

# CHAPTER 5:

## Waste Management Division

---

The Waste Management Division is comprised of two sections and one unit. These include the Waste Management Section, the Remediation Section, and the Planning and Aid Unit. Both Waste Management and Remediation sections share responsibilities for hazardous waste (RCRA), Superfund, voluntary remediation, and integrated waste management programs. Several waste-related grant programs are administered by the Planning and Aid Unit. Following is a summary of Waste Management Division programs.

### **Resource Conservation and Recovery Act (RCRA) Program**

NDEQ was authorized in 1985 by EPA to administer portions of the Resource Conservation and Recovery Act (RCRA) program. RCRA regulations are incorporated in NDEQ Title 128 - Nebraska Hazardous Waste Regulations, which is updated as the Federal RCRA regulations change. There were no regulatory changes made in fiscal year 2012 to the Title 128 regulations.

The purpose of the RCRA program is to ensure proper management of hazardous wastes from the point of generation until final disposal. Activities performed under the RCRA program include:

- helping hazardous waste generators maintain compliance through a Compliance Assistance Program,
- performing compliance inspections and enforcement actions,
- investigating complaints,
- reviewing groundwater contamination monitoring and remediation systems,
- reviewing permit applications and determining whether permits should be issued for proposed treatment, storage, and disposal (TSD) facilities,
- reviewing/approving closure and post-closure plans for hazardous waste storage areas and disposal sites,
- maintaining data systems to support decision-making and making information available to the public.

The Compliance Assistance Program helps Nebraska businesses, governmental entities, and private citizens comply with RCRA regulations in a non-enforcement mode. This program works with the regulated community in a partnership promoting hazardous waste minimization and pollution prevention to help waste generators actually reduce the amount of hazardous waste being generated in the state. An additional product of these efforts is ultimately reducing the amount of regulatory requirements on our industries by helping to bring hazardous waste generators into lower RCRA threshold levels.

Compliance and enforcement activities include investigating complaints and the inspection of hazardous waste generators and transporters, hazardous waste treatment, storage and disposal (TSD) facilities, and used oil marketers and burners. Other compliance and enforcement activities include conducting comprehensive groundwater monitoring evaluations and operation and maintenance inspections of sampling and analysis procedures at RCRA sites to ensure that useful and representative data is being collected.

The RCRA program also conducts extensive permitting and closure activities to minimize and eliminate the release of hazardous material into the environment. Closure actions are required for treatment, storage or disposal (TSD) facilities that are discontinuing operations or that have operated without a permit. Permits are required for operating TSD facilities. Post-closure permits are required for TSD facilities that have gone through closure and have remaining contamination.

There is one operating hazardous waste storage and treatment facility in Nebraska: the Clean Harbors Environmental Services, Inc. incinerator near Kimball. This facility has undergone annual performance test burns to demonstrate proper operation since hazardous waste treatment began in 1994. Operational and physical changes at the Clean Harbors incinerator have resulted in numerous permit modifications. These changes were made to improve the performance of the facility and ensure compliance with applicable regulations. In addition, Nebraska oversees two active hazardous waste storage facilities which do not treat hazardous waste.

Corrective action is an important part of the RCRA program that addresses past and present activities at RCRA facilities that resulted in hazardous waste and hazardous constituents being released into soil, groundwater, surface water, and air. Corrective action requires investigation and remediation of the release from regulated facilities. These regulations can make the former owner of a property responsible for mismanagement of hazardous waste if the current owner could not reasonably be expected to have actual knowledge of the presence of hazardous waste at the site. EPA presently operates the corrective action program in Nebraska, and is responsible for regulating cleanups at Nebraska facilities.

### **Program Funding**

Funding for RCRA program activities is provided by an EPA grant, which requires a 25% state match.

Additionally, the Department can charge proposed commercial hazardous waste management facilities a fee to cover expenses for facility siting committee activities. No new facilities have been proposed in Nebraska since 1994, and that is the last time this fee was collected. There were no new facilities proposed in FY12.

The RCRA program collects a yearly fee from commercial hazardous waste treatment and disposal facilities. Currently, one facility in Nebraska performs hazardous waste treatment and disposal. The fees are based on the total yearly volume or weight of hazardous waste treated or disposed. Fees are due March 1, and are remitted to the state general fund.

Currently, the RCRA Program oversees:

- 57 Large Quantity Generators (greater than 2200 pounds of hazardous waste generated per month) See Figure 1
- 423 Small Quantity Generators (between 220 and 2200 pounds generated per month)
- 1244 Conditionally Exempt Small Quantity Generators (less than 220 pounds generated per month)
- 1 Hazardous Waste Incinerator Facility
- 32 Treatment/Storage/Disposal Facilities (active and inactive)
- 14 Hazardous Waste Transporters

