

Solid Waste Management Program Study
First Meeting
October 27, 2016
Younes Conference Center, Kearney

In attendance: John Dempsey, Karla Welding, Angie Williams, Greg Schaffer, Dave Haldeman, Jim Macy, Carla Felix, Tricia Scott, Joe Francis, Gene Hanlon

Committee members present: Danielle Easdale, Lash Chaffin, Ed Sadler, George Hoellen, Jo Leyland, Jim Weber

Committee members not present: Rick Yoder, Kelly Danielson, and Fred Hlava.

Joe Francis began the meeting by reading a statement regarding the Open Meetings Act.

I. Jim Macy

- A.** Jim thanked the committee members for their participation in the study. This project requires representation from across the state.
- B.** LB 1101 was introduced by Senators Mello, Haar, Kolowski, and Schilz. NDEQ is to conduct a study of Solid Waste Management (SWM) programs and make recommendations:
 - 1.** Should programs be merged or amended.
 - 2.** Conduct a needs assessment of recycling and composting.
 - 3.** Partnership opportunities to address waste management
 - 4.** Recommendations on existing and possible new funding sources.
 - 5.** Revisions to existing grant programs.
- C.** Given a relatively short time to complete, given 1 year, and part of that timeline includes hiring a consultant.
- D.** Nebraska has extremely economically feasible landfill tipping fees.
- E.** LB 1101 Study Timeline:
 - 1.** Director establishes an Advisory Board
 - 2.** Department may hire a consultant
 - 3.** Department submits recommendations to the Legislature
 - 4.** Report is due December 15, 2017.
- F.** DEQ Expectations for the Committee:
 - 1.** Keep the “Big Picture” at the forefront.
 - 2.** Strive for consensus.
 - 3.** Focus on areas that will make a difference.
 - 4.** Bring your expertise and life as a citizen.
 - 5.** Respect the positions of all.
 - 6.** Be creative and challenge the Department.
 - 7.** Help us produce a product that doesn’t collect dust.

- G.** Jim added the Committee may want to look at the AWIN program for a reference and resource, as the program takes into account Nebraska's population decline when assessing wastewater needs for communities. Information is available on NDEQ's website: <http://deq.ne.gov/NDEQProg.nsf/OnWeb/AWIN>
- II.** Background and History of Solid Waste Management in Nebraska- Joe Francis
- A.** Joe asked everyone in the room to introduce themselves.
- B.** What are the Committee expectations for this process?
- 1.** Ed Sadler was asked to chair the Committee by Jim Macy.
 - 2.** George Hoellen was asked to be the co-chair.
 - 3.** Encourage open and free communication.
 - 4.** With the new administration and new Governor, DEQ is getting new perspectives on how we do things.
 - 5.** Ed stated Sidney has its own landfill and very much likes the way Nebraska approaches Solid Waste Management. Sidney has the freedom and flexibility to do what they need to do at the landfill without hassle and red tape.
 - 6.** George isn't quite sure what to expect. He is bringing a business perspective from the standpoint of running a customer-based retail business with locations statewide.
 - 7.** Lash Chaffin said he took part in the initial project to write many of the Solid Waste Management statutes and regulations, which were forged in a crisis. Having an opportunity to review them and offer recommendations with less immediate pressure will be nice.
 - 8.** Danielle Easdale has background experience from working in Europe and Australia. She is interested in seeing how modernization and updates will occur. She would like to see a shift in perception from solid waste being considered waste and being viewed as a resource.
 - 9.** Jim Weber has always viewed the garbage we dump as a resource. His business is built on using materials which are being thrown out and making them useful.
 - 10.** Jo Leyland sits on the Nebraska State Recycling Board. She has seen some help from the state with solid waste management, but everyone is on their own when it comes to recycling programs. It's difficult for smaller communities to keep their programs running, because they don't have the bargaining power or volume of materials larger communities do. She wants to see more of a move towards recycling and some facilitation through the State to allow and help communities form cooperative bargaining units.
- C.** Notebook materials were distributed to the Committee. Documents included were: Final Agenda for 1st meeting, a copy of the PowerPoint presentation given by Jim Macy, Joe Francis, and David Haldeman, Nebraska Scrap Tire Grant Program History, the State of Nebraska Waste Characterization Study, a map of Nebraska Solid Waste Management Facilities, Lists of Waste Facilities across the state by type with contact information for each, and a packet of Grant Program press releases.
- D.** Information and documents will be posted on NDEQ's website- <http://deq.ne.gov>.

