

September 15, 2026

ATTN: Elizabeth Webster

RE: UP NS Acquisition Docket FD 36873

Dear Ms. Webster,

The Nebraska Department of Water, Energy, and Environment (DWEE) has reviewed the above referenced project. As with any project, permits may be required prior to beginning construction or operation. At a minimum, you should be aware of the possible requirements or permits:

	<u>Contact</u>	<u>Phone</u>
Air Quality	Lindsey Hollmann	(402) 471-4212
Construction Storm Water	Patrick Ducey	(402) 471-4288
NPDES	Patrick Ducey	(402) 471-4288
Dam Safety	Tim Gokie	(402) 471-6398
Drinking Water	Hillary Stoll	(402) 471-4252
Wastewater	Hillary Stoll	(402) 471-4252
Floodplain Management	Erin Wendt	(402) 471-0572
Groundwater Wells	David Miesbach	(402) 471-4982
Stream Gaging	Mike Thompson	(402) 471-0587
Surface Water Rights	Dan Kloch	(402) 471-2098
Water Quality	Jessica Russell	(402) 471-3382
Waste Disposal	Dan LeMaistre	(402) 471-4495

A number of rail line segments in Nebraska would exceed the Board's threshold for noise analysis. DWEE has no regulatory responsibility for train noise, but the EPA does have noise emission compliance regulations (49 CFR Part 210) which must be obeyed. Further, please ensure that operations consider the noise control ordinances of affected local communities.

Air Quality: No comments on this project.

Construction Storm Water/NPDES: If the Union Pacific Corporation takes over any facilities with an NPDES permit, they should work with DWEE to ensure it is transferred.

Dam Safety: No comments on this project.

Drinking Water: No comments on this project.

Wastewater: No comments on this project.

Floodplain Management: No comments on this project.

Groundwater Wells: No comments on this project.

Stream Gaging: No comments on this project.

Surface Water Rights: No comments on this project.

Water Quality: If the proposed project will result in a possible discharge into waters determined to be federally jurisdictional Waters of the United States (WOTUS), a federal permit from the US Army Corps of Engineers (USACE), 401 Water Quality Certification from DWEE, and compensatory mitigation may be required. These impacts will require the project to comply with § 401 of the Clean Water Act and Nebraska Titles 120 and 117. During the project planning phase, the Department recommends that the proponent contact DWEE to discuss the project and ensure that it will comply with Title 117, *Nebraska Surface Water Quality Standards*.

For projects that impact non-federally jurisdictional Waters of the State (WOTS), the project proponent may voluntarily request a Letter of Opinion (LOO) from DWEE. A LOO provides a professional opinion regarding whether activities that may impact non-federally jurisdictional waters are likely to comply with the water quality standards established in Title 117. Information regarding Title 117 reviews and Section 401 Water Quality Certification may be found at <https://dwee.nebraska.gov/>. Please contact the DWEE Section 401 Water Quality Certification Coordinator (DWEE.401certification@nebraska.gov) for additional information or questions.

Any construction following from the project should reference Nebraska Wellhead Protection Areas and make appropriate considerations for groundwater protection if they are found to be within one or more areas."

Waste Disposal: No Waste Permit Required.

All waste generated or discovered on site must be properly handled, contained, and disposed as per all applicable regulations found in Nebraska Title 128 – Hazardous Waste Regulations and Nebraska and Title 132 – Integrated Solid Waste Management Regulations. This includes proper waste determinations and characterization before disposal. Where possible, DWEE urges reuse and recycling of any materials generated by the project.

If you have any questions about solid or hazardous waste regulations, please contact the DWEE at (402) 471-2186 or DWEE.solidwaste@nebraska.gov.

If you have any other questions, feel free to contact the individuals listed above. For more information, please visit our website at dwee.nebraska.gov.

Sincerely,

Matthew Standley
Matthew Standley