APPLICATION FOR PERMIT TO OPERATE A SOLID WASTE COMPOST SITE

Nebraska
DEQ

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
Waste Management Section

Revised 01-2006
WAS049

CHECKLIST FOR CONTENTS OF APPLICATION

_____ Permit application form signed by owner and operator (Title 132, Chapter 2, 006.03)

_____ Legal description of site boundaries attached (Title 132, Chapter 2, 006.01C)

_____ Evidence of local siting approval or notification of local approval as required by NEB. REV. STAT §13-1701 through §13-1714 or §13-2035 (attached) (Title 132, Chapter 2, 006.01H)

_____ All maps or sets of plans folded and included in the application package

_____ Permit application fee, payable to the Nebraska Department of Environmental Quality enclosed (Title 132, Chapter 9, 002)

_____ Five (5) copies of application submitted to:

Nebraska Department of Environmental Quality
Waste Management Section
P.O. Box 98922 - Statehouse Station
Lincoln, NE 68509-8922

Nebraska Department of Environmental Quality

Waste Management Section

APPLICATION FOR COMPOST FACILITY PERMIT

NAME OF APPLICANT_____

NAME OF FACILITY TO APPEAR ON PERMIT_____

MAILING ADDRESS_____

CITY_____ STATE_____ ZIP CODE_____

LEGAL DESCRIPTION OF AREA INCLUDED IN SITE: ___1/4 ___1/4 ___ 1/4, SECTION___ TOWNSHIP RANGE___ COUNTY_____

ATTACH LEGAL DESCRIPTION OF SITE BOUNDARIES_____ NUMBER OF ACRES _____

OWNERSHIP STATUS

Private	Governmental	
____ Individual	____ Federal	____ County
____ Corporation	____ State	____ Agency
____ Other	____ Municipality	

BRIEF DESCRIPTION OF NATURE OF BUSINESS:

_____

_____

_____

_____

ANTICIPATED AVERAGE AMOUNT OF MATERIAL RECEIVED PER MONTH _____ CUBIC YARDS, OR _____ TONS X 12 = _____ CUBIC YARDS/TONS PER YEAR

PROPOSED MAXIMUM STORAGE CAPACITY OF THE SITE _____ CUBIC YARDS OR _____ TONS

ANTICIPATED SERVICE AREA:

_____

_____

_____

OPERATOR (Person principally responsible for ongoing management of facility) *

NAME _____ TELEPHONE NO._____

ADDRESS_____ CITY_____STATE_____ ZIP CODE_____

OWNER (Person which appears on general warranty deed as property land owner) **

NAME _____ TELEPHONE NO._____

ADDRESS_____ CITY_____STATE_____ ZIP CODE_____

(continued)

* In the case of an individual, sole proprietor, partnership, agent or assignee the name of the individual(s) shall be provided. In the case of a corporation, limited liability corporation or other legal entity, the name of the entity shall be provided. In the case of a municipality, county, public agency, or other governmental subdivision, the name of the governmental subdivision shall be provided.

** The name of the owner shall correspond with the ownership status identified above as an individual, corporation or governmental subdivision.

If granted this permit, we the undersigned, agree to abide by all applicable requirements including state laws, regulations, orders and decisions of the Nebraska Department of Environmental Quality. We understand that in the event of any false or fraudulent information in the application, plans and data, or of failure to operate the area or facility in a proper and legal manner which ensures protection of the public health and the environment, the permit may be revoked after due notice from the Nebraska Department of Environmental Quality. We understand the permit is issued jointly to the owner and operator, as designated above. We further understand that by signing below, we hereby certify, in our name and the owners' or operator's name that any information submitted is true, accurate and complete.

SIGNATURE OF **OPERATOR** (PERSON AS DESCRIBED IN TITLE 132, CHAPTER 2, 006.03A, 006.03B & 006.03C) DATE

PRINT **NAME AND TITLE** OF THE INDIVIDUAL WHO SIGNED ABOVE

SIGNATURE OF **OWNER** (PERSON AS DESCRIBED IN TITLE 132, CHAPTER 2, 006.03A, 006.03B & 006.03C) DATE

PRINT **NAME AND TITLE** OF THE INDIVIDUAL WHO SIGNED ABOVE

ATTACHMENTS:

- **Documentation of local siting approval required by Neb. Rev. Stat. §13-1701 to ` §13-1714, or Neb. Rev. Stat. §13-2035, if applicable to the proposed solid waste management facility**
- **Legal description of site boundaries**
- **Appropriate Permit Application Fee**

For more information and to view guidance documents regarding permit applications go to the department's web site located at http://deq.ne.gov/ and click on publications and then waste management.

