by considering category factors combined with income. Communities are considered disadvantaged if they are in census tracts that meet a threshold for at least one of these categories.

Lands of Federally Recognized Tribes are also considered disadvantaged.



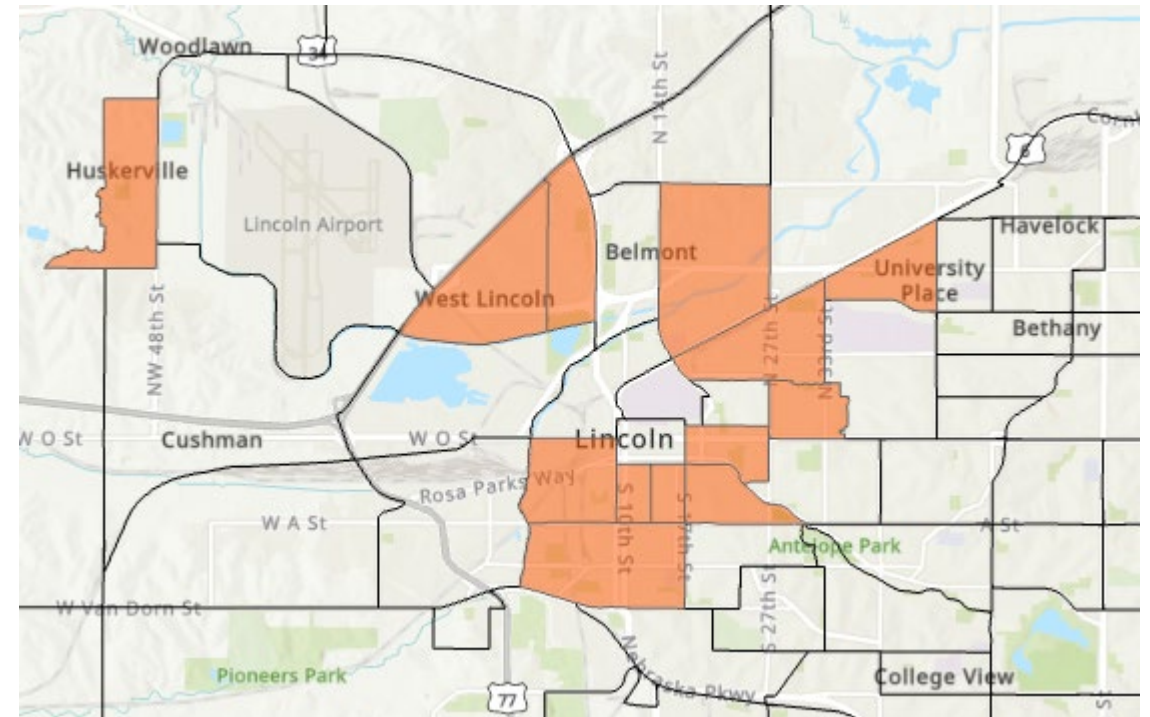
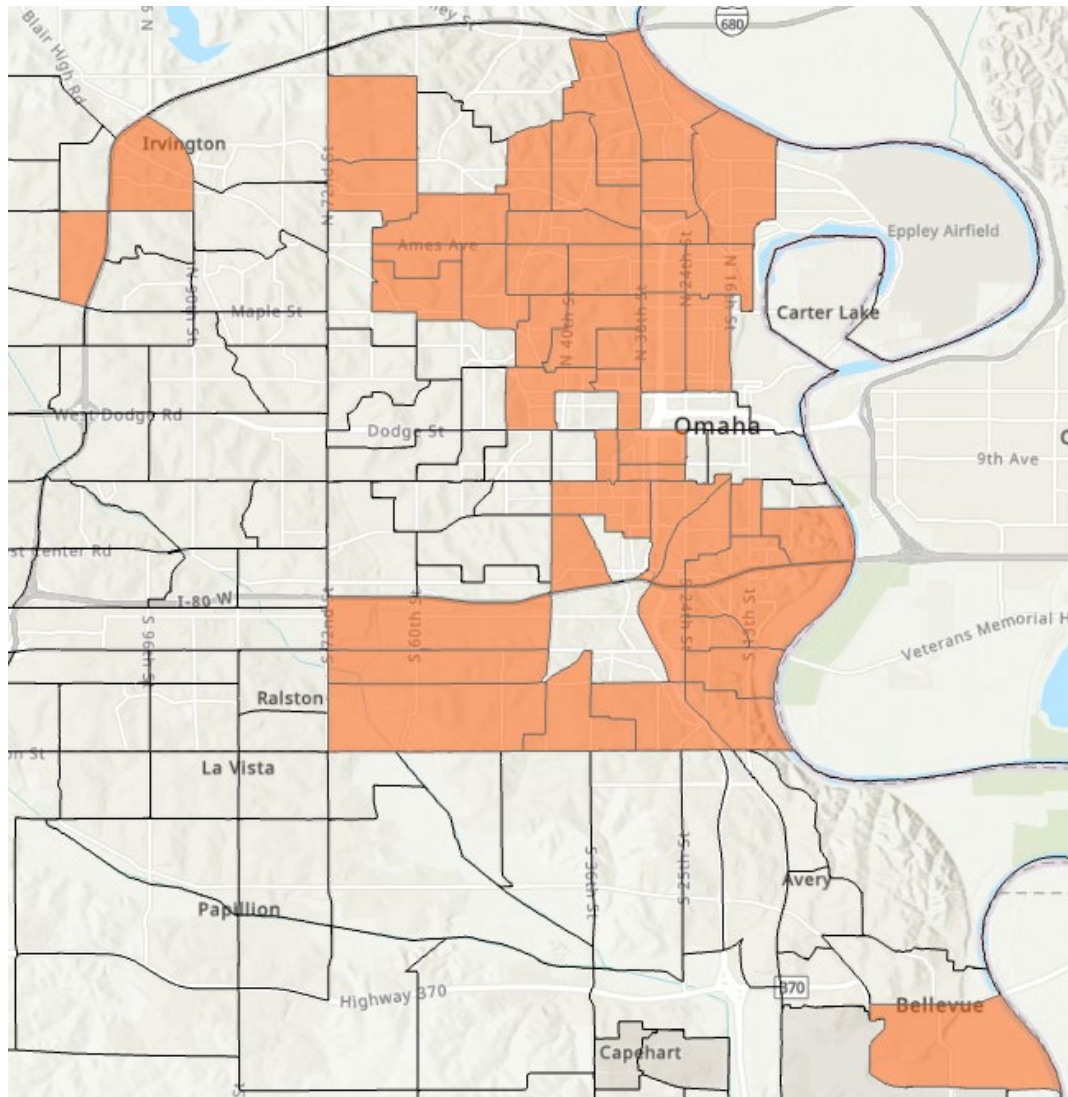


