

# CHAPTER 5:

## Waste Management Division

---

The Waste Management Division is comprised of two sections and one unit: 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 2013 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.

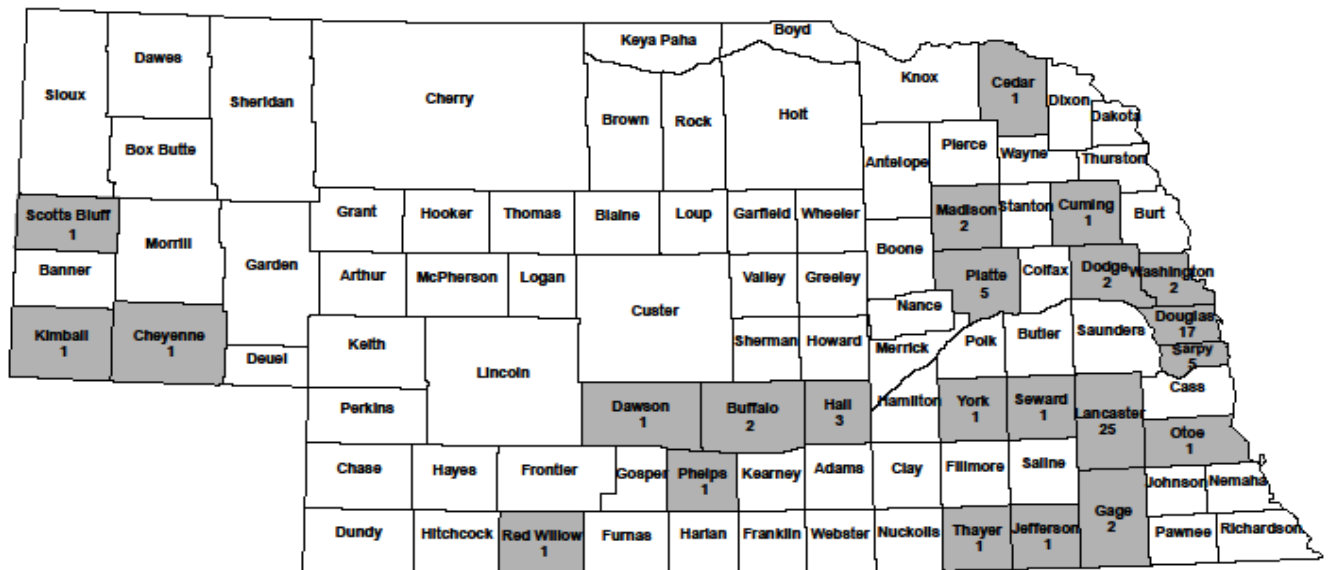
Additionally, the Department can charge proposed commercial hazardous waste management facilities a fee to cover expenses for facility siting committee activities. No new facilities have been proposed in Nebraska since 1994, and that is the last time this fee was collected. There were no new facilities proposed in FY13.

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:

- 78 Large Quantity Generators (greater than 2200 pounds of hazardous waste generated per month) See map below.
- 414 Small Quantity Generators (between 220 and 2200 pounds generated per month)
- 1303 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)
- 15 Hazardous Waste Transporters