PROVIDE DOCUMENTATION FOR EACH OF THE FOLLOWING:

A. LOCATIONAL CRITERIA

1. *Surface water*. Specify the name, distance and direction to the nearest stream or surface water body, such as lakes or ponds (Title 132, Chapter 6, 002.01A).

2. *Land use.* Describe the land use of the site and the area surrounding the site within one mile and list the source of this information (Title 132, Chapter 6, 002.01B).

3. *Population*. Describe the population density of the area surrounding the site within one mile and the source of this information (Title 132, Chapter 6, 002.01B).

4. *Wetlands*. Attach a National Wetlands Inventory Map with the site boundaries clearly marked. Specify the distance in feet/miles from the site boundaries to the nearest designated wetlands (Title 132, Chapter 6, 002.02)

5. *Highway.* Provide the name and distance to the nearest existing right of way of any state, interstate, or federal highway (Title 132, Chapter 6, 002.03A).

6. *Floodplain.* Specify the distance to the nearest 100 year floodplain. Attach the applicable floodplain map or other appropriate documentation (Title 132, Chapter 6, 002.03B).

7. *Waters of the State Criteria.* Provide this information by using the criteria found in Title 132, Chapter 6, 002.03C and 002.03D. The initial criteria may be provided by the most current documented information for the site location. Provide the source of the information.

B. DESIGN CRITERIA

1. *Facility design*. Describe the design of the facility, which is protective of human health and the environment and will not result in pollution of waters of the State (Title 132, Chapter 6, 003.01 and 003.02).

2. *Sequence of Earth Materials*. Describe the sequence of earth materials at the site required by Title 132, Chapter 6, 003.03A.

3. *CQA Plan*. Provide a schedule of construction and a construction quality assurance plan (Title 132, Chapter 6, 003.03B).

4. *Soils Data*. Provide data obtained from soil samples taken from the proposed facility required by Title 132, Chapter 6, 003.03C.

5. *Plugging Exploration Holes*. Provide information showing the manner of plugging and sealing any exploration holes drilled to obtain on site data (Title 132, Chapter 6, 003.03D).

6. *Ground Water Protection.* Describe measures taken to protect the ground waster (Title 132 Chapter 6, 003.04A)

7. S*urface Water Protection.* Provide a description of the system for collection, containment, treatment and/or use of all waters within the site confines (Title 132, Chapter 6. 003.04B and 004.07).

C. OPERATIONAL CRITERIA

1. *Operational plan*. Describe the operational procedures for the facility, which complies with Title 132, Chapter 6, 004 requirements.

2. *Litter Control*. Describe the procedures for controlling litter on-site, along access roads and on adjacent properties (Title 132, Chapter 6, 004.02).

3. *Vector Control*. Describe all rodent and disease vector control procedures to be used on site (Title 132, Chapter 6, 004.03).

4. *Hazardous Waste Screening*. Describe the procedures for excluding the receipt of hazardous waste or TSCA regulated PCB wastes in accordance with Title 132, Chapter 6, 004.05.

5. *Access Control*. Describe any access control measures that will be implemented, in addition to locked gates during non-operating hours, such as fences, signs, supervision, etc... (Title 132, Chapter 6, 004.06)

6. *Surface Water Requirements*. Describe the measures to be taken to prevent the discharge of pollutants into waters of the state (Title 132, Chapter 6, 004.07).

7*. Storage capacity.* Describe the operating procedure for handling in-coming waste if the storage capacity of the facility has been reached. Also describe any specific designated storage areas (Title 132, Chapter 6, 004.08).

8. *Record Keeping.* Describe record keeping criteria regarding modification to facility equipment and/ or operations (Title 132, Chapter 6, 004.09).

9. *Hours of Operation*. Describe the days and hours of operation (Title 132, Chapter 6, 004.11A).

10. *Employee Duties*. Describe the number and duties of on-site employees (Title 132, Chapter 6, 004.11B).

11. *Sources of Waste*. List the sources and types of waste received. Estimate the daily quantity of waste received. Specify the origin of the wastes to be received. Describe any general load inspection techniques not previously described in #3 above (Title 132, Chapter 6, 004.11C).

12. *Equipment*. Describe the number, size and type of equipment to be used on site. Describe provisions for obtaining back-up equipment (Title 132, Chapter 6, 004.11D).

