

LB 1101 Solid Waste Management Study

October 27, 2016
Kearney, Nebraska

First Meeting of the LB 1101
Advisory Committee

1

LB 1101 Solid Waste Management Study

LB 1101 – Introduced by Mello, Haar, Kolowski, Schilz

NDEQ to conduct a study of SWM programs and make recommendations:

- Should programs be merged or amended
- Conduct a needs assessment of recycling and composting
- Partnership opportunities to address waste management
- Recommendations on existing and possible new funding sources
- Revisions to existing grant programs

2

LB 1101 Solid Waste Management Study

LB 1101 Study:

- Director establishes an Advisory Board
- Department may hire a consultant
- Department submits recommendations to the Legislature
- Report is due – December 15, 2017

3

LB 1101 Solid Waste Management Study

NDEQ Expectations for the Committee

- Keep the “Big Picture” at the forefront
- Strive for consensus
- Focus on areas that will make a difference
- Bring your expertise **and** life as a citizen
- Respect the positions of all
- Be creative and challenge the Department
- Help us produce a product that doesn’t collect dust!

4

NEBRASKA
Good Life. Great Environment.

NDEQ Website – <http://deq.ne.gov>

5

NEBRASKA
Good Life. Great Environment.

LB 1101 Solid Waste Management Study

Legislative and Related Efforts

- Environmental Protection Act – 1971
 - “Provide for the prevention, abatement and control of new or existing land pollution”
- Litter Reduction and Recycling Act – 1979
 - Established a fee on: food and beverages, pet food, tobacco products, household paper products, cleaning agents and kitchen supplies
 - Established a grant program for projects related to: public education, clean-up of litter, recycling

6

LB 1101 Solid Waste Management Study

Legislative and Related Efforts

- Waste Reduction and Recycling Incentive Act – 1990; LB 163, LB 1034
 - Landfills operating without permits
 - Capacity was a concern
 - Recognized waste reduction and recycling helped capacity
 - Established a grant fund – many projects, including those related to tires are eligible for grant fund
 - Established a fee of \$1.00 per tire sold in the state

7

LB 1101 Solid Waste Management Study

Legislative and Related Efforts

- Waste Reduction and Recycling Incentive Act – 1990 (cont'd); LB 163, LB 1034
 - Established a fee of \$25.00 on businesses with retail sales of tangible personal property of \$50 K or more
 - Required the Dept. to contract for the preparation of a comprehensive solid waste management plan to be delivered to the legislature by 12/15/1991
 - The plan was to **act as a guide** to assist political subdivisions in the planning of their systems.

8

LB 1101 Solid Waste Management Study

Legislative and Related Efforts

- Integrated Solid Waste Management Act – 1992, LB 1257
 - Wide range of topics – CAAA 1990 to NET
 - Assigned responsibility to PSD for waste management
 - Required a statement of intent by 10/1/92
 - Waste must go to a permitted facility 10/1/93
 - Required submittal of a local solid waste management plan by 10/1/94

9

LB 1101 Solid Waste Management Study

Legislative and Related Efforts

- Integrated Solid Waste Management Act – 1992, LB 1257
 - Keep the state plan current
 - Established landfill bans – yard waste, tires, white goods, lead acid batteries, waste oil and unregulated haz. waste (excluding household)
 - Established the ISWM cash fund – annual fees, permit application fees, landfill disposal fee. Funds operations of the Dept.
 - 50% of the fees to the WRR grant programs for PSD grant projects

10

NEBRASKA
Good Life. Great Environment.

LB 1101 Solid Waste Management Study

Legislative and Related Efforts

- Waste Characterization Study – 2009
 - It is dated....
 - Eight facilities – collection in all four seasons
 - Establish a representative base-line for the state
 - Reported waste materials and waste categories

11

NEBRASKA
Good Life. Great Environment.