**Location of Large Quantity Generators in Nebraska Regulated Under RCRA**



| <b>Summary of FY2013 RCRA Activities</b>                   |              |            |
|--|--------------|------------|
| <b>Activity</b>  | <b>State</b> | <b>EPA</b> |
| <b>Compliance Assistance</b>                               |              |            |
| On-site Visits   | 0            | 0          |
| Direct Assistance Contacts                                 | 326          | *          |
| Public Outreach Presentations<br>(total 223 in attendance) | 3            | *          |
| <b>Inspections</b>   |              |            |
| Land Treatment Facilities                                  | 0            | 0          |
| Treatment and Storage Facilities                           | 1            | 3          |
| Comprehensive Groundwater<br>Monitoring Evaluations        | 0            | 0          |
| Operation and Maintenance<br>Inspections                   | 3            | 0          |
| Facility Self-Disclosure                                   | 0            | 0          |
| Large Quantity Generator                                   | 10           | 3          |
| Small Quantity Generator                                   | 4            | 7          |
| Conditionally Exempt Small<br>Quantity Generators          | 20           | 2          |
| Transporters   | 0            | 0          |
| <b>Permitting</b>  |              |            |
| Closure Plans Finalized                                    | 2            | 0          |
| Permits Issued/Renewed                                     | 1            | 1          |
| Modifications  | 6            | 0          |
| EPA Corrective Action Orders                               | N/A          | 0          |
| <b>Record Reviews</b>                                      |              |            |
| Financial Assurance  | 21           | 1          |
| *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 removed 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 an abbreviated 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, soil gas and groundwater and evaluating vapor intrusion into indoor air of building structures. 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 two pre-screening assessments, ten abbreviated preliminary assessments, two site investigations, one vapor intrusion evaluation, one expanded site investigation and one site reassessment. One of the site investigations was performed at the Former Northwestern Metals site at 900 T Street in Lincoln that historically operated a lead smelter at the property. The investigation involved sampling of 20 residential yards in the North Bottoms neighborhood for lead in soil from smelter air emissions. Based on the results of this sampling, the Department requested federal action by the EPA Region 7 Superfund program to perform additional residential yard sampling and determine the need for removal of lead contaminated soils at the residential properties. This work is anticipated to be initiated in November, 2013. 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. Below is a list of the 13 active NPL sites. Below each name is an EPA web address that provides more detailed information about the site. The first 12 sites listed below are currently in the cleanup phase. The West Highway 6 and 281 site in Hastings is currently in the removal action and site studies phases.

### Active NPL Sites in Nebraska

- Cornhusker Army Ammo Plant (Grand Island)  
[http://www.epa.gov/region07/cleanup/npl\\_files/ne2213820234.pdf](http://www.epa.gov/region07/cleanup/npl_files/ne2213820234.pdf)
- Hastings Groundwater Contamination (Hastings)  
[http://www.epa.gov/region07/cleanup/npl\\_files/ned980862668.pdf](http://www.epa.gov/region07/cleanup/npl_files/ned980862668.pdf)
- Lindsay Manufacturing Co. (Lindsay)  
[http://www.epa.gov/region07/cleanup/npl\\_files/ned068645696.pdf](http://www.epa.gov/region07/cleanup/npl_files/ned068645696.pdf)
- Nebraska Ordnance Plant (Mead)  
[http://www.epa.gov/region07/cleanup/npl\\_files/ne6211890011.pdf](http://www.epa.gov/region07/cleanup/npl_files/ne6211890011.pdf)
- 10th Street Site (Columbus)  
[http://www.epa.gov/region07/cleanup/npl\\_files/ned981713837.pdf](http://www.epa.gov/region07/cleanup/npl_files/ned981713837.pdf)
- Cleburn Street (Grand Island)  
[http://www.epa.gov/region07/cleanup/npl\\_files/ned981499312.pdf](http://www.epa.gov/region07/cleanup/npl_files/ned981499312.pdf)
- Ogallala Groundwater Contamination Site (Ogallala)  
[http://www.epa.gov/region07/cleanup/npl\\_files/ned986369247.pdf](http://www.epa.gov/region07/cleanup/npl_files/ned986369247.pdf)
- Bruno Coop Association (Bruno)  
[http://www.epa.gov/region07/cleanup/npl\\_files/ned981713829.pdf](http://www.epa.gov/region07/cleanup/npl_files/ned981713829.pdf)
- Sherwood Medical (Norfolk)  
[http://www.epa.gov/region07/cleanup/npl\\_files/ned084626100.pdf](http://www.epa.gov/region07/cleanup/npl_files/ned084626100.pdf)
- Omaha Lead Site (Omaha)  
[http://www.epa.gov/region07/cleanup/npl\\_files/nesfn0703481.pdf](http://www.epa.gov/region07/cleanup/npl_files/nesfn0703481.pdf)
- Parkview Well Site (Grand Island)  
[http://www.epa.gov/region07/cleanup/npl\\_files/nen000704456.pdf](http://www.epa.gov/region07/cleanup/npl_files/nen000704456.pdf)
- Garvey Elevator (Hastings)  
[http://www.epa.gov/region07/cleanup/npl\\_files/nen000704351.pdf](http://www.epa.gov/region07/cleanup/npl_files/nen000704351.pdf)
- West Highway 6 & 281 (Hastings)  
[http://www.epa.gov/region07/cleanup/npl\\_files/nen000704738.pdf](http://www.epa.gov/region07/cleanup/npl_files/nen000704738.pdf)

