

CHAPTER 11:

Financial Assurance Requirements

Section 81-1505(21) provides the statutory authority for the Department to develop, and the Council to adopt as regulations, requirements for all applicants to establish proof of financial responsibility. The requirements pertain to all new or renewal permit applicants regulated under the Nebraska Environmental Protection Act, the Integrated Solid Waste Management Act, and the Livestock Waste Management Act, unless a class of permittees is exempted by the Council. The purpose of financial responsibility is for an applicant to provide funds to be used in the event of abandonment, default or other inability of the permittee to comply with terms or conditions of its permit or license. State statutes also identify types of funding mechanisms that applicants can use to meet the requirements.

Following is a table which provides a comprehensive list of existing financial assurance requirements for each permittee. Financial assurance amounts are listed in two categories: the first is the obligated amount, which lists the total amount of financial assurance which must be provided by the time of closure of the facility. Second is the current amount demonstrated, which lists the amount of financial assurance which is currently accrued towards the obligated amount. The table lists the facility location, permit type, initial date financial assurance provided, method or type of financial assurance provided and the guarantor for each permittee.

NDEQ FINANCIAL ASSURANCE

Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
Municipal Solid Waste Disposal Areas (MSWDA), Sanitary Landfills (Sanitary LF)							
Alliance Landfill	Alliance	MSWDA	03/17/94	\$ 3,271,378	\$ 1,502,324	Enterprise Fund	City of Alliance
Beatrice Landfill	Beatrice	Sanitary LF	07/12/00	\$ 145,900	\$ 145,900	Financial Test	City of Beatrice
Beatrice Area SW Agency	Beatrice	MSWDA	07/12/00	\$ 3,562,000	\$ 3,562,000	Financial Test	City of Beatrice
Butler County Landfill	David City	MSWDA	10/03/08	\$ 6,264,152	\$ 3,114,262	Trust Fund	US Bank
Douglas County Landfill	Bennington	MSWDA	03/28/00	\$ 11,934,467	\$ 11,934,467	Surety Bond	Evergreen Ntl. Indemnity Co.
G & P Dev Landfill	Milford	MSWDA	10/03/08	\$ 9,184,432	\$ 2,582,092	Trust Fund	US Bank
Gering Landfill	Gering	MSWDA	02/13/96	\$ 1,440,339	\$ 611,184	Enterprise Fund	City of Gering
L.P. Gill Landfill	Jackson	MSWDA	04/09/96	\$ 5,539,178	\$ 2,374,857	Trust Fund	Security Natl. Bank
Grand Island Landfill	Grand Is.	MSWDA	03/31/96	\$ 9,253,760	\$ 4,187,491	Enterprise Fund	City of Grand Island
Hastings Area Landfill	Hastings	MSWDA	08/12/96	\$ 5,188,005	\$ 2,460,238	Enterprise Fund	City of Hastings
Hastings Landfill	Hastings	Sanitary LF	10/01/97	\$ 154,996	\$ 26,137	Faith & Credit	City of Hastings