- E. Committee members are eligible to have their expenses reimbursed. Joe e-mailed a mileage log form and an expense request form to all members. He did not send the tax form Committee Members will also need to fill out in order for the State to reimburse them, but he will send it out. **ACTION ITEM: Send Committee Members Tax Form.**
- F. The meeting wasn't advertised far and wide or aggressively because it was the first meeting. Once the Committee has a better idea of direction, then all meetings going forward will be advertised much more aggressively and in more outlets.
- G. Legislative and Related Efforts
 - 1. Environmental Protection Act-1971- Established the Department of Environmental Quality in the state. Tasked them to "Provide for the prevention, abatement and control of new or existing land pollution."
 - 2. Litter Reduction and Recycling Act-1979.
 - a. Established a fee on food and beverages, pet food, tobacco products, household paper products, cleaning agents, and kitchen supplies.
 - b. Established a grant program for projects related to public education, cleanup of litter, and recycling.
 - 3. Waste Reduction and Recycling Incentive Act-1990, LB 163, LB 1034
 - a. Had more than 400 landfills operating without permits. Every community had their own and most were unregulated.
 - b. Capacity was a concern.
 - c. Recognized waste reduction and recycling eased capacity issues.
 - d. Established a grant fund-many projects, including those related to tires are eligible for a grant fund.
 - e. Established a fee of \$1.00 per tire sold in the state.
 - f. Established a fee of \$25.00 on businesses with retail sales of tangible personal property of \$50,000 or more.
 - g. Required the Department to contract for the preparation of a comprehensive solid waste management plan to be delivered to the Legislature by 12/15/1991.
 - i. The plan was to act as a guide to assist political subdivisions with the planning of their systems.
 - j. Lash Chaffin stated many issues which are very important to people now were side issues back then.
 - k. Lash Chaffin mentioned one difficulty encountered was presence of three different revenue streams which seem unrelated, except by the bigger picture of solid waste management.
 - l. Lash Chaffin added many public meetings were conducted during the effort.
 - m. Discovered David City landfill was taking waste from New York. It was mostly yard waste consisting of grass clippings.
 - 4. Integrated Solid Waste Management Act-1992, LB 1257

- a. Lash Chaffin said LB 1257 regulations aren't about waste management; they're about protecting soil and groundwater.
- b. Lash Chaffin stated a system did develop, but it developed out of crisis.
- c. Wide range of topics- CAAA 1990 to NET.
- d. Assigned responsibility to PSD for waste management.
- e. Required a statement of intent by 10/1/1992.
- f. Waste must go to a permitted facility 10/1/1993.
- g. Required submittal of a local solid waste management plan by 10/01/1994.
- h. Keep the state plan current.
- i. Established landfill bans-yard waste, tires, white goods, lead acid batteries, waste oil, and unregulated hazardous waste (excluding household)
- j. Established the ISWM cash fund-annual fees, permit application fees, landfill disposal fees. Funds operations of the Department.
- k. 50% of the fees to the WRR Grant Program for PSD grant project

5. Waste Characterization Study-2009

- a. It is dated.
- b. Eight facilities-collection in all four seasons.
- c. Establish a representative base-line for the state.
- d. Reported waste materials and waste categories.
- e. Three largest portions of Nebraska's waste stream:
 - i. Paper fiber component 41.2%
 - ii. Plastics component 19.1%
 - iii. Food waste category 16.6%
- f. Visual Inspections
 - i. E-waste 31%
 - ii. Furniture 60%
 - iii. Limbs and brush 46%
 - iv. Construction and Demo Debris 78%
- g. Recommendations
 - i. Develop a program with the eight facilities and the counties they serve and build on it.
 - ii. Develop an on-going training program to provide direction on the use of the information collected.
 - iii. Develop audit programs and use the data from this study in other areas of the state.
 - iv. Consider replicating this effort in other areas of the state.
 - v. A follow-up study should be conducted by 2013 and no later than 2016.