# Nebraska Underserved Community Census Tracts





# Omaha and Lincoln Underserved Census Tracts




From White House  
Climate and Economic  
Justice Screening Tool

# Comprehensive Climate Action Plan (CCAP – Aug. 2025):

Consider all significant GHG sources and sectors in the state, establish near-term and long-term emission reduction goals, and identify appropriate strategies and measures.

## Requirements:

- A GHG inventory (may use EPA state-level inventory)
  - GHG emissions projections
  - Quantified GHG reduction measures
  - Analysis of benefits for the full area and population
  - Analysis of benefits to low-income and disadvantaged communities
  - Workforce planning analysis & plan to leverage other federal funding
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# Agriculture/Natural and Working Lands: Policy & Program Examples



## Anaerobic Digestion

Anaerobic digestion captures and converts methane from manure, food waste, and other organics to renewable energy



## Soil, Crop, and Feed Management



Carbon storage can be enhanced through increasing the mass and quality of plant and animal inputs to soils; improving soil microbial diversity and abundance; maintaining living plant cover on soils year-round; Enteric fermentation emissions from livestock can be reduced through feed management



## Composting

Composting converts organic materials into a nutrient-rich soil amendment or mulch and improves carbon sequestration

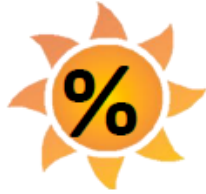


## Forested Lands Preservation and Restoration

Carbon storage in the land use, land use change, and forestry (LULUCF) sector through productive use of forested land and by reducing conversion of land to settlements and agriculture.



# Clean and Renewable Electricity Generation: Policy & Program Examples



## Clean and Renewable Energy Targets

Requires specified percentage of energy to be from clean and/or renewable sources; includes state Renewable Portfolio Standard (RPS) and Clean Energy Standards (CES)



## Net Metering

Allows utility customers who generate their own electricity from solar power to sell the electricity they aren't using back into the grid



## Community Choice Aggregation (CCA)

Local governments procure power from alternative supplier while still receiving transmission and distribution from existing provider



## Renewable Energy on Contaminated Lands

Financial incentives and streamlined permitting programs encourage reuse of contaminated lands, landfills, and mine sites for renewable energy production



# Reducing Demand with Energy Efficiency: Policy & Program Examples



## Energy Efficiency Resource Standards (EERS)

Requires electric utilities or statewide agency to meet a percentage of electricity usage through energy efficiency programs



## Energy Efficiency Programs



Provides financial incentives and technical assistance to encourage customers to invest in energy-efficient technologies, services, and behavior change



## Lead-By- Example

Promotes EE and policies for public facilities, equipment, and government operations through energy data management and evaluation



## Appliance and Equipment Efficiency Programs and Standards

Sets minimum energy efficiency standards for appliances and equipment used in homes, businesses, and other applications; programs to pick up and dispose of old appliances

# Transportation: Policy & Program Examples



## Transition to Clean Vehicles

Increase share of electric vehicles (EVs) and expand charging infrastructure; Purchase of EVs for government fleets



## Reducing Emissions at Ports and Freight Corridors

Purchase zero-emission vehicles/equipment to replace older diesel vehicles/equipment; Reduce idling (e.g., shore power, vessel-speed reduction); Optimize freight efficiency (reduce empty miles, co-load pairing, intermodal infrastructure, etc.)



## Adopt Climate Regulations

Adopt clean fuel standards for transportation sector; Consider other policy options



## Retire and Replace Other Nonroad Equipment

Retire and replace other old nonroad equipment; Replace older switcher locomotive and line-haul engines with zero-emissions technologies; *Note - some nonroad equipment may be found in other sectors of climate plans (e.g., farm equipment in the agricultural sector)*





# Commercial & Residential Buildings: Policy & Program Examples



## Benchmarking

Measuring building energy use (and in some case water and waste use) and comparing it to similar buildings, its own historical use, or a reference performance level



## Financial Incentives for Energy Efficiency and Efficient Electrification of Buildings



Eases cost of energy efficiency retrofits and measures, and efficient and electric home appliances; includes tax credits, rebates, and registration fee reductions



## Building Performance Standards

Establish specific performance levels that buildings must achieve; applied to existing commercial and multifamily buildings



## Energy Efficiency and Efficient Electrification Building Codes, Standards, and Permitting

Requires and/or prioritizes energy efficiency and/or all-electric design including electric vehicle supply equipment readiness in building codes and standards; streamlines permitting process

# Industry: Policy & Program Examples



## **Energy Efficiency Technologies and Practices**

Efficiency through energy management including benchmarking, efficient process, basic system improvement



## **Material Efficiency**

Increased use of products and materials that are reused, remanufactured, and recycled to reduce production of energy intensive primary materials