13. *Contingency Plan*. Attach a contingency plan, which describes the operational procedures in the event of: wet weather/site conditions, high winds, frozen conditions, fires, or natural disasters (Title 132, Chapter 6, 004.11E).

14. *Methods of Operation.* Describe the method of handling the incoming materials to include windrow, static pile, aeration, non-aeration or other methods of composting (Title 132, Chapter 6, 004.12A).

15. *Chemical Analysis.* Provide an analysis of the material to be composted and the finished product when determined necessary by the Department (Title 132, Chapter 6,004.12B).

16. *Non-Compost Material.* Describe the disposal process for the material, which is not part of the compost (Title 132, Chapter 6, 004.12C).

17. *Soils Analysis.* Provide an annual analysis of the underlying soils for leachate detection (Title 132, Chapter 6. 004.12D).

D. CLOSURE CRITERIA

1. *Closure Plan*. Attach a closure plan prepared in accordance with Title 132, Chapter 6, 005.01.

2*. Notification and Recording*. Describe the notification and recording requirements that will be completed to properly close the site (Title 132, Chapter 6, 005.02 through 005.04).

E. REQUIRED MAPS AND DRAWINGS

1. Provide maps of the site, drawn to scale, indicating the location or existence of the items listed below. (Title 132, Chapter 6, 006.01):

a) Points of entrance and exit;
b) Loading, dumping and any temporary storage areas;
c) Interior roads and ramps;
d) Devices for controlling litter;
e) Devices for controlling unauthorized access to the facility site;
f) Drainage facilities, structures, walls, cribbing, surface water protection devices, and any other devices as are necessary to comply with applicable water quality standards;
g) Fire protection facilities;

h) Utilities to service the site;
i) Gas and oil wells;
j) High tension power lines;
k) Fuel transmission pipelines;

2. Maps of the area within one-quarter mile of the boundaries of the site, drawn to scale, showing the location of (Title 132, Chapter 6, 006.02):

a) Waterways and surface drains;
b) Borings, wells, springs, and their surface elevations;
c) Field tile drains; and
d) Underground and surface mines, elevations of mine pools, and mine pool discharges.

F. FINANCIAL ASSURANCE (If required by Title 132, Chapter 8, 001, provide the following:)

1. *Closure Cost Estimate*. Provide a detailed cost estimate for closing the solid waste processing facility based on the closure plan developed in #D.1. (Title 132, Chapter 8, 003)

2. *Mechanism*. Provide a draft of the proposed financial assurance mechanism in accordance with Chapter 132, Chapter 8, 004.

G. PERMIT APPLICATION FEE

1. Attach the required permit application fee as described in Title 132, Chapter 9, 003.

H. LOCAL SITING APPROVAL

1. Provide evidence of notification or local approval requited by Neb. Rev. Stat 13-1701 to 13-1714 or Neb. Rev. Stat.13-2035, whichever is applicable. This documentation may include, but is not limited to public notices and minutes from meetings where approval was granted. See attachment "A" of this document. (Title 132, Chapter 2, 006.01H).

ATTACHMENT "A"

13-1701 Terms, defined For purposes of sections 13-1701 through 13-1714 and 76-2, 119:

- Applicant shall mean any person as defined in section 81-1502 who is required to obtain a permit from the department for a solid waste disposal area or a solid waste processing facility but shall not include any person applying for renewal of such a permit or any person as defined in such section who proposes to dispose of waste which he or she generates on property which he or she owns as of January 1, 1991.
- Department shall mean the Department of Environmental Quality.
- Solid waste disposal are shall mean an area used for the disposal of solid waste from more than one residential premises or form one or more recreational, commercial, industrial, manufacturing, or governmental operations.
- Solid waste processing facility shall mean an incinerator or a compost plant receiving material, other than yard waste, in quantities greater than one thousand cubic yards annually.

