

# CHAPTER 11:

## Financial Assurance Requirements

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Section 81-1505(21) provides the statutory authority for the Department to develop, and the Council to adopt as regulations, requirements for all applicants to establish proof of financial responsibility. The requirements pertain to all new or renewal permit applicants regulated under the Nebraska Environmental Protection Act, the Integrated Solid Waste Management Act, and the Livestock Waste Management Act, unless a class of permittees is exempted by the Council. The purpose of financial responsibility is for an applicant to provide funds to be used in the event of abandonment, default or other inability of the permittee to comply with terms or conditions of its permit or license. State statutes also identify types of funding mechanisms that applicants can use to meet the requirements.

Following is a table which provides a comprehensive list of existing financial assurance requirements for each permittee. Financial assurance amounts are listed in two categories: the first is the obligated amount, which lists the total amount of financial assurance which must be provided by the time of closure of the facility. Second is the current amount demonstrated, which lists the amount of financial assurance which is currently accrued towards the obligated amount. The table lists the facility location, permit type, initial date financial assurance provided, method or type of financial assurance provided and the guarantor for each permittee.

## NDEQ FINANCIAL ASSURANCE

| Facility Name  | Location     | Permit Type   | Initial Date | Obligated Amount | Current Amount Demonstrated | FA Mechanism     | Guarantor                    |
|--|--------------|---------------|--------------|------------------|-----------------------------|------------------|------------------------------|
| <b>Municipal Solid Waste Disposal Areas (MSWDA), Sanitary Landfills (LF)</b>               |              |               |              |                  |                             |                  |                              |
| Alliance Landfill  | Alliance     | MSWDA         | 03/17/94     | \$ 4,746,891     | \$ 1,966,721                | Enterprise Fund  | City of Alliance             |
| Beatrice Area SW Agency  | Beatrice     | MSWDA         | 07/12/00     | \$ 6,910,988     | \$ 6,908,709                | Financial Test   | City of Beatrice             |
| Butler County Landfill   | David City   | MSWDA         | 10/03/08     | \$ 14,953,440    | \$ 5,981,898                | Trust Fund       | US Bank                      |
| Douglas County Landfill  | Bennington   | MSWDA         | 03/28/00     | \$ 13,319,331    | \$ 13,319,331               | Surety Bond      | Evergreen Ntl. Indemnity Co. |
| G & P Dev Landfill   | Milford      | MSWDA         | 10/03/08     | \$ 12,336,388    | \$ 3,198,850                | Trust Fund       | US Bank                      |
| Gering Landfill  | Gering       | MSWDA         | 02/13/96     | \$ 2,299,570     | \$ 1,651,190                | Enterprise Fund  | City of Gering               |
| L.P. Gill Landfill   | Jackson      | MSWDA         | 04/09/96     | \$ 7,664,733     | \$ 4,240,316                | Trust Fund       | Premier Trust                |
| Grand Island Landfill  | Grand Island | MSWDA         | 03/31/96     | \$ 10,540,348    | \$ 10,540,348               | Financial Test   | City of Grand Island         |
| Hastings Area Landfill   | Hastings     | MSWDA         | 03/18/13     | \$ 6,017,684     | \$ 3,757,100                | Enterprise Fund  | City of Hastings             |
| Hastings Landfill  | Hastings     | Sanitary LF   | 10/01/97     | \$ 145,106       | \$ 32,110                   | Faith & Credit   | City of Hastings             |
| Holdrege Landfill  | Holdrege     | MSWDA         | 07/29/96     | \$ 3,057,733     | \$ 2,038,133                | Enterprise Fund  | City of Holdrege             |
| J-Bar-J Landfill   | Ogallala     | MSWDA         | 03/28/00     | \$ 6,338,451     | \$ 6,338,451                | Performance Bond | Evergreen Ntl. Indemnity Co. |
| Kearney Landfill   | Kearney      | MSWDA         | 03/31/94     | \$ 8,267,153     | \$ 3,481,875                | Trust Fund       | Union Bank & Trust           |