**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 13 formerly used defense sites. Military munitions response activities are being performed at five sites. A military munitions response site is a site that may have the potential for unexploded ordnance, discarded military munitions, or 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, 43 sites have entered the voluntary cleanup program. Currently, 20 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 Nebraska Machine Products in Omaha, the City of Omaha and Metropolitan Utilities District on the Lynch Park former manufactured gas plant (FMGP) site, and Appleton Electric in Columbus. One former EPA brownfield grantee (Former PCS Nitrogen site in Sarpy County) is likely to apply to the program in the near future. Significant cleanup activities are ongoing at the West Haymarket Redevelopment Site South, the former Nebraska Solvents Company site in Grand Island, the former Pfizer facility in Omaha, the Archer Daniels Midland facility in Lincoln, and Hoover Manufacturing in Beatrice. Cleanup activities are anticipated to be completed next year at Magnolia Metal Corporation in Auburn, CVS Pharmacy in south Lincoln, Plaza North Station LLC in Omaha, and the two former FMGP sites in Blair and Plattsmouth. Cleanup activities are also anticipated to commence next year at Vishay Dale Electronics in Norfolk.

The application fee to participate in the program is \$2,000, and the initial deposit to pay for state oversight costs is \$3,000.

**Brownfield Assessments and Cleanups** — A brownfield site is a 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, typically with federal funds, 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. The brownfield assessment can also include surveys of existing building structures on the property for the presence of lead-based paint or asbestos. 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 17 Phase I assessments, five Phase II

assessments, one lead-based paint survey, and four asbestos surveys. One of the Phase II assessments, conducted at Rhylander Park in Plattsmouth, identified the presence of lead in soil associated with the former operations of a Burlington Northern-Sante Fe Rail yard. Supplemental investigation conducted by the Department indicated the need for removal of lead contaminated soil from a wooded area immediately adjacent to the park. This soil removal work was recently completed.

### 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                          |



| <b>Site</b>                             | <b>Location</b> | <b>Status</b>    | <b>Date of Entry into RAPMA Program</b> |
|---|-----------------|------------------|---|
| 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                                  |
| Nebraska Machine Products               | Omaha           | Active           | 9/18/12                                 |
| Lynch Park FMGP                         | Omaha           | Active           | 11/20/12                                |
| Appleton Electric                       | Columbus        | Active           | 3/1/13                                  |

## 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 disposal 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 2013</b>     |            |
|--|------------|
| Municipal Solid Waste Disposal Areas (Landfills) | 23         |
| Industrial Waste                                 | 0          |
| Solid Waste Compost Sites                        | 8          |
| Transfer Stations                                | 39         |
| Materials Recovery Facilities                    | 5          |
| Construction & Demolition Waste Disposal Areas   | 30         |
| Delisted Waste Disposal Areas                    | 1          |
| Processing Facility                              | 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 FY2013:

| <b>Summary of Activities: FY2013</b> |     |
|--------------------------------------|-----|
| <b>Compliance</b>                    |     |
| Facility Inspections (General)       | 132 |
| Facility Inspections (Construction)  | 2   |
| Complaints Received                  | 174 |
| Complaints Investigated              | 160 |
| Complaints Closed                    | 160 |
| <b>Permitting</b>                    |     |
| New Permits Issued                   | 3   |
| Permit Renewals                      | 13  |
| Major Permit Modifications           | 6   |
| Transferred Permits                  | 1   |
| Public Hearings                      | 1   |
| Financial Assurance Reviews          | 180 |
| Facilities Closed                    | 3   |