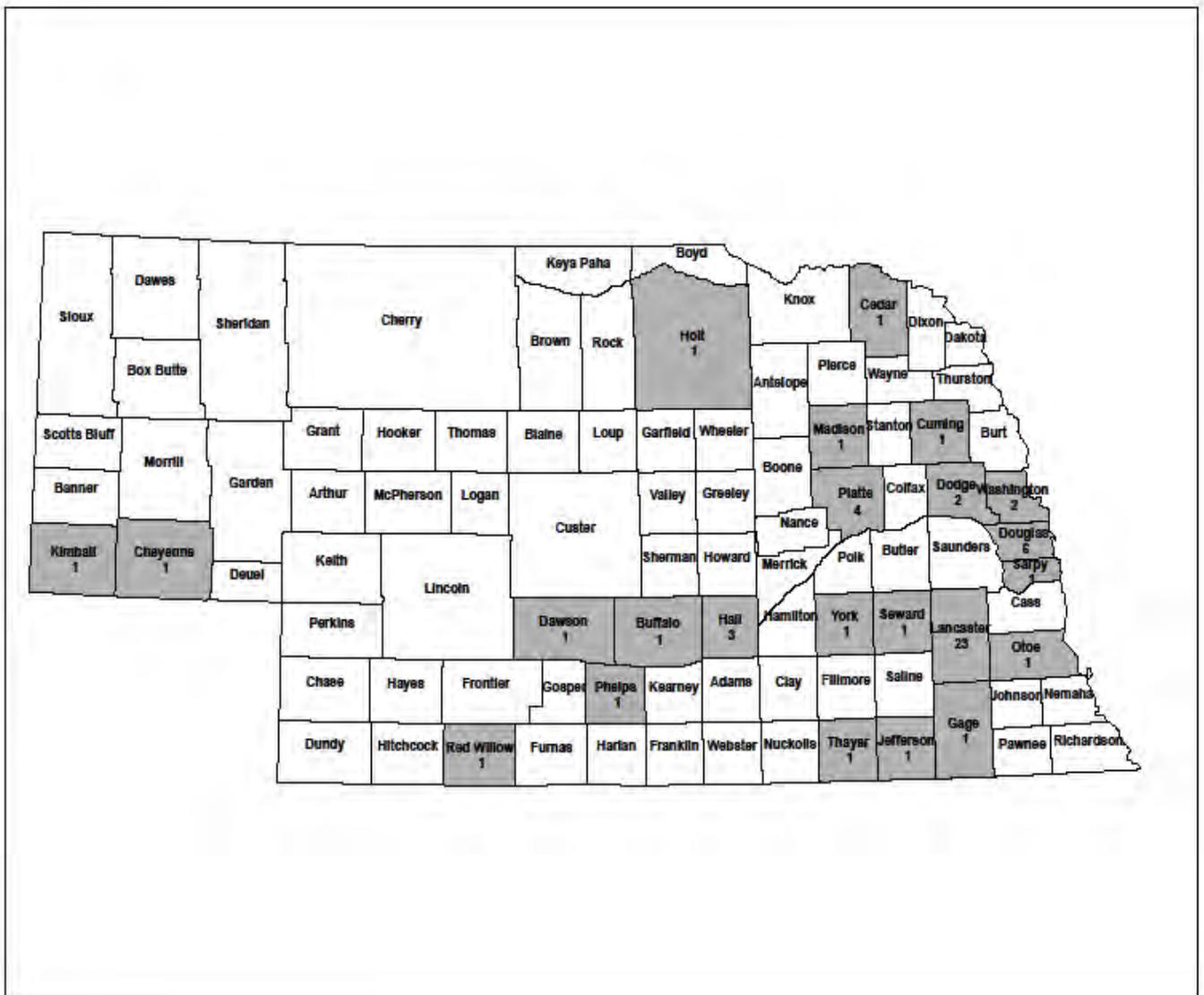


Table 1. Location of Large Quantity Generators in Nebraska Regulated Under RCRA

<b>Summary of FY2012 RCRA Activities</b>		
<b>Activity</b>	<b>State</b>	<b>EPA</b>
<b>Compliance Assistance</b>		
On-site Visits	2	0
Direct Assistance Contacts	950	*
Public Outreach Presentations (total 346 in attendance)	5	*
<b>Inspections</b>		
Land Treatment Facilities	0	3
Treatment and Storage Facilities	1	1
Comprehensive Groundwater Monitoring Evaluations	0	0
Operation and Maintenance Inspections	1	0
Facility Self-Disclosure	0	0
Large Quantity Generator	6	5
Small Quantity Generator	6	3
Conditionally Exempt Small Quantity Generators	15	3
Transporters	0	0
<b>Permitting</b>		
Closure Plans Finalized	0	0
Permits Issued/Renewed	3	1
Modifications	4	0
EPA Corrective Action Orders	0	0
<b>Record Reviews</b>		
Financial Assurance	17	0
*Data not available		

## Superfund Program

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) became federal law in 1980. CERCLA established what has commonly become known as Superfund to deal with known or suspected contamination at inactive commercial/industrial/military facilities or so called "uncontrolled hazardous waste or abandoned sites." The nation's most contaminated sites are listed on the National Priorities List (NPL). Nebraska currently has thirteen sites on the National Priorities List. One site, the Waverly Groundwater Contamination Site, was deleted from the NPL on November 20, 2006 as the cleanup goals for the site have been achieved. Twelve of the sites are in the cleanup phase and one site (West Highway 6 & 281 in Hastings) is relatively new to the National Priority List and is in the site study stage. Numerous other non-National Priorities List sites with known or suspected releases of hazardous substances exist in the state, but are not being addressed through the federal Superfund process.

The investigation and remediation of contaminated sites are the primary responsibility of the EPA and other federal agencies. NDEQ participates in the Superfund process by serving as a technical support agency to the EPA and as the environmental representative for the State of Nebraska. Activities in the Superfund Program include:

**Site Assessment** — The Superfund Site Assessment program identifies, assesses and characterizes sites where hazardous substances are known or suspected to pose a threat to public health and/or the environment. Currently, the sites investigated in Nebraska consist primarily of areas where groundwater contamination has been detected in municipal and private drinking water supply wells or where there is a significant potential for groundwater contamination.

The first site assessment step is called a pre-screening assessment. This step is a review of existing information on a potential site to determine whether a release has occurred that should be evaluated further through the Superfund process. The next site assessment step is called a preliminary assessment. This step involves the collection of background information such as property ownership, operational history, geology/hydrogeology, and performing a site reconnaissance. The third step is called a site investigation, which involves sampling environmental media, such as soil and groundwater. In some situations, the preliminary assessment step and the site investigation step are combined. For large and/or complex sites, an expanded site investigation may also be performed to collect additional soil and groundwater samples to further define the extent of contamination. In addition, some sites that have been investigated in the past may be reassessed if new information is obtained that indicates that a threat to public health and/or the environment may exist. During the past year, the Department has performed work on four pre-screening assessments, one preliminary assessment, three site investigations and one site reassessment. In addition, the Department reviewed numerous site assessments conducted by EPA in the State and provided recommendations on the need for follow up action.