6. Jo Leyland has participated in a Zero Waste study with WasteCap in January 2015 in Imperial. **ACTION ITEM: DEQ would like e-copies of the Imperial Zero Waste Study.**
 - a. 30% paper fiber
 - b. 11% food waste
 - c. 4.7% glass
 - d. 18% diapers
7. One problem with taking materials out of the waste stream is there needs to be an end user for them. They have to find a market for it. Jo believes a united front is necessary to determine what kinds of materials are collected, then use the collective bargaining power to find a market.
8. Time outlay and volume produced must be considered with regard to recycling programs.

H. Advisory Committee Process

1. Anticipate a couple more meetings. Probably in mid-May and July of 2017. Joe Francis indicated this is an extremely aggressive timeline.
2. RFP for consultant will be released in December 2016.
3. The consultant will be selected in February 2017.
4. Public meetings will need to be held. **ACTION ITEM: Committee Member input is appreciated regarding topics and agendas for public meetings.**
5. A first draft of the report should be drafted July 2017.
6. The final draft will be due September 2017.
7. NDEQ's report on findings and recommendations is due December 2017.
8. This will be a two-step process. The bill calls for NDEQ to prepare a study, then submit our recommendations to the Legislature.
9. Once the report is submitted, action will be dependent upon scope of suggestions. If there are easy fixes, such as simple cleanup of language, then those may be enacted very quickly. Otherwise, it could take another Legislative session unless one of the Senators really grabs onto an issue. It could be two years before we see any results.

III. Existing Solid Waste Management Regulations and Statutes-Dave Haldeman

A. Nebraska Litter Reduction and Recycling Act

1. Litter reduction and recycling grant program.
2. Three eligible grant categories: Public Education, Cleanup, and Recycling.
3. Environmental Quality Council establishes a percent allocation for the three categories.
4. Fees to fund the program.
5. Important definitions (litter, tangible personal property, gross proceeds, recycling, manufacturer, wholesaler, and retailer)

B. Title 133-Litter Reduction and Recycling Grant Program

1. Regulations to implement the grant program.
2. Regulations approved by the Environmental Quality Council.

3. Definitions and funding categories the same as statute.
 4. Outlines the administrative requirements for the grant program.
 5. Administrative examples: Application content, competitive process, grant conditions (reporting, insurance, equipment service life, and disposition after use).
 6. Largest share in 2016 went to Keep America Beautiful Affiliates (\$1,103,401.00). Non-profits received \$257,017.00. \$95,631.00 went to private entities. Public entities received \$630,915.00
- C.** Waste Reduction and Recycling Incentive Act
1. Waste reduction and recycling incentive grant program.
 2. Two primary grant categories: Waste reduction and recycling and waste tire management.
 3. Program Priority System for waste reduction and recycling applications approved by the Environmental Quality Council.
 4. Waste tire grant applications awarded by amount and categories outlined in statute.
 5. Two of the three fees to fund the program are listed in the statute.
- D.** Title 199 Waste Reduction and Recycling Incentive Grants Program
1. Regulations to implement the grant program.
 2. Regulations approved by the Environmental Quality Council.
 3. Definitions and funding categories the same as statute
 4. Outlines the administrative requirements for the grant program.
- E.** Environmental Protection Act
1. Definitions.
 2. Governor's Keep Nebraska Beautiful Committee.
 3. Restrict grants or loans for tire derived fuel.
 4. Regulatory requirements for composting and composting sites.
 5. Violations for not obtaining permits and other unlawful acts.
 6. Commercial Hazardous Waste Siting Requirements.
- F.** Integrated Solid Waste Management Act
1. Solid Waste Management Hierarchy.
 2. Political Subdivision Responsibility.
 3. Acceptable uses of waste tires.
 4. Solid Waste Management Plans.
 5. Land Disposal Bans.
 6. Permitting Requirements.
 7. Regulation Development.
 8. Program Fees.
 9. Two financial assistance programs.
- G.** Title 132- Integrated Solid Waste Management Regulations
1. Activities that require a permit and activities that are exempt from permitting requirements.