### **Assessment Monitoring and Remedial Measures**

All solid waste landfills accepting municipal solid waste, industrial waste, delisted hazardous waste and fossil fuel combustion ash are required to conduct groundwater monitoring. The purpose of the groundwater monitoring is to detect any release of contaminants from the facility that may impact groundwater quality. A phased approach is used from the initial detection of a potential release to making decisions on cleanup actions after groundwater contamination has been fully investigated.

The first phase is detection monitoring. During this phase, a landfill will monitor for a discrete number of contaminants that would be indicative of a potential release from the facility. If one or more of the parameters being monitored exceed background levels, the facility then begins assessment monitoring. In FY2013, nine active municipal solid waste disposal areas and four closed municipal solid waste disposal areas conducted assessment monitoring.

During assessment monitoring, a landfill will monitor for a more extensive list of contaminants. If during the assessment monitoring phase contaminant concentrations are detected above a groundwater protection standard, the landfill may then be required to assess potential remedial measures. In FY2013, three closed municipal solid waste disposal areas assessed remedial measures.

Following the assessment of remedial measures, a landfill may be required to conduct additional groundwater investigation, to include the installation of additional wells, and cleanup actions. In FY2013, remedial investigations or cleanup actions were conducted at 12 sites.

## Financial Assurance and Fees

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 for administration of the Waste Reduction and Recycling Incentives Grants Program and fifty percent of the quarterly disposal fees are utilized for costs of administering the solid waste program and for investigation and remediation of contamination from solid waste facilities and for other statutorily authorized activities.

## Waste Tire Management Program

The Department also administers the waste tire management program. Approved beneficial uses of waste tires are outlined in Department 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. Speculative 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, FY2013</b> |    |
|---|----|
| <b>Permitting</b>                       |    |
| Renewed Hauler Permits                  | 22 |
| New Permits Issued                      | 1  |

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 the 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 Citizen Advisory Committee's rankings are provided to the Director for consideration 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 and a portion of the grants are available to smaller cities and counties for abandoned building deconstruction.

## Fund Summary

### Waste Reduction and Recycling Fund

#### July 1, 2012 - June 30, 2013

|                                   |           |                  |
|-----------------------------------|-----------|------------------|
| <b>Fund Balance June 30, 2012</b> | <b>\$</b> | <b>4,146,283</b> |
| Revenues:                         |           |                  |
| New Tire Fees                     |           | 1,911,380        |
| Business Fees                     |           | 459,686          |
| Solid Waste Disposal Fee          |           | 1,297,439        |
| Interest, Grant Returns           |           | 116,599          |
| <b>Net Collections for Year</b>   | <b>\$</b> | <b>3,785,104</b> |
| Expenditures:                     |           |                  |
| Administration                    |           | 271,302          |
| Grant Funds Expended*             |           | 2,514,139        |
| <b>Total Expenditures FY 2013</b> | <b>\$</b> | <b>2,785,441</b> |
| <b>Fund Balance June 30, 2013</b> | <b>\$</b> | <b>5,145,946</b> |

\* Because grants funds are expended on a reimbursement basis, total grant funds expended in a fiscal year will differ from the amount of grants awarded in that fiscal year.