| Kimball Landfill   | Kimball      | MSWDA         | 05/10/96     | \$ 1,930,202     | \$ 1,124,496                | Enterprise Fund  | City of Kimball              |
| Lexington Landfill   | Lexington    | Sanitary LF   | 07/25/96     | \$ 284,586       | \$ 283,051                  | Faith & Credit   | City of Lexington            |
| Lexington Area Agency  | Lexington    | MSWDA         | 01/19/97     | \$ 2,899,359     | \$ 2,366,299                | Enterprise Fund  | Lexington Area SW Agency     |
| Lincoln Bluff Road Landfill  | Lincoln      | MSWDA         | 04/01/96     | \$ 25,948,987    | \$ 25,948,987               | Financial Test   | City of Lincoln              |
| Loup Central Landfill  | Elba         | MSWDA         | 04/09/96     | \$ 2,485,685     | \$ 1,075,075                | Trust Fund       | Citizens Bank & Tr St. Paul  |
| McCook Landfill  | McCook       | Sanitary LF   | 03/04/96     | \$ 409,860       | \$ 81,972                   | Faith & Credit   | City of McCook               |
| NE Ecology Landfill  | Geneva       | MSWDA         | 10/03/08     | \$ 3,213,562     | \$ 1,027,416                | Trust Fund       | US Bank                      |
| NNSWC Landfill   | Clarkson     | MSWDA         | 04/09/96     | \$ 20,788,659    | \$ 8,193,200                | Enterprise Fund  | NNSWC                        |
| Pheasant Point Landfill  | Bennington   | MSWDA         | 08/01/03     | \$ 29,796,193    | \$ 29,786,193               | Surety Bond      | Evergreen Ntl. Indemnity Co. |
| Sarpy County Landfill  | Papillion    | MSWDA         | 03/31/96     | \$ 3,200,964     | \$ 3,937,989                | Enterprise Fund  | Sarpy County                 |
| Sidney Landfill  | Sidney       | MSWDA         | 02/11/97     | \$ 2,468,833     | \$ 1,032,270                | Enterprise Fund  | City of Sidney               |
| SWANN Landfill   | Chadron      | MSWDA         | 09/25/97     | \$ 1,554,718     | \$ 808,208                  | Enterprise Fund  | SWANN                        |
| Valentine Landfill   | Valentine    | MSWDA         | 04/09/96     | \$ 1,845,096     | \$ 792,850                  | Enterprise Fund  | City of Valentine            |
| York Landfill  | York         | Sanitary LF   | 05/14/96     | \$ 46,490        | \$ 11,750                   | Faith & Credit   | City of York                 |
| York Area SW Landfill  | York         | MSWDA         | 05/14/96     | \$ 4,730,229     | \$ 2,171,572                | Enterprise Fund  | City of York                 |
| *MSWDAs are landfills that are operating under current solid waste management regulations. |              |               |              |                  |                             |                  |                              |
| **Sanitary LFs are closed facilities that have post-closure monitoring and maintenance.    |              |               |              |                  |                             |                  |                              |
| <b>Construction/Demolition Landfills</b>   |              |               |              |                  |                             |                  |                              |
| Abe's Trash Service C & D  | Blair        | Const./Demol. | 03/30/98     | \$ 278,675       | \$ 278,889                  | Escrow Account   | Bank of Bennington           |
| Alliance C & D Landfill  | Alliance     | Const./Demol. | 12/02/99     | \$ 159,203       | \$ 91,877                   | Enterprise Fund  | City of Alliance             |
| Anderson Excavating C & D  | Omaha        | Const./Demol. | 11/15/12     | \$ 990,900       | \$ 990,900                  | Letter of Credit | Availa Bank                  |
| Arnold C & D Landfill  | Arnold       | Const./Demol. | 07/24/00     | \$ 49,529        | \$ 50,200                   | Enterprise Fund  | Village of Arnold            |
| Beatrice Area SW Agency  | Beatrice     | Const./Demol. | 10/15/12     | \$ 1,057,762     | \$ 1,093,011                | Financial Test   | City of Beatrice             |
| Benkelman C & D Landfill   | Benkelman    | Const./Demol. | 10/15/06     | \$ 67,551        | \$ 22,733                   | Enterprise Fund  | City of Benkelman            |
| Broken Bow C & D Landfill  | Broken Bow   | Const./Demol. | 11/23/07     | \$ 129,543       | \$ 41,719                   | Enterprise Fund  | City of Broken Bow           |