## **Renewable Energy, Carbon Capture, and Energy Storage**

Use of on-site renewables, self-generated biomass residues as fuel, hydrogen or other generated renewable gases, and/or Carbon Capture, Utilization & Storage (CCUS) technology



## **Electrification**

Encourage industry to switch from fossil fuel to electricity for certain heating needs; *Ex. Warming a piped fluid*

# Waste & Materials Management: Policy & Program Examples



## **Energy Management, Energy Efficiency and Renewable Energy at Wastewater Plants**

Benchmarking energy, data analytics, equipment upgrades, operational modifications, renewable energy options, and retrofits to facility buildings



## **Circular Economy and Sustainable Materials Management**

Systematic approach to using and reusing materials more productively and sustainably throughout their entire life cycles



## **Landfill Gas Recovery**

Recovered landfill gas can be utilized to generate electricity, produce renewable natural gas, fuel industries, and heat buildings



## **Sustainable Management of Food**

Systematic approach that seeks to reduce wasted food and its associated impacts over the entire life cycle






# Join a Stakeholder Workgroup

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Stakeholder workgroups will begin meeting in the next two months.

Contact NDEE to join one of these workgroups:

- Agriculture / Natural and Working Lands
  - Energy Production
  - Transportation
  - Buildings, Housing, and Communities
  - Energy-Intensive Industries / Waste Management
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# Resources

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NDEE CPRG webpage with the planning grant workplan:

<http://dee.ne.gov/ndeqprog.nsf/onweb/cprg>

Join the Climate Pollution Reduction Listserv:

Instructions are provided on the CPRG webpage.

Submit written comments:

Nebraska Department of Environment and Energy

Attn: Randy Smith – Waste and Air Grants Section

PO Box 98922

Lincoln, NE 68509-8922

[NDEE.climatepollution@nebraska.gov](mailto:NDEE.climatepollution@nebraska.gov)



# EPA Climate Pollution Reduction Grant (CPRG) Program

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<https://aksarben.org/full-value-ag/>





# Nebraska's Clean Water Act 404 Assumption Journey

Nebraska Department of Environment and  
Energy

Dane Pauley

CWA 404 Section Supervisor



# What is the Clean Water Act Section 404

Section 404 of the Clean Water Act requires authorization from the Secretary of the Army, acting through the Corps of Engineers, for the discharge of dredged or fill material into all waters of the United States, including wetlands.

# 404 Assumption

## What?

- The state is looking at assuming permitting responsibilities of the 404 program from the Army Corps of Engineers

## Why?

- To standardize permit reviews at the state level with a program that is as stringent as the federal review and is transparent in the process