Source: Laws 1991, LB 813, §1: Laws 1992, LB 1257, §59
Operative date July 15, 1992

13-1702 Request for siting approval Prior to submitting an application to the department for a solid waste disposal area or solid waste processing facility, the applicant shall submit a request for siting approval to the city council, village board of trustees, or county board of commissioners or supervisors which governs the city, village, or county in which the proposed site is to be located. The city council, village board, or county board shall approve or disapprove the site for each solid waste disposal area or solid waste processing facility.
Source: Laws 1991, LB 813, 2
Effective date September 6, 1991

13-1703 Criteria An applicant for siting approval shall submit information to the city council, village board of trustees, or county board of commissioners or supervisors to demonstrate compliance with the requirements of this section regarding a solid waste disposal area or solid waste processing facility. Siting approval shall be granted only if the proposed area or facility meets all of the following criteria:

- The solid waste disposal area or solid waste processing facility is necessary to accommodate the solid waste management needs of the area which the solid waste disposal area or solid waste processing facility is intended to serve.
- The solid waste disposal area or solid waste processing facility is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- The solid waste dispel area or solid waste processing facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect of the value of the surrounding property. The city council, village board, or county board shall consider the advice of the appropriate planning commission regarding the application.
- The plan of operations for the solid waste disposal area or solid waste processing facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents.
- The traffic pattern, to or from the solid waste disposal area or solid waste processing facility are designed to minimize the impact on existing traffic flows.
- Information regarding the previous operating experience of a private agency applicant and its subsidiaries or parent corporation in the area of solid waste management or related activities or parent corporation in the area of solid waste management or related activities are made available to the city council, village board, or county board, if a corporation, a parent company or subsidiary thereof, or any officer or board member of the corporation or the parent company or subsidiary applying for approval has been convicted of a felony within ten years of the date the application is filed, site approval shall not be granted.

Source: Laws 1991, LB 813, §3; Laws 1992, LB 1257, §60
Operative date July 15, 1992

13-1704 Notice to property owners; publication; failure to notify, effect No later than fourteen days prior to a request for siting approval, the applicant shall cause written notice of the request for siting approval to be served either in person or by registered or certified mail on the owners of all property within the proposed site area not solely owned by the applicant and on the owners of all property within one thousand feet in each direction of the lot line of the proposed site if the proposed site is inside or within three miles of the corporate limits of a city or village or on the owners of all property within two miles in each direction of the lot line of the proposed site for all other proposed sites. The owners shall be identified based upon the tax records of the county in which the proposed site is located.

Written notice shall be published in a newspaper of general circulation in the county in which the proposed site is located. The notice shall state the name and address of the applicant, the location of the proposed site, the nature and size of the solid waste disposal area or solid waste processing facility, the probable life of the proposed solid waste disposal area or solid waste processing facility, the date when the request for siting approval will be submitted, and a description of the right of persons to comment on the request.

Failure to notify all landowners and failure to include all information in the publicized notice as required by this section shall not be considered noncompliance if a good faith effort at notice was made by the applicant which results in actual notice to substantially all parties required to be notified.
Source: Laws 1991, LB 813 § 4; Laws 1992, LB 1257, § 61
Operative date July 15, 1992

13-1705 Request for siting approval; filing requirements; comments An applicant shall file a copy of its request for siting approval with the city council, village board of trustees, or county board of commissioners or supervisors of the city, village, or county in which the proposed site is located. The request shall include the substance of applicant's proposal and all documents, if any, submitted as of that date to the department pertaining to the proposed solid waste disposal area or solid waste processing facility. All documents or other materials pertaining to the

proposed area or facility on file with the city council, village board, or county board shall be made available for public inspection at the office of the city council, village board, or county board and may be copied upon payment of a fee in an amount equal to the actual cost of reproduction.

Any person may file written comment with the city council, village board, or county board concerning the appropriateness of the proposed site for its intended purpose. Such comment shall be postmarked not later than thirty days after the date of the last public hearing held pursuant to section 13-1706 and shall be included in the record of the public hearing.
Source: Laws 1991, LB 813, § 5
Effective date September 6, 1991

13-1706 Public hearing; procedure At least one public hearing shall be held by the city council, village board of trustees, or county board of commissioners or supervisors no sooner that ninety days but no later that one hundred twenty days after receipt of the request for siting approval. A hearing shall be preceded by published notice in a newspaper of general circulation in the county, city, or village in which the proposed site is located. The public hearing shall develop a record sufficient to form the basis of an appeal of the decision.
Source; Laws 1991, LB 813, § 6
Effective date September 6, 1991

13-1707 Final action; when required; amended application Final action shall be taken by the city council, village board, or county board within one hundred eighty days after the filing of the request for site approval.