**Summary of Activities** - For FY2013, the Department awarded \$3,588,727 for Waste Reduction and Recycling Incentive Grants to 137 projects. Twenty of these grants were awarded from the Business Fee category (\$549,524), 10 were awarded from the Disposal Fee category (\$816,990), 104 received grants from the funds prioritized for scrap tire projects (\$1,930,713) and 3 were awarded from the Deconstruction Grants category (\$291,500). The following lists indicate the locations across Nebraska that received funds.

#### **Waste Reduction & Recycling Grants for FY2013**

|              |            |                                   |
|--------------|------------|-----------------------------------|
| Business Fee | \$ 549,524 | 20 grants, including, 2 statewide |
| Disposal Fee | \$ 816,990 | 10 grants, including, 3 regional  |

|                     |                      |
|---------------------|----------------------|
| <b>Business Fee</b> |                      |
| Ainsworth           | Plainview            |
| Alliance            | Schuyler             |
| Chadron             | Scottsbluff          |
| Fremont             | <b>Disposal Fees</b> |
| Grand Island        | Kearney              |
| Kimball             | Lexington            |
| Lincoln – 4 grants  | Lincoln – 5 grants   |
| Lyons               | McCook               |
| Oakland – 2 grants  | Norfolk              |
| Ogallala            | Tecumseh             |
| Omaha – 3 grants    |                      |

**Deconstruction Grants for FY2013**

3 Deconstruction Grants for a total of \$291,500

- Lyons – 2
- Wymore – 1

**Scrap Tire Grant Awards for FY 2013**

101 local grants and 3 regional grants for an award total of \$1,930,713

| City         | Grants | County       | Regional Grants | City          | Grants | County     | Regional Grants |
|--------------|--------|--------------|-----------------|---------------|--------|------------|-----------------|
| Ainsworth    | 1      | Brown        |                 | McCook        | 2      | Red Willow | 1               |
| Albion       | 1      | Boone        |                 | Mullen        | 2      | Hooker     |                 |
| Alliance     | 1      | Box Butte    |                 | Murray        | 1      | Cass       |                 |
| Arnold       | 2      | Custer       |                 | Nelson        | 1      | Nuckolls   |                 |
| Arlington    | 1      | Washington   | 1               | Odell         | 1      | Gage       |                 |
| Auburn       | 1      | Nemaha       |                 | Omaha         | 15     | Douglas    |                 |
| Bertrand     | 1      | Phelps       |                 | Ord           | 1      | Valley     | 1               |
| Bridgeport   | 1      | Morrill      |                 | Oshkosh       | 1      | Garden     |                 |
| Broken Bow   | 1      | Custer       |                 | Overton       | 1      | Dawson     |                 |
| Central City | 1      | Merrick      |                 | Oxford        | 1      | Furnas     |                 |
| Ceresco      | 1      | Saunders     |                 | Papillion     | 1      | Sarpy      |                 |
| Columbus     | 1      | Platte       |                 | Platte Center | 1      | Platte     |                 |
| Cook         | 1      | Johnson      |                 | Plattsmouth   | 1      | Cass       |                 |
| Deschler     | 1      | Thayer       |                 | Ponca         | 1      | Dixon      |                 |
| DeWitt       | 1      | Saline       |                 | Ralston       | 2      | Douglas    |                 |
| Elm Creek    | 1      | Buffalo      |                 | St. Paul      | 1      | Howard     |                 |
| Fairbury     | 1      | Jefferson    |                 | Sidney        | 2      | Cheyenne   |                 |
| Genoa        | 2      | Nance        |                 | S. Sioux City | 1      | Dakota     |                 |
| Gering       | 2      | Scotts Bluff |                 | Spencer       | 1      | Boyd       |                 |
| Gordon       | 1      | Sheridan     |                 | Stockville    | 1      | Frontier   |                 |
| Grand Island | 2      | Hall         |                 | Superior      | 1      | Nuckolls   |                 |
| Guide Rock   | 1      | Webster      |                 | Syracuse      | 2      | Otoe       |                 |
| Harrisburg   | 1      | Banner       |                 | Tecumseh      | 1      | Johnson    |                 |
| Hastings     | 2      | Adams        |                 | Tekamah       | 3      | Burt       |                 |
| Holdrege     | 1      | Phelps       |                 | Thedford      | 1      | Thomas     |                 |
| Johnson      | 1      | Nemaha       |                 | Valley        | 1      | Douglas    |                 |
| Kearney      | 1      | Buffalo      |                 | Wahoo         | 1      | Saunders   |                 |
| Kimball      | 1      | Kimball      |                 | Wakefield     | 2      | Wayne      |                 |
| Lexington    | 1      | Dawson       |                 | Walthill      | 1      | Thurston   |                 |
| Lincoln      | 9      | Lancaster    |                 | Wilber        | 1      | Saline     |                 |
| Loup City    | 2      | Sherman      |                 | Wilcox        | 1      | Kearney    |                 |
| Lyons        | 1      | Burt         |                 | Wolbach       | 1      | Greeley    |                 |
| Madison      | 1      | Madison      |                 |               |        |            |                 |