**NPL Site Management Assistance** — The Superfund Management Assistance program provides management and technical support to the EPA at priority sites in Nebraska. This assistance includes reviewing technical documents and participating in the Superfund remedy selection process. As the most heavily contaminated sites in the nation, Superfund National Priority List sites are generally large and complex, because they often involve more than one contaminated media and have multiple sub-units with varying contaminants. The investigation and cleanup activities at these sites are organized into several phases including remedial investigations, groundwater modeling, baseline risk assessments, feasibility studies/engineering cost evaluations, field-scale pilot studies, remedy design/construction, and remedy operation and maintenance. The Department also participates in public meetings with citizens and local officials in the development of cleanup plans. The table on the next page identifies completion of major phases of work at NPL sites in Nebraska.

### Cleanup Progress at NPL Sites in Nebraska

Site	County	Removal Actions	Site Studies	Remedy Selected	Remedy Design	Remedy Construction	Cleanup
Cornhusker Army Ammo Plant (Grand Island)	Hall	X	X	X	X	X	Ongoing
Hastings Groundwater Contamination (Hastings)	Adams	X	X	X	X	X	Ongoing
Lindsay Manufacturing Co. (Lindsay)	Platte	■	X	X	X	X	Ongoing
Nebraska Ordnance Plant (Mead)	Saunders	X	X	X	X	X	Ongoing
10th Street Site (Columbus)	Platte	X	X	X	X	X	Ongoing
Cleburn Street (Grand Island)	Hall	■	X	X	X	X	Ongoing
Ogallala Groundwater Contamination Site (Ogallala)	Keith	X	X	X	X	X	Ongoing
Bruno Coop Association (Bruno)	Butler	X	X	X	X	X	Ongoing
Sherwood Medical (Norfolk)	Madison	X	X	X	X	X	Ongoing
Omaha Lead Site (Omaha)	Douglas	X	X	X	X	X	Ongoing
Parkview Well Site (Grand Island)	Hall	X	X	X	X	X	Ongoing
Garvey Elevator (Hastings)	Adams	X	X	X	X	X	Ongoing
West Highway 6 & 281 (Hastings)	Adams	Ongoing	Ongoing				

**Chart definitions:**

**Removal Actions:** Short-term action intended to stabilize or clean up an incident or site that poses an imminent or substantial threat to human health or the environment.

**Site Studies:** Investigation of the nature and extent of contamination at a site, the potential long-term risks to human health and the environment posed by the contamination, and evaluation of a list of potential cleanup actions to address the contamination.

**Remedy Selected:** Preferred cleanup action selected from the list of potential cleanup actions.

**Remedy Design:** Completion of detailed engineering design plans for the cleanup system.

**Remedy Construction:** Status of the construction of the cleanup system.

**Cleanup:** Status of operation and maintenance of the cleanup system.

**Symbol key:**

X = Activity Completed      ■ = Activity Not Necessary      Blank = Activity Not Started

*Note: Various Operable Units at large sites may be at different stages.*

**Federal Facilities** — The Superfund Federal Facilities program provides technical assistance and regulatory oversight to the U.S. Army Corps of Engineers in support of site assessment and cleanup activities and military munitions response activities at Department of Defense active facilities and formerly used sites. Active Federal installations include Offutt Air Force Base in Bellevue and Cornhusker Army Ammunition Plant in Grand Island. One hundred known formerly used defense sites exist in Nebraska that include small former defensive surface-to-air missile sites, bomber target sites, radar and communications sites and other formerly occupied Department of Defense properties. Under the current Defense-State Memorandum of Agreement, investigation and cleanup activities are being performed or planned to be performed at three active sites and 15 formerly used defense sites. Military munitions response activities are being performed at six sites. A military munitions response site is a site that may have the potential for unexploded ordnance, discarded military munitions, and munitions constituents in soil and groundwater that may pose an explosive hazard or threat to the environment.

## Nebraska Voluntary Cleanup Program

The Remedial Action Plan Monitoring Act (RAPMA), initially created in 1995, established the Nebraska Voluntary Cleanup Program (VCP). The Voluntary Cleanup Program provides property owners and parties responsible for contamination with a mechanism for developing voluntary environmental cleanup plans that are reviewed and approved by the Department. The voluntary cleanup program provides an avenue for businesses to proceed with cleanup of property and an opportunity for regulatory review and oversight that may not be available at the federal level. In addition, the program serves as an alternative cleanup program to the more traditional federal cleanup programs like Superfund or RCRA.

The department has a Memorandum of Agreement (MOA) with EPA Region VII, which provides federal approval of voluntary cleanup programs. Under this agreement, any site that joins the voluntary cleanup program and successfully completes the cleanup action is assured that EPA will not pursue federal enforcement under CERCLA.

To date, 40 sites have entered the voluntary cleanup program. Currently, 17 sites are active in the voluntary cleanup program. Two sites have been deferred to the EPA Superfund program. Four sites withdrew from the program. Five sites have been terminated from the program due to lack of activity in completing the investigation and/or cleanup. Twelve sites have successfully completed cleanup requirements and have received "No Further Action" letters from the Department.