LB 1101 Solid Waste Management Study

Legislative and Related Efforts

- Waste Characterization Study – 2009 (cont'd)
 - Three largest portions of Nebraska's waste stream
 1. Paper fiber component – 41.2%
 2. Plastics component – 19.1%
 3. Food waste category – 16.6%

12

LB 1101 Solid Waste Management Study

Legislative and Related Efforts

- Waste Characterization Study – 2009 (cont'd)
 - Visual inspections
 - E- Waste – 31%
 - Furniture – 60%
 - Limbs and brush – 46%
 - Construction and Demo Debris – 78%

13

LB 1101 Solid Waste Management Study

Legislative and Related Efforts

- Waste Characterization Study – 2009 Recommendations:
 - Develop a program with the eight facilities and the counties they serve and build on it
 - Develop an on-going training program to provide direction on the use of the information collected
 - Develop audit programs and use the data from this study in other areas of the state
 - Consider replicating this effort in other areas of the state
 - A follow-up study should be conducted by 2013 and no later than 2016

14

LB 1101 Solid Waste Management Study

Advisory Committee Process

- Meetings in mid-May & July '17...
 - RFP released – December '16
 - Consultant Selected – February '17
 - Public Meetings....
 - First Draft – July '17
 - Final Draft – September '17
 - NDEQ Report – December '17

15

LB 1101 Solid Waste Management Study

Nebraska Litter Reduction and Recycling Act

- Litter Reduction and Recycling Grant Program
- Three eligible grant categories: Public Education, Cleanup, and Recycling
- Environmental Quality Council establish a percent allocation for the three categories
- Fees to fund the program
- Important definitions (litter, tangible personal property, gross proceeds, recycling, manufacturer, wholesaler, and retailer)

16

LB 1101 Solid Waste Management Study

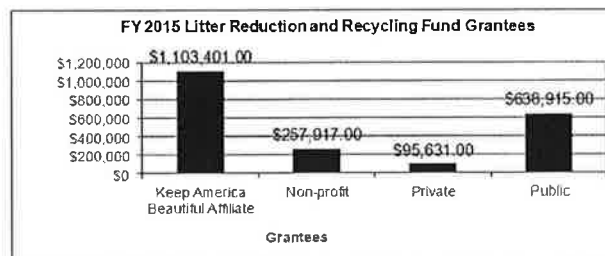
Title 133-Litter Reduction and Recycling Grant Program

- Regulations to implement the grant program
- Regulations approved by the Environmental Quality Council
- Definitions and funding categories the same as statute
- Outlines the administrative requirements for the grant program
- Administrative Examples: Application content, Competitive process, Grant Conditions (reporting, insurance, equipment service life and disposition after use)

17

LB 1101 Solid Waste Management Study

Litter Reduction and Recycling Grant Program



18

LB 1101 Solid Waste Management Study

Waste Reduction and Recycling Incentive Act

- Waste Reduction and Recycling Incentive Grant Program
- Two primary grant categories: Waste reduction and recycling, and waste tire management
- Program Priority System for waste reduction and recycling applications approved by the Environmental Quality Council
- Waste tire grant applications awarded by amount and categories outlined in statute
- Two of three fees to fund the program

19

LB 1101 Solid Waste Management Study

Title 199-Waste Reduction and Recycling Incentive Grants Program

- Regulations to implement the grant program
- Regulations approved by the Environmental Quality Council
- Definitions and funding categories the same as statute
- Outlines the administrative requirements for the grant program

20

LB 1101 Solid Waste Management Study

Environmental Protection Act

- Definitions
- Governor's Keep Nebraska Beautiful Committee
- Restrict grants or loans for tire derived fuel
- Regulatory requirements for composting and composting sites
- Violations for not obtaining permits and other unlawful acts
- Commercial Hazardous Waste Siting Requirements

21

LB 1101 Solid Waste Management Study

Integrated Solid Waste Management Act

- Solid Waste Management Hierarchy
- Political Subdivision Responsibility
- Acceptable uses of waste tires
- Solid Waste Management Plans
- Land Disposal Bans
- Permitting Requirements
- Regulation Development
- Program Fees
- Two financial assistance programs

22

LB 1101 Solid Waste Management Study

Title 132-Integrated Solid Waste Management Regulations

- Activities that require a permit and activities that are exempt from permitting requirements
- Solid Waste Management Facility Types
- Permit requirements for each facility type
- Annual operating and permit application fees
- Waste tire management requirements

23

LB 1101 Solid Waste Management Study

Solid Waste Disposal Act

- Definition of Solid Waste Disposal Area and Processing Facility
- Local Site Approval Process must be completed before an applicant can submit a permit application to the department
- Construction Commencement Date
- Appeal process of siting denial

24

LB 1101 Solid Waste Management Study

Waste Tire Management

- LB 672-Eliminate the \$1.00 Tire Fee
- Primary program focus: Waste tire piles and market development
- Acceptable use of waste tires
- Permits required
- Use of tires for calendar year 2015
- Regulatory and Grant Program legislative history

25

Nebraska Solid Waste Management Facilities