## NDEQ FINANCIAL ASSURANCE

| Facility Name   | Location     | Permit Type   | Initial Date | Obligated Amount | Current Amount Demonstrated | FA Mechanism     | Guarantor                    |
|---|--------------|---------------|--------------|------------------|-----------------------------|------------------|------------------------------|
| Bud's Sanitary Service C & D  | Newman Grove | Const./Demol. | 06/01/97     | \$ 38,529        | \$ 38,529                   | Letter of Credit | First Natl. Bank Newman Gr   |
| Eco-Storage C & D Landfill  | Omaha        | Const./Demol. | 06/03/10     | \$ 286,600       | \$ 286,600                  | Surety Bond      | Evergreen Ntl Indemnity Co.  |
| Franklin C&D Landfill   | Franklin     | Const./Demol. | 11/08/10     | \$ 28,273        | \$ 14,441                   | Enterprise Fund  | City of Franklin             |
| Gage County C & D Landfill  | Beatrice     | Const./Demol. | 02/23/98     | \$ 165,076       | \$ 200,000                  | Letter of Credit | Security First Bank          |
| Hawkins Construction C & D  | Omaha        | Const./Demol. | 01/03/02     | \$ 392,604       | \$ 392,604                  | Surety Bond      | Hartford Fire Ins. Co.       |
| Holdrege C & D Landfill   | Holdrege     | Const/Demol.  | 05/01/09     | \$ 316,612       | \$ 63,756                   | Enterprise Fund  | City of Holdrege             |
| KGP Services C & D  | Norfolk      | Const/Demol.  | 11/06/03     | \$ 99,062        | \$ 99,062                   | Escrow Account   | Elkhorn Valley Bank & Trust  |
| Kimball C & D Landfill  | Kimball      | Const./Demol. | 04/01/01     | \$ 81,812        | \$ 61,067                   | Enterprise Fund  | City of Kimball              |
| Lead Waste Mgmt C&D Landfill  | Waterbury    | Const./Demol. | 05/28/14     | \$ 73,765        | \$ 73,765                   | Letter of Credit | Adrian State Bank            |
| L.P. Gill Landfill C & D  | Jackson      | Const/Demol.  | 04/09/96     | \$ 165,353       | \$ 138,891                  | Trust Fund       | Premier Trust                |
| Lexington C & D Landfill  | Lexington    | Const./Demol. | 09/30/98     | \$ 339,490       | \$ 167,119                  | Enterprise Fund  | Lexington Area SW Agency     |
| Lincoln North 48th St. C & D  | Lincoln      | Const./Demol. | 04/01/96     | \$ 3,569,917     | \$ 3,569,917                | Financial Test   | City of Lincoln              |
| Loup Central C & D Landfill#2   | Elba         | Const./Demol. | 01/28/01     | \$ 100,281       | \$ 52,287                   | Trust Fund       | Citizens Bank & Tr. St. Paul |
| NPPD Gerald Gentleman   | Sutherland   | Const./Demol. | 04/01/95     | \$ 264,354       | \$ 264,354                  | Financial Test   | NPPD                         |
| O'Neill C & D Landfill  | O'Neill      | Const./Demol. | 06/01/01     | \$ 235,896       | \$ 49,257                   | Enterprise Fund  | City of O'Neill              |
| O'Neill Wood Resources C & D  | Grand Island | Const./Demol. | 10/10/18     | \$ 462,928       | \$ 11,388                   | Trust Fund       | Minden State Bank & Trust    |
| PAD LLC C & D Landfill  | Hastings     | Const./Demol. | 06/05/02     | \$ 205,413       | \$ 207,889                  | Escrow Account   | Five Points Bank             |
| Plainview C & D Landfill  | Plainview    | Const./Demol. | 09/26/00     | \$ 83,661        | \$ 74,385                   | Enterprise Fund  | City of Plainview            |