The department has seen a significant increase in applications to the voluntary cleanup program over the last several years. New applicants include the City of Lincoln on the West Haymarket Redevelopment Site North and South, Hoover Manufacturing in Beatrice, Magnolia Metal Corporation in Auburn, Union Pacific Railroad leased property in Auburn, CVS Pharmacy in south Lincoln, two former manufactured gas plant (FMGP) sites in Blair and Plattsmouth, Vishay Dale Electronics in Norfolk, Quality Analytical Services in Omaha and multiple former USDA grain bin sites. One current EPA brownfield grantee (Former PCS Nitrogen site in Sarpy County) and another FMGP site in Omaha are likely to apply to the program in the near future. Significant cleanup activities are ongoing at the West Haymarket Redevelopment Site North, the former Nebraska Solvents Company site in Grand Island, the former Pfizer facility in Omaha, the Archer Daniels Midland facility in Lincoln, CVS Pharmacy in Lincoln and the two FMGP sites in Blair and Plattsmouth. Cleanup activities are also anticipated to commence next year at Magnolia Metal Corporation in Auburn, Plaza North Station LLC in Omaha and Vishay Dale Electronics in Norfolk. Cleanups were completed this year at Lincoln Plating Company, UPRR Child Development Center and the Izaak Walton Trap Range in Fremont.

The fee structure for this program was revised in 2008. The application fee to participate in the program was reduced from \$5,000 to \$2,000, and the initial deposit to pay for state oversight costs was reduced from \$5,000 to \$3,000.

**Brownfield Assessments and Cleanups** — A brownfield site is vacant or under-used industrial or commercial property where expansion or redevelopment is complicated by unresolved contamination concerns. The voluntary cleanup program performs assessments and cleanups at brownfield sites in Nebraska. These assessments and cleanups are performed by NDEQ at no cost to interested parties in Nebraska communities. A brownfield assessment is a preliminary investigation to evaluate the environmental conditions at a property, similar to a Phase I and Phase II Environmental Site Assessment. Cleanups can involve a variety of measures that are implemented to contain and reduce contamination at a site. During the past year, the Department has performed 15 brownfield assessments.

### Voluntary Cleanup Program Sites and Status

Site	Location	Status	Date of Entry into RAPMA Program
KN Energy	Holdrege	Completed 5/01/97	4/3/95
Garvey Elevator	Hastings-West	Deferred to EPA Superfund	4/13/95
ASARCO	Omaha-Riverfront	Completed 10/11/01	1/8/96
BNSFRR	Lincoln-N. Havelock	Terminated 12/4/06	1/17/96
Union Pacific RR	Omaha-N. Downtown	Withdrawn 3/7/03	1/17/96
Farmland Industries	Scottsbluff	Completed 7/2/09	2/26/96
Lincoln Journal Star	Lincoln-Downtown	Terminated 1/28/09	2/26/97
Farmland Industries	Hastings-East	Completed 9/2/03	6/25/97
Hastings Area wide	Hastings	Withdrawn 6/23/00	12/17/97
Lincoln Plating Co.	Lincoln	Completed 7/26/12	8/17/98
Witco Corporation	Omaha-North	Completed 6/29/99	1/20/99
BNSFRR	Lincoln-Lot 9 Havelock	Completed 2/20/01	4/28/99
Dana Corporation	Hastings-West	Deferred to EPA Superfund	9/27/99
Ballpark Complex	Lincoln-Haymarket	Completed 9/1/06	11/9/99
Progress Rail Services	Sidney-North	Completed 1/3/06	11/22/99
Brownie Manufacturing	Waverly-Highway 6	Withdrawn 7/19/01	4/25/00
BNSFRR	Lincoln-Havelock Yards	Terminated 12/4/06	10/26/00
New Holland	Grand Island-Southwest	Active	11/9/00
Owen Parkway East	Omaha-Abbott Drive	Withdrawn 11/26/02	12/13/00
Omaha Riverfront Redevelopment - 3 parcels	Omaha-Riverfront	Completed 6/18/03, 12/9/03, 11/9/04	5/18/01
Sanford & Son	Lincoln-North	Terminated 4/18/07	1/22/02
Union Pacific RR Child Development Center	Omaha-N. Downtown	Completed 1/13/12	3/5/04

Vishay Dale Electronics	Norfolk	Terminated 4/20/09	11/13/06
Union Pacific RR Nebraska Solvent Site	Grand Island	Active	2/23/07
Archer Daniels Midland	Lincoln	Active	11/3/08
Plaza North Station LLC	Omaha	Active	7/14/09
Former Pfizer Facility	Omaha	Active	7/28/09
CVS Pharmacy	Lincoln	Active	10/13/10
West Haymarket Redevelopment Site North	Lincoln	Active	10/27/10
Izaak Walton Trap Range	Fremont	Completed 4/6/12	10/28/10
Magnolia Metal Corporation	Auburn	Active	3/9/11
Dettmer Lease Property	Auburn	Active	4/7/11
Hoover Manufacturing	Beatrice	Active	5/27/11
Blair FMGP	Blair	Active	6/28/11
Plattsmouth FMGP	Plattsmouth	Active	6/28/11
Former USDA CCC Grain Bin Sites	Multiple Sites	Active	3/16/12
Vishay Dale Electronics	Norfolk	Active	4/2/12
Lewis and Clark Landing	Omaha	Active	4/20/12
West Haymarket Redevelopment Site South	Lincoln	Active	6/11/12
Quality Analytical Services	Omaha	Active	8/2/12

## Solid Waste Program

Solid Waste regulations are incorporated in NDEQ *Title 132 - Integrated Solid Waste Management Regulations*. The purpose of the program is to ensure proper management of solid waste. Solid waste includes municipal solid waste typically collected and disposed in municipal landfills and other non-hazardous waste. The regulations provide technical criteria for land disposal areas and solid waste processing facilities.

Duties assigned to this program include: 1) Permit issuance, renewal and modification; 2) Response to inquiries related to facility operations; 3) Compliance inspections and enforcement actions; 4) Investigation of citizen complaints; 5) Alternate waste management method approvals; 6) Groundwater investigations and groundwater/soil remediation projects for permitted and non-permitted facilities; 7) Gas emissions monitoring related to landfills and other permitted sites; 8) Closure inspections and monitoring of closure and post-closure activities; 9) Conducting public information sessions and hearings related to permits; 10) Financial assurance review and monitoring compliance; and 11) Assisting regulated facilities and the general public in recycling, re-use and proper management of waste-like materials.