2. Solid waste management facility types.
 3. Permit requirements for each facility type.
 4. Annual operating and permit application fees.
 5. Waste tire management requirements.
- H.** Solid Waste Disposal Act
1. Definition of Solid Waste Disposal Area and Processing Facility.
 2. Local Site Approval Process must be completed before an applicant can submit a permit application to the department.
 3. Construction commencement date.
 4. Appeal process of siting denial.
- I.** Waste Tire Management
1. LB 672- Eliminate the \$1.00 Tire Fee.
 2. Primary Program Focus: Waste tire piles and market development.
 3. Acceptable use of waste tires.
 4. Permits required.
 5. Use of tires for calendar year 2015
 6. Regulatory and Grant Program legislative history.
- J.** Gene Hanlon suggested talking about staffing and organization. Initially there were 3-4 more employees, but NDEQ lost their Solid Waste Management Planner and the position was eliminated. Staffing is fairly stagnant. Get used to doing more with less and finding efficiencies wherever possible. **ACTION ITEM: Get NDEQ organizational chart provided to Committee.**
- IV.** Existing Solid Waste Management Infrastructure and Regulated Systems- Dave Haldeman
- A.** A map was provided to the Committee Members which coordinates with a list of facilities to show the number, location, and various types of Solid Waste Management Facilities located in Nebraska.
 - B.** Nebraska is a very large state with lots of room. The amount of tonnage we put into landfills is very different from other places.
 - C.** To add a new facility or expand an existing one, facilities must go through a Local Siting Approval Process.
 1. Sarpy Count looked to expand. A number of counties got together. However, when a site was selected that wasn't in Sarpy County, the effort fell apart.
 2. Waste Connections tried to site a new landfill near Mead, but was met with opposition.
 3. The Local Siting Process can cause difficulty.
 - D.** There are several bale fill landfills. Locations include Chadron, Gering, and Beatrice.
 - E.** C & D sites cover as needed, unlike other landfills. Some sites have had issues with properly containing the wastes in them.
 - F.** Nebraska does have fossil fuel (coal ash) sites; these are not listed on the map. There are 7 of them, and they are mostly operated in conjunction with Public Power Districts.
 - G.** Nebraska has one hazardous waste disposal site in Kimball.
 - H.** There is one Industrial Waste Site located in Omaha.

- I. Kimball built their own landfill and are maintaining it.
 - J. In other counties, waste is monetized, so they have incentive to reduce how much waste they throw away.
 - K. Danielle said in England there is an annual report filled out online so data is collected on what kind of wastes are being thrown away.
 - L. Jim added in Missouri, a similar study was conducted and a Solid Waste Management effort was made afterwards. The state was divided into 18 SWM districts along geopolitical boundaries. Part of the tipping fee supports the grant effort. Things did go a little sideways when some funds were misappropriated.
- V. Scope of Work we Want from the Consultant**
- A. Five Specific Things**
 - 1. Whether existing state programs regarding litter and waste reduction and recycling should be amended or merged
 - 2. A needs assessment of the recycling and composting programs in the state, including the need for infrastructure development, operating standards, market development, coordinated public education resulting in behavior change, and incentives to increase recycling and composting.
 - 3. Methods to partner with political subdivisions, private industry, and private, nonprofit organizations to most successfully address waste management issues in the state.
 - 4. Recommendations regarding existing funding sources and possible new revenue sources at the state and local level to address existing and emerging solid waste management issues.
 - 5. Revisions to existing grant programs to address solid waste management issues in a proactive manner.
 - B. Is there anything you would like to see included that is not on the list?**
 - 1. Ed stated in his experience, mandates don't go over well. He would like to see more incentivization rather than mandates.
 - a. He would like help finding incentives/ways to create incentive projects.
 - b. He would like to see some suggestions and guidance added in DEQ created resources.
 - 2. Jo said she feels as though Midwesterners don't see solid waste as having a cost. The problem is, if we promote recycling and become hugely successful at it, then what do we do with materials when they've been collected. Economics are a huge factor.
 - 3. Danielle added in Europe, rather than calling garbage waste, they call it "residual". It's collected every three weeks, because food and yard wastes are collected separately.
 - 4. DEQ should share what did and didn't work for grant funded projects. Best management practices could be shared.
 - 5. Do Nebraskans have a strong grasp of what landfills cost? We don't have adequate reporting, since there's virtually no record-keeping. Haulers don't do

reporting. Jim Weber does get asked yearly how much material he produces, but it's through an association, and has nothing to do with governance.