Holdrege Landfill	Holdrege	MSWDA	07/29/96	\$ 2,943,268	\$ 1,726,206	Enterprise Fund	City of Holdrege
J-Bar-J Landfill	Ogallala	MSWDA	03/28/00	\$ 4,197,351	\$ 3,031,651	Performance Bond	Evergreen Ntl. Indemnity Co.
Kearney Landfill	Kearney	MSWDA	03/31/94	\$ 6,260,948	\$ 3,588,073	Trust Fund	Wells Fargo Bank
Kimball Landfill	Kimball	MSWDA	05/10/96	\$ 1,544,041	\$ 1,011,468	Enterprise Fund	City of Kimball
Lexington Landfill	Lexington	Sanitary LF	07/25/96	\$ 687,866	\$ 250,049	Faith & Credit	City of Lexington
Lexington Area Agency	Lexington	MSWDA	01/19/97	\$ 2,357,207	\$ 1,665,448	Enterprise Fund	Lexington Area SW Agency
Lincoln Bluff Road Landfill	Lincoln	MSWDA	04/01/96	\$ 19,662,213	\$ 19,662,213	Financial Test	City of Lincoln
Loup Central Landfill	Elba	MSWDA	04/09/96	\$ 2,227,240	\$ 762,523	Trust Fund	Citizens Bank & Tr St. Paul
McCook Landfill	McCook	Sanitary LF	03/04/96	\$ 682,170	\$ 90,956	Faith & Credit	City of McCook
Minden Disposal Area	Minden	Sanitary LF	11/18/96	\$ 123,251	\$ 84,318	Faith & Credit	City of Minden
NE Ecology Landfill	Geneva	MSWDA	10/03/08	\$ 2,205,055	\$ 692,580	Trust Fund	US Bank
NNSWC Landfill	Clarkson	MSWDA	04/09/96	\$ 18,925,653	\$ 4,546,105	Enterprise Fund	NNSWC
Pheasant Point Landfill	Bennington	MSWDA	08/01/03	\$ 23,613,750	\$ 22,427,102	Surety Bond	Evergreen Ntl. Indemnity Co.
Sarpy County Landfill	Papillion	MSWDA	03/31/96	\$ 6,872,249	\$ 7,182,126	Enterprise Fund	Sarpy County
Sidney Landfill	Sidney	MSWDA	02/11/97	\$ 2,216,480	\$ 823,298	Enterprise Fund	City of Sidney
SWANN Landfill	Chadron	MSWDA	9/25/97	\$ 1,799,920	\$ 596,117	Enterprise Fund	SWANN
Valentine Landfill	Valentine	MSWDA	04/09/96	\$ 1,655,864	\$ 422,932	Enterprise Fund	City of Valentine
York Landfill	York	Sanitary LF	05/14/96	\$ 228,460	\$ 11,090	Faith & Credit	City of York
York Area SW Landfill	York	MSWDA	05/14/96	\$ 3,343,269	\$ 1,011,127	Enterprise Fund	City of York
*MSWDAs are landfills that are operating under current solid waste management regulations. **Sanitary LFs are closed facilities that have post-closure monitoring and maintenance.							
Construction/Demolition Landfills (Const./Demol.)							
Abe's Trash Service C & D	Blair	Const./Demol.	03/30/98	\$ 219,266	\$ 219,266	Escrow Account	Bank of Bennington
Alliance C & D Landfill	Alliance	Const./Demol.	12/02/99	\$ 140,748	\$ 37,679	Enterprise Fund	City of Alliance
Anderson Excavating C & D	Omaha	Const./Demol.	10/19/98	\$ 514,113	\$ 514,113	Surety Bond	Employers Mutual Cas. Co.
Arnold C & D Landfill	Arnold	Const./Demol.	07/24/00	\$ 35,524	\$ 20,561	Enterprise Fund	Village of Arnold
Benkelman C & D Landfill	Benkelman	Const./Demol.	10/15/06	\$ 61,864	\$ 9,801	Enterprise Fund	City of Benkelman