The program regulates municipal solid waste disposal areas (landfills), construction and demolition debris sites, fossil fuel combustion ash disposal sites, industrial and delisted hazardous waste sites, and land application sites for repeated disposal or treatment of special wastes. In addition, solid waste processing facilities, such as compost sites, material recovery facilities, and transfer stations, are regulated by this program.

Permit modification requests are regularly submitted by permitted facilities. Response to the modification requests are particularly time critical since the facility may need to expand or construct new cells in order to meet their disposal capacity needs and continue operations.

The waste management program coordinates with other department divisions to ensure that permits issued include adequate protection of all environmental media. The requirements in solid waste permits include protection against excessive emissions of landfill gas to the atmosphere, storm water runoff controls, and restrictions on accepting hazardous waste for disposal at a landfill.

Currently, the Solid Waste Program oversees the following facilities, by type:

<b>Total Permitted Facilities in FY 2012</b>	
Municipal Solid Waste Disposal Areas (Landfills)	23
Industrial Waste	1
Solid Waste Compost Sites	8
Transfer Stations	39
Materials Recovery Facilities	5
Construction & Demolition Waste Disposal Areas	29
Delisted Waste Disposal Areas	1
Fossil Fuel Combustion Ash Disposal Areas	8
<b>Total</b>	<b>114</b>

The following chart indicates the number of inspections, complaints and permitting-related activities that the program was involved with in FY2012:

<b>Summary of Activities: FY2012</b>	
<b>Compliance</b>	
Facility Inspections (General)	123
Facility Inspections (Construction)	1
Complaints Received	130
Complaints Investigated	119
Complaints Closed	119
<b>Permitting</b>	
New Permits Issued	2
Permit Renewals	18
Major Permit Modifications	3
Transferred Permits	1
Public Hearings	1
Financial Assurance Reviews	163
Facilities Closed	0

### **Financial Assurance**

All permitted solid waste landfills are required to provide financial assurance for closure and post-closure maintenance and monitoring. All privately-owned permitted solid waste processing facilities are required to provide financial assurance for closure.

### **Program Funding**

The Waste Management Section collects permit fees and annual operating fees for all solid waste management facilities. Quarterly disposal fees based on cubic yards or tonnage are collected at all municipal solid waste landfills and transfer stations moving waste for disposal out of state. Fifty percent of the quarterly disposal fees are redistributed as grants and administration of the Waste Reduction and Recycling Incentives Grants Program and fifty percent of the quarterly disposal fees are utilized for administrative costs of the solid waste program, investigation and remediation of contamination from solid waste facilities, and emergency response activities.

### **Waste Tire Management Program**

The waste tire management program is also regulated under Title 132. Approved beneficial uses of waste tires are outlined in the regulations. Waste tire haulers are required to obtain individual permits annually and are required to post financial assurance. Financial assurance is designed to provide adequate funds to clean up any waste tires that are illegally disposed by the transporter.

Waste tire management facilities (except tire dealers) are allowed to accumulate up to 500 tires without further requirements, other than mosquito control and fire prevention measures. Accumulation of more than 500 waste tires is prohibited.

Compliance assistance is an important aspect of this program. Program activities include responding to telephone inquiries, letters, and contacts from other states, developing guidance documents, conducting site visits and providing technical advice. The Department has developed

guidance documents to explain the proper use of waste tires for blow-out and bank stabilization. Direct financial assistance is also available through the Waste Reduction and Recycling Incentives Grant program, which is described later in this chapter.

<b>Waste Tire Permit Totals, FY2012</b>	
<b>Permitting</b>	
Renewed Hauler Permits	20
New Permits Issued	2

The waste tire compliance assurance program includes facility inspections, complaint investigations and appropriate enforcement actions. Compliance activities are included in the summary of activities for the Solid Waste Program.

## Planning and Aid

Waste Planning and Aid includes the following programs: the Waste Reduction and Recycling Incentive Grants Program; the Litter Reduction and Recycling Grant Program; the Illegal Dumpsite Cleanup Program; and the Landfill Disposal Fee Rebate Program.

Main responsibilities of Planning and Aid Unit include:

- Oversight and review – The Unit reviews grants submissions, performs compliance inspections, monitors the activities, budgets and equipment purchases of grantees, and conducts quarterly performance reviews.
- Outreach – The Unit promotes the availability of grant funding, coordinates the ranking process with the Citizen Advisory Committee, announces grant awards, provides integrated waste management information to the public, and contributes to the development of the Nebraska Recycling Resource Directory, which is located at DEQ's web site at <http://deq.ne.gov>, under "Assistance."

## Review Process

The Litter Reduction and Recycling Grant Program and the Waste Reduction and Recycling Grants Incentive Program both utilize a Program Priority System to rank applications received annually by the Department. Applications for funding assistance are prioritized by evaluating the following factors:

- Program Design and Implementation
- Program Impact
- Demonstrated Ability
- Matching Contributions

Each year, grant requests exceed the available funding. The NDEQ Director created the 24-member Citizen Advisory Committee to review all grant applications and rank them according to the Program Priority System. The Director relies heavily on the Citizen Advisory Committee's rankings when making grant awards.

## Expected Service Life

The Planning and Aid Unit grant programs utilize an expected service life procedure for grant-funded equipment. The expected service life determines how long the grantee is responsible for equipment status reports to the Department and how long the Department maintains an interest in the equipment.

An expected service life is assigned to all equipment purchased with grant funds (in whole or in part) that has a value of \$1,000 or more per item. Equipment costing less than \$1,000 can be assigned an expected service life on a case-by-case basis. Purchase of equipment is documented at the time of purchase. When the grant is closed out, the grantee is provided a sticker to properly identify the equipment and is notified of the length of the expected service life.