| Rainwood Hill LLC C & D   | Omaha        | Const/Demol.  | 05/29/15     | \$ 211,320       | \$ 211,320                  | Surety Bond      | Hudson Insurance Co.         |
| Red Cloud C&D Landfill  | Red Cloud    | Const/Demol.  | 04/04/17     | \$ 98,896        | \$ 9,115                    | Enterprise Fund  | City of Red Cloud            |
| Schmader C & D Landfill   | West Point   | Const/Demol.  | 07/27/12     | \$ 190,472       | \$ 190,472                  | Letter of Credit | Charter West Ntl Bank        |
| Sidney C & D Landfill   | Sidney       | Const./Demol. | 11/23/99     | \$ 133,419       | \$ 49,806                   | Enterprise Fund  | City of Sidney               |
| SW NE Solid Waste Agency  | Imperial     | Const./Demol. | 06/01/01     | \$ 151,202       | \$ 72,600                   | Enterprise Fund  | City of Imperial             |
| Three Valleys C & D Landfill  | Indianola    | Const./Demol. | 02/24/10     | \$ 81,539        | \$ 81,539                   | Letter of Credit | McCook Ntl Bank              |
| York C & D Landfill   | York         | Const/Demol.  | 12/01/07     | \$ 822,221       | \$ 136,307                  | Enterprise Fund  | City of York                 |
| <b>Fossil Fuel Combustion Ash (FFCA), Industrial Waste Landfills, Monofills</b> |              |               |              |                  |                             |                  |                              |
| Ash Grove Cement Co.  | Louisville   | Indus. Waste  | 03/01/03     | \$ 4,566,288     | \$ 4,795,726                | Insurance Policy | Great American E&S Ins. Co.  |
| Clean Harbors Technology  | Kimball      | Monofill      | 08/01/95     | \$ 2,867,743     | \$ 3,615,339                | Insurance Policy | Indian Harbors Insurance Co. |
| Fremont Utilities   | Fremont      | FFCA          | 05/28/96     | \$ 3,512,995     | \$ 793,767                  | Enterprise Fund  | City of Fremont              |
| Hastings Utilities  | Hastings     | FFCA          | 02/01//01    | \$ 12,829,000    | \$ 2,087,822                | Enterprise Fund  | City of Hastings & PPGA      |
| NPPD Gerald Gentleman 4   | Sutherland   | FFCA          | 04/01/95     | \$ 6,646,123     | \$ 6,646,123                | Financial Test   | NPPD                         |
| NPPD Sheldon Station 4  | Sheldon      | FFCA          | 07/01/01     | \$ 2,332,648     | \$ 2,332,648                | Financial Test   | NPPD                         |
| OPPD NE City 1  | NE City      | FFCA          | 04/04/95     | \$ 6,719,167     | \$ 6,719,167                | Financial Test   | OPPD                         |
| OPPD NE City 2  | NE City      | FFCA          | 06/30/09     | \$ 6,125,423     | \$ 6,115,423                | Financial Test   | OPPD                         |
| OPPD North Omaha  | Omaha        | FFCA          | 04/04/95     | \$ 3,460,926     | \$ 3,424,926                | Financial Test   | OPPD                         |
| OPPD Fort Calhoun (IW)  | Ft. Calhoun  | Indus. Waste  | 04/04/95     | \$ 128,365       | \$ 128,365                  | Financial Test   | OPPD                         |
| Platte Generation   | Grand Island | FFCA          | 03/18/14     | \$ 1,772,778     | \$ 1,772,778                | Financial Test   | City of Grand Island         |
| Waste Management of NE  | Bennington   | Indus. Waste  | 02/19/04     | \$ 1,458,137     | \$ 1,458,137                | Surety Bond      | Lexon Insurance Co.          |