## When?

- 1.5 years



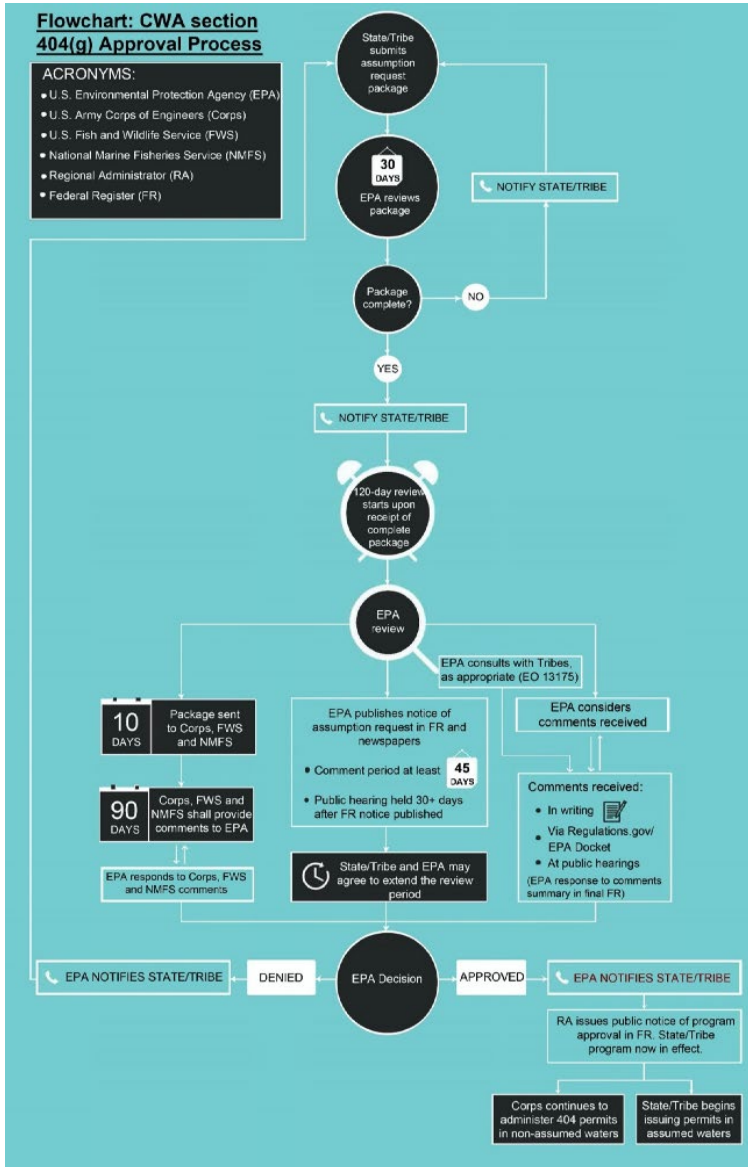
# Nebraska Legislative Bills

- LB302
  - July 2019
  - Granted authority to investigate assumption of the CWA 404 program
- LB809
  - April 12, 2022, passed
  - July 21, 2022, went into effect
  - Develop rule and regulations for 404 program
  - Provides funding
    - To hire staff
    - Develop permitting software

# 404 Program Assumption

- Requires a program application to EPA (40 CFR §233.10)
  - Letter from the Governor requesting program approval
  - A complete program description
  - Attorney General's Statement
  - MOAs with EPA & USACE
  - Copies of state statutes and regulations

404 Program Application		
Element	40 CFR Section	Element Description
A		Governor letter requesting program approval
B	§233.11	Complete program description
	a	Scope and structure of state program
	b	Permitting, administration, & judicial review procedures
	c	State agency organization
	d	Funding and staffing description
	e	Estimated workload
	f	Permit application form, permit template, & reporting forms
	g	Description of compliance & enforcement & Coordination with EPA & Corps
	h	Description of waters in State vs. Corps jurisdiction
	i	BMPs for exempt provisions in 404(f)(1)(E)
C	§233.12	Attorney General's Statement
	a	Laws & Regulations provide proper authority
	b	Acknowledgement that tribal land is not a state assumption option
	c	Legal analysis of prohibition of taking private property without just compensation
	d	Multiple agency responsibility and authorities
D	§233.13	MOA with EPA Regional Administrator
	a	Identify permit applications which EPA will waive federal review
	b	Reports & files to be submitted to EPA
	c	Roles & coordination for compliance monitoring & enforcement
E	§233.14	MOA with Secretary of the Army
	a	Description of waters the Corps maintains jurisdiction over
	b	Procedures to transfer pending permit applications upon program approval
	c	Existing Corps general permits & how the state will administer them
F		Copies of all applicable state statutes and regulations



# EPA Approval Process



# Collaborations

- Meet bi-monthly with EPA
  - Assisting with process
  - Giving early input so process will be smoother in end
- Met bi-monthly with Corps to Develop MOA
  - 90% complete will revisit closer to end
  - Agreed upon administrative line
- Meet monthly with internal Assumption Advisory Committee
  - Get input from other permitting programs
  - Also, water quality standards, process improvement, legal, fiscal and public information officers