## Waste Reduction and Recycling Incentive Grants Program

In 1990, the Nebraska Legislature passed Legislative Bill 163, the Waste Reduction and Recycling Act, which created the Waste Reduction and Recycling Incentive Grants Program.

There are three sources of revenue for this program:

- A business fee on sales of tangible personal property, which generates about \$500,000 annually.
- A \$1 per tire fee on the retail sale of new tires in Nebraska, which generates about \$1.9 million annually;
- Fifty percent of the \$1.25 per ton disposal fee on solid waste disposed of in permitted landfills, which generates approximately \$1.2 million annually for grant awards.

The Waste Reduction and Recycling Incentive Fund provides grants to assist in financing sound integrated waste management programs and projects. These programs and projects may include but are not limited to: recycling systems; market development for recyclable materials; intermediate processing facilities and facilities using recyclable materials in new products; yard waste composting and composting with sewage sludge; waste reduction and waste exchange; household hazardous waste programs; the consolidation of solid waste disposal facilities and use of transfer stations; and incineration for energy recovery. A portion of the grants is also obligated to fund scrap tire recycling or reduction projects.

LB 29, passed in 2011, changed the funding source for the cleanup of illegal road side dumps from the Integrated Solid Waste Management Cash Fund to the Waste Reduction and Recycling Fund. The illegal dump site cleanup program is a reimbursement program available to political subdivisions.

## Fund Summary

### Waste Reduction and Recycling Fund July 1, 2011 - June 30, 2012

<b>Fund Balance June 30, 2011</b>	<b>\$</b>	<b>2,936,150</b>
Revenues:		
New Tire Fees		1,948,318
Business Fees		453,137
Solid Waste Disposal Fee		1,335,450
Interest, Grant Returns		232,616
<b>Net Collections for Year</b>	<b>\$</b>	<b>3,969,521</b>
Expenditures:		
Administration		315,083
Grant Funds Expended		2,444,305
<b>Total Expenditures FY 2012</b>	<b>\$</b>	<b>2,759,388</b>
<b>Fund Balance June 30, 2012</b>	<b>\$</b>	<b>4,146,283</b>

**Summary of Activities** - For FY2012, the Department awarded \$3,546,661 for Waste Reduction and Recycling Incentive Grants to 161 projects. Fourteen of these grants were awarded from the Business Fee category (\$774,715), 16 were awarded from the Disposal Fee category (\$916,461), and 131 received grants from the funds prioritized for scrap tire projects (\$1,855,485). The following list indicates the communities across Nebraska where private and public entities received funds. The map on the following page shows locations of grantees.

**Waste Reduction & Recycling Grants for FY2011**

Business Fee \$ 774,715 14 grants, including, 3 statewide  
 Disposal Fee \$ 916,461 16 grants, including, 6 regional

Business Fee

Columbus  
 Fremont  
 Grand Island  
 Gretna  
 Hebron  
 Kimball  
 Lincoln – 2 grants  
 Madison  
 Oakland  
 Omaha – 4 grants

Disposal Fees

Chadron  
 Lexington  
 Lincoln – 4 grants  
 McCook  
 Omaha – 3 grants  
 Nebraska City  
 Seward  
 Tecumseh – 2 grants  
 Verdigre  
 York

**Scrap Tire Grant Awards for FY 2011**

131 grants 3 regional grants Total awarded \$1,855,485

Ainsworth	Geneva	Pierce
Alliance – 2 grants	Grand Island – 2 grants	Plattsmouth
Alma	Hartington	Ponca
Atkinson – 2 grants	Hastings – 4 grants	Ralston
Auburn – 2 grants	Hubbard	Raymond – 2 grants
Aurora	Imperial	Schuyler – 2 grants
Bassett	Johnson	Seward
Bayard	Kearney – 3 grants	Sidney
Beatrice – 3 grants	Lexington	South Sioux City
Bennet	Lincoln – 4 grants	St. Edward
Brock	Madrid	Stapleton
Cedar Bluffs	McCook	Sterling
Center	Milford	Superior
Central City – 2 grants	Minden	Sutherland
Chadron – 3 grants	NE City – 2 grants	Tecumseh – 3 grants
Columbus	Newman Grove	Valentine
Creighton – 2 grants	Norfolk – 2 grants	Valley
Crete	North Platte – 2 grants	Wahoo
Davenport	Ogallala – 2 grants	Wayne
David City – 4 grants	Omaha – 21 grants	Weeping Water
Elmwood	Orleans – 2 grants	West Point
Emerald	Oshkosh	Wilber – 2 grants
Fairbury	Overton	Wisner
Falls City	Oxford	Wymore
Fremont – 3 grants	Papillion	York
Fullerton	Pawnee City – 2 grants	



## Litter Reduction and Recycling Grant Program

The Litter Reduction and Recycling Grant Program has been in existence since 1979. Its purpose is to provide funds to support programs to reduce litter, provide education, and promote recycling in Nebraska.

Funds from this program are provided from an annual fee assessed to manufacturers, wholesalers, and retailers having gross receipts of at least \$100,000, on products that commonly contribute to litter. For manufacturers, the annual litter fee is equal to \$175 for each million dollars of products manufactured. The annual litter fee for wholesalers and retailers is equal to \$175 for each million dollars of sales made in the state. Approximately \$1.8 million is received annually.