### **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.

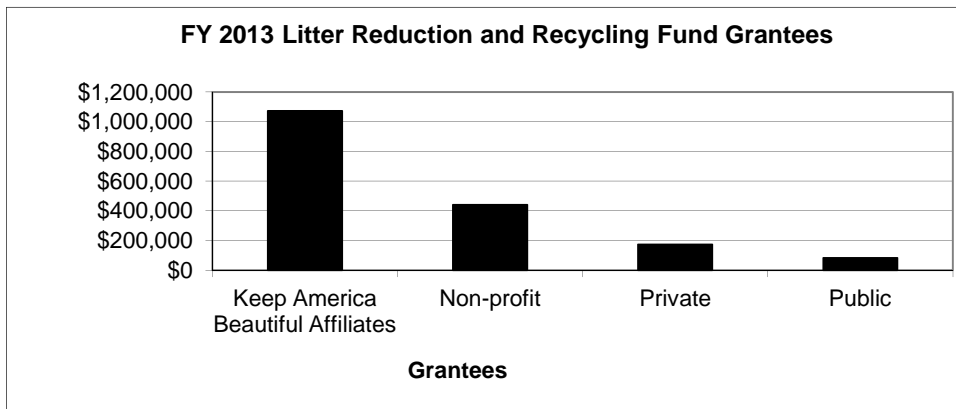
### **Fund Summary**

#### **Litter Reduction and Recycling Fund**

#### **July 1, 2012 - June 30, 2013**

|  |           |                  |
|--|-----------|------------------|
| <b>Fund Balance June 30, 2012</b>                  | <b>\$</b> | <b>489,120</b>   |
| Revenues:  |           |                  |
| Litter Taxes Collected                             |           | 2,165,347        |
| Interest, Grant Returns                            |           | 78,558           |
| <b>Net Collections for Year</b>                    | <b>\$</b> | <b>2,243,905</b> |
| Expenditures:                                      |           |                  |
| Department of Environmental Quality Administration |           | 256,403          |
| Grant Funds Expended                               |           | 1,711,067        |
| <b>Total Expenditures FY 2013</b>                  | <b>\$</b> | <b>1,967,470</b> |
| <b>Fund Balance June 30, 2013</b>                  | <b>\$</b> | <b>765,555</b>   |

In FY2013, \$1,682,588 was awarded from the Litter Reduction and Recycling Grant Program. Grant funding is awarded to several types of programs, including non-profit groups, public and private entities, and over 20 Keep America Beautiful affiliates. Many of these programs utilize the Litter Reduction and Recycling Grant Program funds to leverage additional dollars for a comprehensive, statewide approach to litter reduction and recycling. Below is a chart reflecting FY2013 grantees.