## Types of 404 Permits

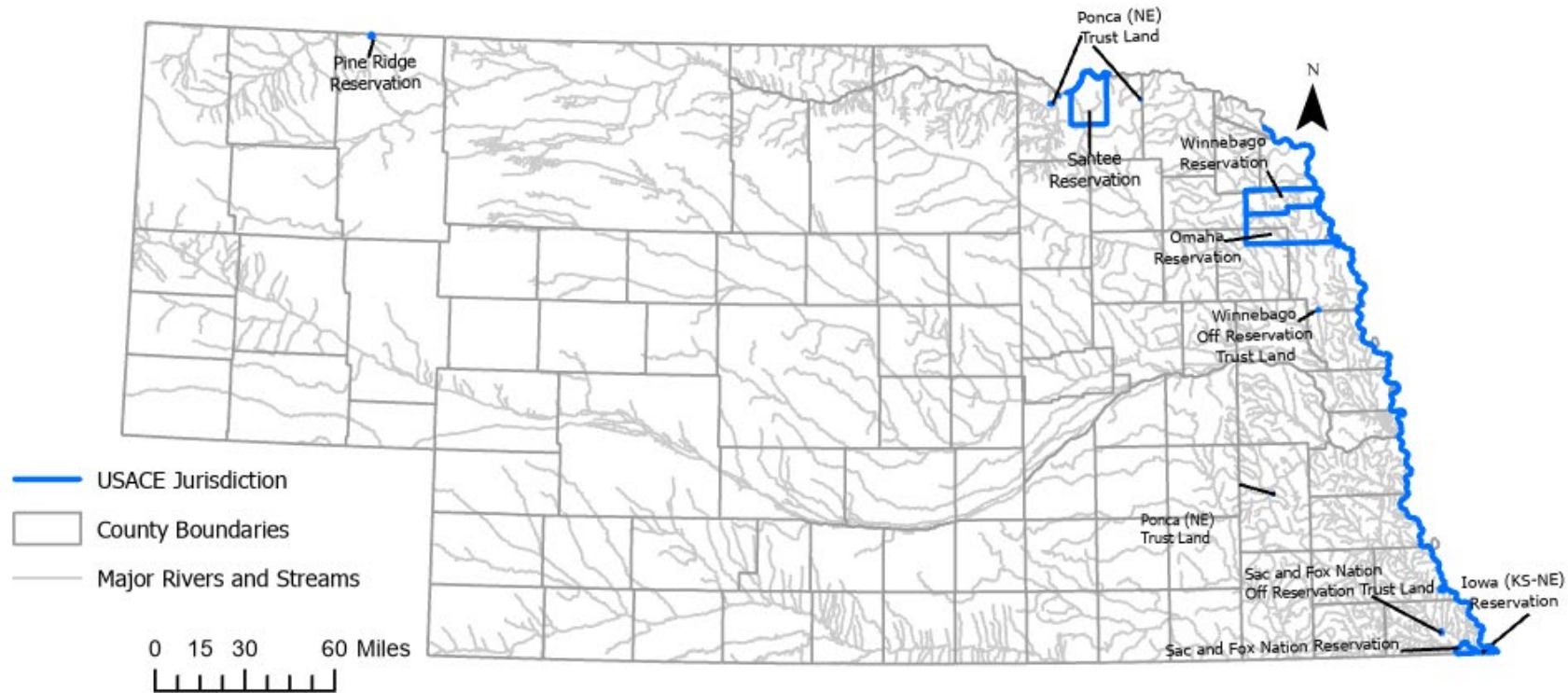
Individual Permits (IP)

Nationwide Permits (NWP)

General Permits (GP)