The annual litter fee is imposed on products in the following categories:

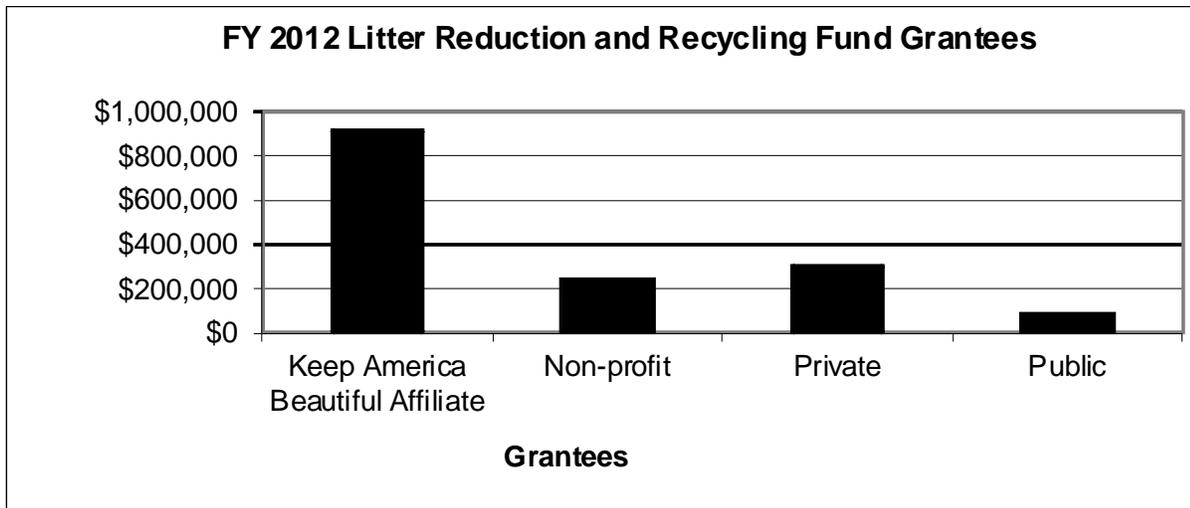
- Food for human consumption, beverages, soft drinks, carbonated water, liquor, wine, beer, and other malt beverages, unless sold by retailers solely for consumption indoors on the retailer's premises;
- Food for pet consumption;
- Cigarettes and other tobacco products;
- Household paper and household paper products;
- Cleaning agents; and
- Kitchen supplies.

## Fund Summary

### Litter Reduction and Recycling Fund July 1, 2011 - June 30, 2012

<b>Fund Balance June 30, 2011</b>	<b>\$</b>	<b>369,689</b>
Revenues:		
Litter Taxes Collected		1,848,622
Interest, Grant Returns		195,940
<b>Net Collections for Year</b>	<b>\$</b>	<b>2,044,562</b>
Expenditures:		
Department of Environmental Quality Administration		267,834
Grant Funds Expended		1,657,297
<b>Total Expenditures FY 2012</b>	<b>\$</b>	<b>1,925,131</b>
<b>Fund Balance June 30, 2012</b>	<b>\$</b>	<b>489,120</b>

In FY2012, \$1,554,178 was awarded from the Litter Reduction and Recycling Grant Program. Grant funding is awarded to several types of programs; Keep America Beautiful affiliates, non-profits, private businesses, and public entities. Many of these programs utilize the Litter Reduction and Recycling Grant Program funds to leverage additional dollars for a comprehensive approach to litter reduction and recycling. Below is a chart reflecting FY2012 grantees.



**FY 2012 Grant Allocations**

**Litter Reduction and Recycling Fund**

In FY2012, the Department gave 57 Litter Reduction and Recycling Grant Program awards to organizations in Nebraska. The breakdown is as follows:

<b>Public Education</b>	(40%)	21 grants	\$ 620,003
<b>Cleanup</b>	( 5%)	9 grants	\$ 81,675
<b>Recycling</b>	(55%)	27 grants	\$ 852,500
			<b>\$1,554,178</b>

**Public Education**

In FY2012, 21 grants totaling \$620,003 were awarded under the category of public education. The Public Education programs educate citizens in the areas of litter reduction, cleanup, and recycling through a variety of individual and community activities. The citizens of Nebraska are cultivating a greater awareness of their impact on the environment through their purchasing and disposal actions. The educational programs are an excellent means of providing information on proper waste disposal, recycling, and available products that contain recycled material. Priority is given to programs that promote markets for recycled materials or purchasing products made from recycled materials. The following list indicates the locations that received funds.

## Cleanup

In FY2012, 9 grants totaling \$81,675 were awarded under the category of cleanup. The cleanup programs utilize Nebraska residents of all ages to pick up litter and debris along Nebraska's highways, waterways, recreation lands, urban areas, and other public use areas within the state. Not only are the public areas improved through the removal of litter and debris, but also much of the material collected during the cleanups is recycled. The recycling proceeds are often utilized to benefit the respective programs. The following list indicates the locations that received funds.

## Recycling

In FY2012, 27 grants totaling \$852,500 were awarded under the category of recycling. The recycling programs provide an alternative to the disposal of solid waste in Nebraska's landfills. The programs recycle more than just aluminum, paper, glass, and plastic. Materials such as electronic computer components, paint, aerosol cans, fertilizer, pesticides, and household hazardous waste are collected and either reprocessed to be used again or are disposed of in an environmentally friendly manner. Recycling conserves our natural resources, landfill space, and energy. Jobs are created and revenue is generated through the opportunities that recycling provides. Recycling efforts that promote the purchase of recycled content products continue to receive priority for funding. This support helps to "close the loop" and enhance the recycling efforts in Nebraska. The list below indicates the communities where private and public entities received funds. The map on the next page shows locations of grantees.