**FY 2013 Grant Allocations**

**Litter Reduction and Recycling Fund**

In FY2013, the Department gave 54 Litter Reduction and Recycling Grant Program awards to organizations in Nebraska. The breakdown is as follows:

|                         |        |           |                   |
|-------------------------|--------|-----------|-------------------|
| <b>Public Education</b> | (39%)  | 21 grants | \$ 751,559        |
| <b>Cleanup</b>          | (20%)  | 11 grants | \$ 109,937        |
| <b>Recycling</b>        | (41%)  | 22 grants | <u>\$ 821,092</u> |
| <b>Totals</b>           | (100%) | 54 Grants | \$1,682,588       |

**Public Education**

In FY2013, 21 grants totaling \$751,559 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.

**FY 2013 Public Education Grant Awards**

Total Awarded - \$751,559  
4 Regional Grant Awards

21 total grants  
1 Statewide Grant Award

|                           |  |
|---------------------------|--|
| Alliance                  | Norfolk  |
| Beatrice                  | North Platte / Lincoln County                                  |
| Cass County / Plattsmouth | Ogallala / Keith County  |
| Chadron                   | Omaha  |
| Fremont                   | Ord (Loup Basin, 9 Counties)Columbus                           |
| Grand Island              | Schuyler   |
| Kimball                   | Scottsbluff  |
| Lexington                 | Sidney   |
| Kimball                   | S. Sioux City (Keep Northeast Nebraska Beautiful, 11 Counties) |
| Lincoln (2)               |  |

**Cleanup**

In FY2013, 11 grants totaling \$109,937 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.

**FY 2013 Cleanup Grant Awards**

Total Awarded - \$109,937  
2 Regional Grant Awards

11 total grants  
0 Statewide Grant Award

|                 |             |
|-----------------|-------------|
| Beatrice        | Omaha       |
| Chadron         | Scottsbluff |
| Columbus        | Schuyler    |
| Lincoln         | Steinauer   |
| North Platte    | Wakefield   |
| <i>Ogallala</i> |             |

**Recycling**

In FY2013, 22 grants totaling \$821,092 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 following list indicates the locations that received funds.

**FY 2013 Recycling Grant Awards**

|                           |                          |
|---------------------------|--------------------------|
| Total Awarded - \$821,092 | 22 total grants          |
| 4 Regional Grant Awards   | 4 Statewide Grant Awards |
| Alliance                  | North Platte             |
| Beatrice                  | Ogallala                 |
| Chadron – 2 grants        | Omaha - 2 grants         |
| Columbus                  | Plattsmouth              |
| Imperial                  | Schuyler                 |
| Kimball                   | Scottsbluff              |
| Lexington                 | Theadford                |
| Lincoln, 6 grants         |                          |

**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 \$140,000 is available annually. The Department is encouraging municipalities, counties, and other political subdivisions to submit applications for the reimbursement of cleanup efforts. In FY2013, the program provided \$44,840 to 10 different recipients. In FY13 the Department provided information to all of the counties in Nebraska in an effort to make the program known statewide and to utilize more of the available funds. In FY2013, funds were provided to:

|               |                 |
|---------------|-----------------|
| Adams County  | Omaha           |
| Butler County | Otoe County     |
| Beatrice      | Saunders County |
| Gage County   | Scottsbluff     |
| Lincoln       | Walthill        |

**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 FY2013, the program provided \$108,168 to five counties and six cities participating in the program. In FY2013, the Department offered to provide letters and forms to the participants through email instead of the postal service. Eight of the 11 participants chose this option furthering our waste reduction efforts and increasing efficiency.

|                  |           |                  |             |
|------------------|-----------|------------------|-------------|
| David City       | \$ 179.91 | Jefferson County | \$ 1,128.53 |
| Lincoln          | 27,853.18 | Seward County    | 1,356.30    |
| Omaha            | 62,189.14 | Saline County    | 2,217.56    |
| Grant            | 108.10    | Buffalo County   | 4,109.90    |
| South Sioux City | 473.27    | Butler County    | 4,557.70    |
| North Platte     | 3994.93   |                  |             |