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Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
Broken Bow C & D Landfill	Broken Bow	Const./Demol.	11/23/07	\$ 105,109	\$ 15,542	Enterprise Fund	City of Broken Bow
Bud's Sanitary Service C & D	Newman Grove	Const./Demol.	06/01/97	\$ 34,523	\$ 34,523	Letter of Credit	First Natl. Bank Newman Gr
Butler County C & D Landfill	David City	Const./Demol.	06/01/97	\$ 343,245	\$ 328,736	Surety Bond	Evergreen Ntl. Indemnity Co.
Eco-Storage C & D Landfill	Omaha	Const./Demol.	04/01/09	\$ 87,064	\$ 17,750	Trust Agreement	Security Natl. Bank
Franklin C&D Landfill	Franklin	Const./Demol.	11/08/10	\$ 22,160	\$ 4,733	Enterprise Fund	City of Franklin
Gage County C & D Landfill	Beatrice	Const./Demol.	02/23/98	\$ 199,399	\$ 199,399	Letter of Credit	1st Natl. Bank, Beatrice
Hawkins Construction C & D	Omaha	Const./Demol.	01/03/02	\$ 359,781	\$ 359,781	Surety Bond	Hartford Fire Ins. Co.
Holdrege C & D Landfill	Holdrege	Const./Demol.	05/01/09	\$ 290,105	\$ 24,260	Enterprise Fund	City of Holdrege
KGP Services C & D	Norfolk	Const./Demol.	11/06/03	\$ 70,619	\$ 69,937	Escrow Account	Elkhorn Valley Bank & Trust
Kimball C & D Landfill	Kimball	Const./Demol.	04/01/01	\$ 49,531	\$ 46,787	Enterprise Fund	City of Kimball
Lexington C & D Landfill	Lexington	Const./Demol.	09/30/98	\$ 163,724	\$ 137,263	Enterprise Fund	Lexington Area SW Agency
Lincoln North 48th St. C & D	Lincoln	Const./Demol.	04/01/96	\$ 1,090,237	\$ 1,090,237	Financial Test	City of Lincoln
Loup Central C & D Landfill#1	Elba	Const./Demol.	1/28/2001	\$ 7,272	\$ 7,272	Trust Fund	Citizens Bank & Tr. St. Paul
Loup Central C & D Landfill#2	Elba	Const./Demol.	1/28/2001	\$ 88,056	\$ 26,106	Trust Fund	Citizens Bank & Tr. St. Paul
L.P. Gill Landfill C & D	Jackson	Const./Demol.	04/09/96	\$ 129,585	\$ 23,277	Trust Fund	Security Natl. Bank
NPPD Gerald Gentleman	Sutherland	Const./Demol.	04/01/95	\$ 235,065	\$ 235,065	Financial Test	NPPD
O'Neill C & D Landfill	O'Neill	Const./Demol.	06/01/01	\$ 73,095	\$ 40,433	Enterprise Fund	City of O'Neill
PAD LLC C & D Landfill	Hastings	Const./Demol.	06/05/02	\$ 159,257	\$ 159,257	Escrow Account	Five Points Bank
Plainview C & D Landfill	Plainview	Const./Demol.	09/26/00	\$ 43,130	\$ 35,383	Enterprise Fund	City of Plainview
Rainwood Hill LLC C & D	Omaha	Const./Demol.	02/10/08	\$ 188,155	\$ 188,155	Surety Bond	International Fidelity Ins. Co.
Schmader C & D Landfill	West Point	Const./Demol.	07/27/12	\$ 94,613	\$ 94,613	Letter of Credit	Charter West Ntl Bank
Sidney C & D Landfill	Sidney	Const./Demol.	11/23/99	\$ 91,816	\$ 39,876	Enterprise Fund	City of Sidney
SW NE Solid Waste Agency	Imperial	Const./Demol.	06/01/01	\$ 134,744	\$ 32,079	Enterprise Fund	City of Imperial
Three Valleys C & D Landfill	Indianola	Const./Demol.	02/24/10	\$ 73,737	\$ 73,737	Letter of Credit	McCook Ntl Bank
York C & D Landfill	York	Const./Demol.	12/01/07	\$ 240,766	\$ 35,394	Enterprise Fund	City of York
Fossil Fuel Combustion Ash (Fossil Fuel), Industrial Waste Landfills (Indus. Waste), Monofills							
Ash Grove Cement Co.	Louisville	Indus. Waste	03/01/03	\$ 6,134,991	\$ 6,134,991	Financial Test	Ash Grove
Clean Harbors Technology	Kimball	Monofill	08/01/95	\$ 3,686,289	\$ 3,686,289	Insurance Policy	Steadfast Insurance Co.
Fremont Utilities	Fremont	Fossil Fuel	05/28/96	\$ 365,148	\$ 500,000	Enterprise Fund	City of Fremont
Hastings Utilities	Hastings	Fossil Fuel	2/1/01	\$ 3,969,300	\$ 866,926	Enterprise Fund	City of Hastings
NPPD Gerald Gentleman 4	Sutherland	Fossil Fuel	04/01/95	\$ 1,515,833	\$ 1,515,833	Financial Test	NPPD
NPPD Sheldon Station 3	Sheldon	Fossil Fuel	04/01/95	\$ 139,579	\$ 139,579	Financial Test	NPPD
NPPD Sheldon Station 4	Sheldon	Fossil Fuel	07/01/01	\$ 631,579	\$ 631,579	Financial Test	NPPD
OPPD NE City 1	NE City	Fossil Fuel	04/04/95	\$ 4,220,252	\$ 4,220,252	Financial Test	OPPD
OPPD NE City 2	NE City	Fossil Fuel	06/30/09	\$ 820,576	\$ 820,576	Financial Test	OPPD
OPPD North Omaha	Omaha	Fossil Fuel	04/04/95	\$ 1,773,628	\$ 1,773,628	Financial Test	OPPD
OPPD Fort Calhoun (IW)	Ft. Calhoun	Indus. Waste	04/04/95	\$ 204,477	\$ 204,477	Financial Test	OPPD
Platte Generation	Grand Island	Fossil Fuel	08/25/97	\$ 326,521	\$ 326,521	Enterprise Fund	City of Grand Island