6. Jo Leyland said Imperial uses a Pay as You Throw system which works pretty well for them. She is very much in support of these types of programs.
7. May want to consider a "More Bang for Your Buck" approach for grants. Many small communities are marketing their recyclable materials on their own, and they have very little power. Maybe we need to consider at what dollar point it become an incentive to recycle.
8. Is there a need for us to re-evaluate hierarchy? We may need to look more at trying to convert waste to energy.
9. When programs first started, the initial fees were prioritized for closing illegal landfills. An element of reliance was built into the grants which became a kind of entitlement mentality.
10. Jim Weber starts looking at "where am I at and how do I solve it from where I am" and decides on solutions that are still feasible without any grant aid before he applies for any money.
11. Do we need concentrated effort to get government, private industry, and non-profits to work together? Jim Weber feels there's a disconnect. Danielle Easdale wanted to know if DEQ could facilitate discussions. How can DEQ do that? What would it look like?
12. There's a lack of information. Government does collect some, and if DEQ became a sort of clearing house for info, it could be helpful.
13. Should Nebraska ban certain things from marketplace (like plastic bags)? We should also have a look at landfill bans, are they effective?

VI. Public Comment

- A. John Dempsey worked with NDEQ for several decades. There are great people there and they'll be a great resource. He came to see how broad or narrow the scope would be. He was curious to see. He was a huge proponent of the Integrated Solid Waste Management Act, but a clause was added to the end of it stating "if technically and economically feasible", which effectively killed the bill. Everyone could say it wasn't economically feasible and didn't have to make any changes. Education is cheap, but behavioral change costs a lot. He wants the consultant to evaluate waste vs. non-waste. Most of the time, perception is, if it's waste, then it's the government's problem. However, if it's a resource, then the government should stay out of it. Dave did a great job outlining where changes are needed. Slides 20-25 were especially interesting.
- B. Karla Welding echoes John's statement about the difference between education and behavior change. People always say they should recycle. They acknowledge that they should, but very few of them do. She encourages to the extent the Committee and the consultant are able to access national and global resources, they should.

National Waste & Recycling Association: <https://wasterecycling.org/>

Solid Waste Association of North America: <https://swana.org/>

International Solid Waste Association: <http://www.iswa.org/>

National Solid Waste Management Association: <http://www.nswma.org/>

We have devoted a lot of discussion in this meeting to the economics of recycling. Recycling isn't possible if it's got to be profitable. Trying to create apples to apples comparison of costs for disposal and recycling would be very difficult.

When the Committee and consultant look at landfill bans, that's a ban at the curb. Once it reaches the landfill, it's mixed in with other wastes. It becomes both difficult and unsafe to try to separate those items.

Lincoln spent 18 months doing a solid waste study, but they have yet to be able to implement any recommendations, despite there being some very good suggestions.

- C. Gene Hanlon added there is a cost to handling society's waste. Once it's disposed, it's gone forever. If it's recycled, resources are conserved. We can't look at the short term, we have to consider the societal impact. There have been published studies indicating when an institute collects 1,000 tons of material for recycling, they create two jobs. It takes another four jobs to reclaim and reuse those materials.

You don't know what you don't measure. The last waste characterization study by NDEQ showed over 80,000 tons being buried in our landfills. That's \$5-7 million being buried each year. It makes more sense to spend money to recover those resources.

The landfill does require their waste haulers to report each year how much they delivered.

Committee Member's Additional Ideas for Study:

1. Incentivizing -recommendations/strategies
2. Economics
3. Education
4. Market identification
5. Sharing education on best practices
6. Fees
7. Funding opportunities/duplications
8. Effectiveness of grants
9. Working regionally
10. Enhanced record keeping "reporting"
11. Reviewing hierarchy
 - Public Perception
 - Infrastructure
12. Waste to Energy
13. Market creation
14. Materials exchange programs

15. Consider product bans
16. Review landfill bans.