At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for questioning by the city council, village board, or county board and members of the public, the applicant may file not more than one amended application upon payment of additional fees pursuant to section 13-1710. The time limitations prescribed in sections 13-1706 and 13-1708 for final action on an amended application shall be extended for an additional ninety days.
Source: Laws 1991, LB 813, §7
Effective date September 6, 1991

13-1708. Construction commencement date Construction of a solid waste disposal area or solid waste processing facility which is granted siting approval pursuant to sections 13-1701 to 13-1714 and 76-2, 119 shall commence within two calendar years from the date approval was granted, or the approval shall be nullified. If the siting decision is appealed, the two-year period shall begin on the date upon which the appeal process is concluded.
Source: Laws 1991, LB 813, § 8
Effective date September 6, 1991

13-1709 Procedures; exclusive The siting approval procedures, criteria, and appeal procedures for in sections 13-1701 to 13-1714 shall be the exclusive siting procedures and appeal procedures. Local zoning ordinances, other local land-use requirements, and other ordinances or resolutions shall be considered in such siting decisions.
Source: Laws 1991 LB 813, §9; Laws 1992, LB 1257, § 62
Operative date July 15, 1992
13-1710 Fee A city council, village board of trustees, or county board of commissioners or supervisors shall charge an applicant for siting approval a fee in an amount equal to the reasonable and necessary costs incurred by the city, village, or county in the siting approval process.
Source: Laws 1991, LB 813, §10
Effective date September 6, 1991

13-1711 Reapplication; restriction An applicant shall not file a request for siting approval which is substantially the same as a request which was denied within the immediately preceding two year.
Source: Laws 1991, LB 813, §11
Effective date September 6, 1991

13-1712 Disapproval; hearing before district court If the city council, village board of trustees, or county board of commissioners or supervisors does not approve a request for siting approval pursuant to sections 13-1701 to 13-1714 and 76-2,119, the applicant, within sixty days after notice of the decision, may petition for a hearing before the district court of the county in which the proposed site is located to contest the decision. The city council, village board, or county board shall appear as respondents in the hearing. At the hearing, the burden of proof shall be on the petitioner. In making its orders and determinations under this section, the district court shall consider the written decision and reasons for the decision of the city council, village board, or county board and the transcribed record of the hearing held pursuant to section 13-1706. The district court shall transmit a copy of its decision to the office of the city council, village board, or county board where it shall be available for public inspection and may be copied upon payment of a fee in an amount equal to the actual cost of reproduction. Final action by the district court shall be taken within one hundred twenty days.
Source: Laws 1991, LB 813, § 12
Effective date September 6, 1991

13-1713 Approval; contest; hearing before district court If the city council, village board of trustees, or county board of commissioners or supervisors grants approval pursuant to sections 13-1701 to 13-1714 and 76-2, 119, a third party other that the applicant who participated in the public hearing may petition the district court of the county in which the proposed site is located within sixty days after the filing of the written decision by the city council, village board, or county board for a hearing to contest the approval. Unless the district court determines that the petition is duplicitous of frivolous, the district court shall hear the petition in accordance with the procedures prescribed in section 13-1712. The burden of proof shall be on the petitioner, and the city council, village board, or county board and the applicant shall be named as correspondents.

The district court shall transmit a copy of its decision to the office of the city council, village board, or county board where it shall be available for public inspection and may be copied upon payment of a fee in an amount equal to the actual cost of reproduction.
Source: Laws 1991, LB 813, § 13
Effective date September 6, 1991

13-1714 Approval; contest; filing fee Any person who files a petition with the district court to contest a decision of the city council, village board of trustees, or county board of commissioners or supervisors shall pay the required filing fee.
Source: Laws 1991, LB 813, § 14
Effective date September 6, 1991

THE INTEGRATED SOLID WASTE MANAGEMENT ACT

13-2035 Applicant for facility permit; exemption from siting approval requirements; when; application; contents Any applicant who applies to the department for a permit for a facility pursuant to the Integrated Solid Waste Management Act shall be exempt from the siting approval requirements of sections 13-1701 to 13-1714 if a county municipality, or agency is to be the owner of the facility and the facility is to be located in a county the unincorporated areas of which are among the areas to be served by such facility or the facility is to be located in the county of a municipality to be served by such facility if such facility will not serve unincorporated areas of the county.

The application of such county, municipality, or agency shall show that the applicant:

- Has considered the siting, operational, and traffic criteria established by section 13-1703
- Has given notice of the proposed siting pursuant to the procedures established by section 13-1704
- Has conducted a public hearing regarding the proposed siting preceded by published notice in a newspaper of general circulation in the county or municipality in which the proposed facility is to be located
- Has submitted a record of such hearing with its application to the department

Source: Laws 1991, LB 1257, § 35
Operative date July 15, 1992