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Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
Waste Management of NE	Bennington	Indus. Waste	04/01/02	\$ 3,812,353	\$ 3,812,353	Surety Bond	Evergreen Ntl. Indemnity Co.
Transfer Stations, Material Recovery Facilities (Mat. Recovery), Compost Sites							
AltEn LLC	Mead	Compost	04/01/07	\$ 188,466	\$ 188,508	Escrow Account	American Ntl Bank
Bud's Sanitary Service	Newman Gr.	Transfer Station	07/08/94	\$ 3,937	\$ 3,937	Letter of Credit	First Natl. Bank, NG
Custer Transfer Station	Broken Bow	Transfer Station	06/27/94	\$ 10,693	\$ 10,693	Letter of Credit	Great Western Bank
Doernemann Const. Co.	Clarkson	Compost	12/15/99	\$ 89,551	\$ 89,551	Letter of Credit	Charter West Bank
Edgetown Properties LLC	Madison	Transfer Station	06/27/12	\$ 7,500	\$ 7,500	Escrow Account	Frontier Bank
Fremont CRD, Inc.	Fremont	Transfer Station	07/02/03	\$ 12,627	\$ 12,627	Surety Bond	Capitol Indemnity Corp
King Transfer Station	Walthill	Transfer Station	04/02/96	\$ 1,182	\$ 1,187	Escrow Account	First Natl. Bank, Walthill
Recycling Enterprises of NE, Inc.	Lincoln	Mat. Recovery	08/30/12	\$ 60,390	\$ 60,390	Letter of Credit	CityBank & Trust Co.
River City Recycling	Omaha	Mat. Recovery	01/01/01	\$ 41,176	\$ 45,474	Escrow Account	US Bank Ntl Assoc
Sarpy County	Papillion	Transfer Station	04/17/12	\$ 98,643	\$ 98,643	Surety Bond	Travelers Surety Co. of Amer.
Seneca Sanitation	Dubois	Transfer Station	02/01/04	\$ 4,224	\$ 4,224	Letter of Credit	First Natl. Bank, Centralia
Stericycle	Lincoln	Processing Fac	07/01/12	\$ 52,457	\$ 53,000	Surety Bond	Westchester Fire Ins. Co.
Waste Connections of NE	Bridgeport	Transfer Station	08/15/03	\$ 3,956	\$ 3,956	Surety Bond	Evergreen Ntl. Indemnity Co.
Waste Connections of NE	Gering	Transfer Station	08/15/03	\$ 10,076	\$ 14,740	Surety Bond	Evergreen Ntl. Indemnity Co.
Waste Connections of NE	Ord	Transfer Station	07/02/03	\$ 8,387	\$ 8,387	Surety Bond	Capitol Indemnity Corp
Waste Connections of NE	Wahoo	Transfer Station	07/02/03	\$ 5,917	\$ 5,917	Surety Bond	Capitol Indemnity Corp
Waste Connections of NE	Central City	Transfer Station	07/02/03	\$ 10,523	\$ 10,523	Surety Bond	Platte River Ins Co.
RCRA Closure and RCRA Post-Closure (RCRA PC)							
Agrium Advanced Technologies	Fairbury	RCRA PC	07/11/11	\$ 630,697	\$ 630,697	Letter of Credit	The Bank of Nova Scotia
Agromac International	Gering	RCRA PC	12/11/07	\$ 8,089	\$ 8,089	Escrow Account	Platte Valley Ntl. Bank
Behlen Manufacturing Co.	Columbus	RCRA PC	02/29/12	\$ 125,000	\$ 125,000	Financial Test	Behlen Mfg
Bosch Security Systems	Lincoln	RCRA PC	06/02/09	\$ 10,344	\$ 10,344	Letter of Credit	Bank of Montreal
Clean Harbors Technology	Kimball	RCRA Closure	05/10/95	\$ 17,063,532	\$ 17,063,532	Insurance Policy	Steadfast Insurance Co.
Douglas County Landfill	Omaha	RCRA PC	03/08/85	\$ 314,860	\$ 1,007,918	Trust Fund	First Natl Bank of Omaha
Eaton Corporation	Omaha	RCRA PC	06/08/09	\$ 4,463,158	\$ 4,463,158	Letter of Credit	JP Morgan/Chase Bank
Safety Kleen	Grand Island	RCRA Closure	10/15/01	\$ 133,436	\$ 133,346	Insurance Policy	Indian Harbors Insurance Co.
Safety Kleen	Omaha	RCRA Closure	10/15/01	\$ 353,532	\$ 353,532	Insurance Policy	Indian Harbors Insurance Co.
Tenneco Automotive Inc.	Cozad	RCRA PC	11/25/85	\$ 74,773	\$ 74,773	Letter of Credit	JP Morgan/Chase Bank
USA Tire Management	Dakota City	RCRA Closure	12/14/07	\$ 15,284	\$ 15,284	Escrow Account	Great Southern Bank
Valmont Industries	Valley	RCRA PC	10/30/85	\$ 119,000	\$ 119,000	Financial Test	Valmont Industries
Van Diest Supply Liquid Plant	McCook	RCRA PC	02/16/06	\$ 2,627,776	\$ 2,627,776	Letter of Credit	1st State Bank Webster Cty IA
Van Diest Supply Zimmerman	McCook	RCRA Closure	05/19/10	\$ 2,711,612	\$ 2,711,612	Letter of Credit	1st State Bank Webster Cty IA
Underground Injection Control (UIC)							
Crow Butte Resources, Inc.	Crawford	UIC		\$ 11,114,877	\$ 11,114,877	Letter of Credit	Royal Bank of Canada