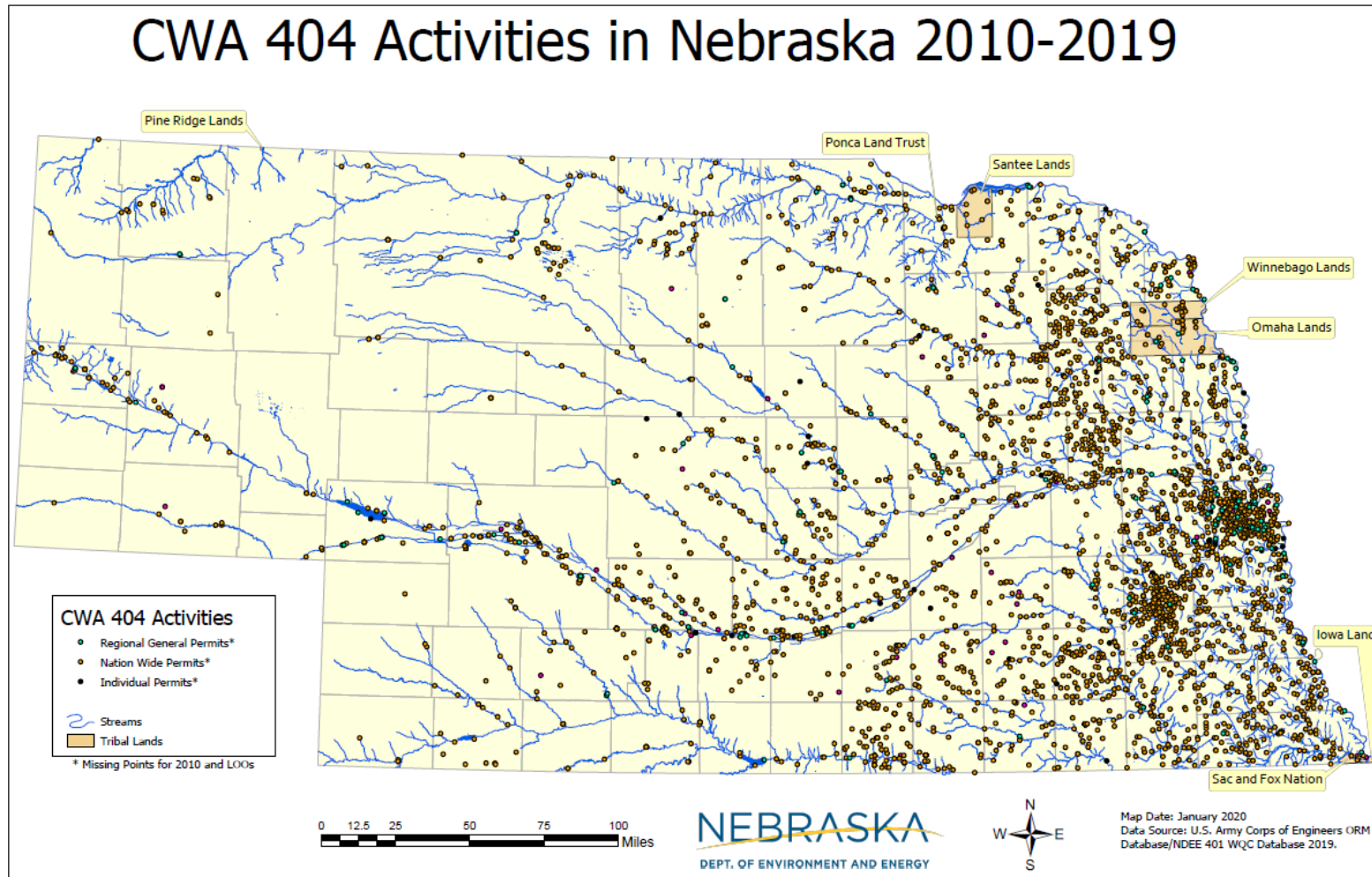
# Assumable vs Retained Waters

## 404 Permitting Authority Retained by the Army Corps of Engineers





# Workload Analysis



# Administrative Costs

Department FTE Model	Direct Cost	Benefits	Indirect rate	Direct+Indirect	Total FTE Cost	Adminstration Cost
	Provided	33% of Direct	37% of Direct	D+I	D+B+I Costs	$((D+I) * 4) / 3$
		0.33	0.37			
Average FTE w/ Management	\$ 56,160.00	\$ 18,532.80	\$ 20,779.20	\$ 76,939.20	\$ 95,472.00	\$ <b>102,585.60</b>
Average FTE w/o Management	\$ 45,760.00	\$ 15,100.80	\$ 16,931.20	\$ 62,691.20	\$ 77,792.00	\$ <b>83,588.27</b>
Program Calculations	# Managers	# Staff		Direct+Indirect	Total TFE Cost	Adminstration Cost
Assumed 404 Program	1	29.7		\$ 1,938,867.84	\$ 2,405,894.40	\$ <b>2,585,157.12</b>

# Annual Assumable Workload

Annual Assumable Workload	Total	IP	GP	JD
Full Assumption	871	8	448	415
Processing Time (Hours)		292	39	8
Total Annual Hours	23,128	2,336	17,472	3,320

\* 5 year average from ORM Database

Full Assumption Annual Workload Estimates

IP = Individual Permit

GP = Regional General Permit, Program General Permit, and Nationwide Permit

JD = Jurisdictional Determination

# Public Outreach

- Will be holding several stakeholder meetings
- Fall 2023
- What we are looking for?
  - The Good and the bad
  - The Wishlist
  - Aspects of the current system that work
  - **Fee Structure**
  - **Regulation Review**



# Common Nebraska NWP's

- Maintenance of existing structures (NWP 3)
- Oil or natural gas pipelines (NWP 12)
- Bank Stabilization (NWP 13)
- Linear Transportation Projects (NWP 14)
- Minor Dredging (NWP 19)
- Aquatic habitat restoration, establishment, and enhancement activities (NWP 27)
- Boat Ramps (NWP 36)
- Living Shorelines (NWP 54)
- Electric Utility Line and Telecommunications Activities (NWP 57)
- Utility Line Activities for Water and Other Substances (NWP 58)