### FY 2012 Public Education Grant Awards:

Total Awarded - \$620,003                      21 total grants

Alliance	Lincoln
Beatrice (2 grants)	Norfolk
Boston, MA	North Platte
Cass County	Ogallala
Chadron	Omaha
Columbus	Ord
Fremont	Schuyler
Grand Island	Scottsbluff
Kimball	Sidney
Lexington	So Sioux City

### FY 2012 Cleanup Grant Awards

Total Awarded - \$81,675                      9 total grants

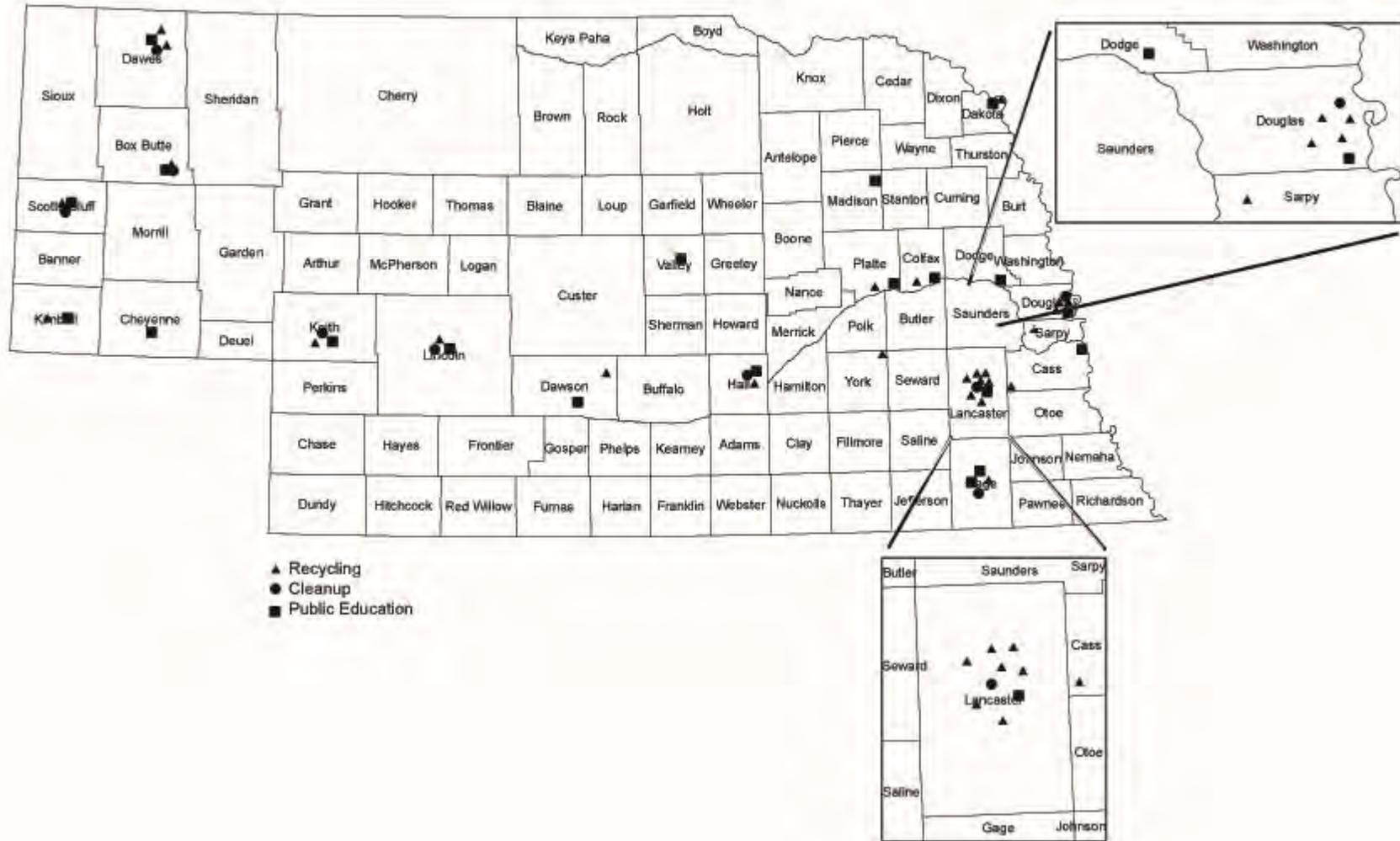
Alliance	North Platte
Beatrice	Ogallala
Chadron	Omaha
Grand Island	Scottsbluff
Lincoln	

### FY 2012 Recycling Grant Awards

Total Awarded - \$852,500                      27 total grants

Alliance	Lincoln – 7 grants
Beatrice	North Platte
Chadron – 2 grants	Ogallala
Columbus	Omaha - 4 grants
Eagle	Schuyler
Grand Island	Scottsbluff
Gresham	So Sioux City

# Litter Reduction and Recycling Grant Program 2012 Grant Awards



### **Illegal Dumpsite Cleanup Program**

The Illegal Dumpsite Cleanup Program, established in 1997, is a cleanup program that provides funding assistance to political subdivisions for the cleanup of solid waste disposed of along public roadways or ditches. Through this program, items such as household waste, white goods, construction and demolition waste, and furniture, are removed from the illegal site and disposed in a permitted facility or recycled.

Funding for this program is limited to five percent of the total revenue from the disposal fee collected from landfills in the preceding fiscal year. Approximately \$130,000 is available annually. The Department is encouraging municipalities, counties, and other political subdivisions to submit applications for the reimbursement of cleanup efforts. In FY2012, the program provided \$67,626 to four recipients.

### **Landfill Disposal Fee Rebate Program**

The Landfill Disposal Fee Rebate Program was created as an incentive to political subdivisions to support and encourage the purchasing of products, materials, or supplies that are manufactured or produced from recycled material. Funding for the program is drawn from the Waste Reduction and Recycling Incentive Fund.

Under the program, which was created in 1994, any municipality or county may apply for a rebate if they have a written purchasing policy in effect requiring a preference for purchasing products, materials or supplies that are manufactured or produced from recycled material. If the policy is approved by NDEQ, the applicant may receive a 10-cent rebate from the \$1.25 per ton disposal fee. Rebates are provided no more than quarterly and no less than annually. In FY2012, the program provided \$127,875 to 11 recipients.