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| Facility Name   | Location     | Permit Type      | Initial Date | Obligated Amount | Current Amount Demonstrated | FA Mechanism     | Guarantor                     |
|---|--------------|------------------|--------------|------------------|-----------------------------|------------------|-------------------------------|
| <b>Transfer Stations, Material Recovery Facilities, Compost Sites</b> |              |                  |              |                  |                             |                  |                               |
| AltEn LLC   | Mead         | Compost          | 04/01/07     | \$ 188,466       | \$ 188,508                  | Escrow Account   | American Ntl Bank             |
| Bud's Sanitary Service  | Newman Gr.   | Transfer Station | 05/19/17     | \$ 2,970         | \$ 2,970                    | Letter of Credit | First Natl. Bank, NG          |
| Custer Transfer Station   | Broken Bow   | Transfer Station | 11/08/16     | \$ 10,339        | \$ 10,339                   | Letter of Credit | Nebraska State Bank           |
| Doernemann Const. Co.   | Clarkson     | Compost          | 12/15/99     | \$ 101,013       | \$ 101,013                  | Letter of Credit | Clarkson Bank                 |
| Edgetown Properties LLC   | Madison      | Transfer Station | 06/27/12     | \$ 7,500         | \$ 7,500                    | Escrow Account   | Frontier Bank                 |
| Fremont CRD, Inc.   | Fremont      | Transfer Station | 07/02/03     | \$ 13,125        | \$ 13,125                   | Surety Bond      | Capitol Indemnity Corp        |
| King Transfer Station   | Walthill     | Transfer Station | 04/02/96     | \$ 1,182         | \$ 1,187                    | Escrow Account   | First Natl. Bank, Walthill    |
| Medi-Waste Disposal   | Lincoln      | Processing Fac   | 01/24/18     | \$ 36,036        | \$ 36,036                   | Surety Bond      | Cincinnati Ins. Co.           |
| Prairieland Dairy LLC   | Firth        | Compost          | 08/01/15     | \$ 313,830       | \$ 313,830                  | Letter of Credit | First State Bank Nebraska     |
| Recycling Enterprises of NE, Inc.                                     | Lincoln      | Mat. Recovery    | 08/30/12     | \$ 7,734         | \$ 7,734                    | Letter of Credit | CityBank & Trust Co.          |
| River City Recycling  | Omaha        | Mat. Recovery    | 01/01/01     | \$ 55,920        | \$ 55,920                   | Escrow Account   | US Bank Ntl Assoc             |
| Sarpy County  | Papillion    | Transfer Station | 04/17/12     | \$ 98,643        | \$ 98,643                   | Surety Bond      | Travelers Surety Co. of Amer. |
| Seneca Sanitation   | Dubois       | Transfer Station | 09/27/17     | \$ 4,012         | \$ 4,012                    | Letter of Credit | First Heritage Bank           |
| Stericycle  | Lincoln      | Processing Fac   | 07/01/12     | \$ 56,873        | \$ 56,873                   | Surety Bond      | Westchester Fire Ins. Co.     |
| Waste Connections of NE   | Gering       | Transfer Station | 08/15/03     | \$ 25,831        | \$ 25,831                   | Surety Bond      | Evergreen Ntl. Indemnity Co.  |
| Waste Connections of NE   | Ord          | Transfer Station | 07/02/03     | \$ 8,387         | \$ 8,387                    | Surety Bond      | Capitol Indemnity Corp        |
| Waste Connections of NE   | Central City | Transfer Station | 05/30/13     | \$ 9,223         | \$ 9,223                    | Surety Bond      | Platte River Ins Co.          |
| <b>RCRA Closure and RCRA Post-Closure (PC)</b>                        |              |                  |              |                  |                             |                  |                               |
| Loveland Products   | Fairbury     | RCRA PC          | 12/10/15     | \$ 630,697       | \$ 630,697                  | Letter of Credit | Bank of Nova Scotia           |
| Bosch Security Systems  | Lincoln      | RCRA PC          | 06/02/09     | \$ 10,344        | \$ 10,344                   | Letter of Credit | Bank of Montreal              |
| Clean Harbors Technology  | Kimball      | RCRA Closure     | 09/16/13     | \$ 30,462,670    | \$ 30,462,670               | Insurance Policy | Indian Harbors Insurance Co.  |
| Douglas County Landfill   | Omaha        | RCRA PC          | 03/08/85     | \$ 274,952       | \$ 274,952                  | Trust Fund       | First Natl Bank of Omaha      |
| Eaton Corporation   | Omaha        | RCRA PC          | 06/08/09     | \$ 4,463,158     | \$ 4,463,158                | Letter of Credit | JP Morgan/Chase Bank          |
| Safety Kleen  | Grand Island | RCRA Closure     | 10/15/01     | \$ 148,686       | \$ 148,686                  | Insurance Policy | Indian Harbors Insurance Co.  |
| Safety Kleen  | Omaha        | RCRA Closure     | 10/15/01     | \$ 393,938       | \$ 393,938                  | Insurance Policy | Indian Harbors Insurance Co.  |
| Tenneco Automotive Inc.   | Cozad        | RCRA PC          | 09/17/97     | \$ 52,366        | \$ 52,366                   | Letter of Credit | Canadian Imperial Bank        |
| Van Diest Supply Liquid Plant   | McCook       | RCRA PC          | 02/16/06     | \$ 1,662,826     | \$ 2,627,776                | Letter of Credit | 1st State Bank Webster Cty IA |
| Douglas County Landfill   | Omaha        | RCRA Cor Act     | 08/20/18     | \$ 1,780,435     | \$ 1,780,435                | Financial Test   | Douglas County                |
| Preferred Pump & Equipment  | Dodge        | RCRA Closure     | 09/15/17     | \$ 57,084        | \$ 57,084                   | Financial Test   | Preferred Pump & Equipment    |
| <b>Underground Injection Control (UIC)</b>                            |              |                  |              |                  |                             |                  |                               |
| Crow Butte Resources, Inc.  | Crawford     | UIC              |              | \$ 47,740,447    | \$ 47,740,447               | Letter of Credit | Royal Bank of Canada, NY Div. |
| <b>Waste Tire Haulers</b>   |              |                  |              |                  |                             |                  |                               |
| ABC Tire LLC  | Kansas C, KS | Waste Tire       | 06/24/13     | \$ 10,000        | \$ 10,000                   | Surety Bond      | Nationwide Mutual Ins.        |
| Abe's Trash Service Inc.  | Omaha        | Waste Tire       | 02/08/19     | \$ 5,000         | \$ 5,000                    | Letter of Credit | Bank of Bennington            |