# Nebraska Regional General Permit

- Similar to Nationwide Permits but region-specific activities
- Streamlined review
- Reauthorized every 3-5 years
  - Flood Protection and Repair for Flood Damaged Areas
  - Bank Protection for Central Nebraska Public Power and Irrigation District
- 6 in Nebraska
  - Duck Blinds
  - Bank Protection on Game and Parks Water Bodies – Game and Parks
  - Manmade lake and pond maintenance and rehabilitation
  - Maintenance of existing Flood Control Facilities – Papio Missouri River NRD

# Research

Reviewed 3 assumed states' permitting process

- Michigan
- New Jersey
- Florida

Army Corps of Engineers permitting process

# Current Status

MOA w/ EPA & SHPO in progress

MOA w/ USACE 85% done

Meeting w/ NE Game and Parks and US Fish and Wildlife Service on Threatened and Endangered Species Coordination

Reviewing draft regulations and permits

Developing permitting portal

Drafting a biological assessment



# Next Steps

MOA w/ Fish and Wildlife Service and Game and Parks

MOA w/ State Historical Preservation Office (SHPO)

MOA w/ EPA

Drafting new state title to reflect new duties

Adopting the 40 CFR by reference

Permitting Portal



# Permitting Portal

Office of the Chief Information Officer  
State IT Section



ArcGIS Survey123



ArcGIS Hub

- Introduction
- Application Purpose
- General Information
- Notification Type
- Notification Details Page 1
- State 404 Program
- Important Notice
- Manage Project Site
- Location Selection**
- Manage Contacts
- Project Information
- Project Description
- Wetlands and Surface Waters
- Construction Methods
- Additional Information
- Section K - General Information
- Section K Upload
- Attachment Checklist
- Document Upload
- Signature
- Payment of Fees

# Contact Info

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- 402-471-8389