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Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
Waste Tire Sites							
ABC Tire LLC	Kansas C, KS	Waste Tire	12/08/08	\$ 10,000	\$ 10,000	Letter of Credit	Arvest Bank
Beck's Tire Service, Inc.	Kansas C, MO	Waste Tire	6/11/11`	\$ 5,000	\$ 5,000	Surety Bond	Merchants Bonding Company
Butler County Landfill	David City	Waste Tire	05/16/97	\$ 50,000	\$ 50,000	Surety Bond	Travelers Casualty & Surety
Champlin Tire Recycling Inc	Concordia KS	Waste Tire	10/04/96	\$ 10,000	\$ 10,000	Letter of Credit	United Bank & Trust
David's Tire	Nevada, MO	Waste Tire	10/22/09	\$ 10,000	\$ 10,000	Surety Bond	Ohio Casualty Ins. Co.
D & B Salvage	Correctville, IA	Waste Tire	11/17/08	\$ 10,000	\$ 10,000	Surety Bond	Great American Ins.Co.
Don's New & Used Tires	Lincoln	Waste Tire	03/13/03	\$ 5,000	\$ 5,000	Surety Bond	Old Republic Surety Co.
Double A Trucking	Shelby	Waste Tire	06/05/06	\$ 10,000	\$ 10,000	Letter of Credit	Bank of the Valley
EnTire Recycling Inc	Brock	Waste Tire	03/23/05	\$ 10,000	\$ 10,000	Letter of Credit	The First National Bank
Gill Hauling Inc.	Jackson	Waste Tire	02/04/09	\$ 10,000	\$ 10,000	Letter of Credit	Dakota County State Bank
Hoke Welding & Repair Inc	Gering	Waste Tire	04/04/12	\$ 5,000	\$ 5,000	Surety Bond	Old Republic Surety Co.
J & M Steel	Hastings	Waste Tire	08/27/98	\$ 5,000	\$ 5,000	Letter of Credit	1st Bank & Trust,Clay Center
Kenny Frazier	Edmond OK	Waste Tire	05/26/04	\$ 5,000	\$ 5,000	Escrow Account	Bank of America, Inc.
Lee Pester	Lincoln	Waste Tire	08/13/12	\$ 5,000	\$ 5,000	Surety Bond	Nationwide Mutual Ins.
Leo Porter	Oshkosh	Waste Tire	02/21/08	\$ 5,000	\$ 5,000	Escrow Account	Nebraska State Bank
Liberty Tire Services of Ohio	Savage, MN	Waste Tire	03/09/09	\$ 10,000	\$ 10,000	Surety Bond	Evergreen Ntl. Indemnity Co.
New Horizons Enterprises LLC	Lincoln	Waste Tire	05/11/12	\$ 5,000	\$ 5,000	Surety Bond	Granite Re, Inc.
Resource Management Co	Brownell, KS	Waste Tire	01/17/06	\$ 10,000	\$ 10,000	Letter of Credit	First State Bank, Ness Cy,KS
Richard D. Morrival	Tabor, IA	Waste Tire	12/15/10	\$ 5,000	\$ 5,000	Letter of Credit	Glenwood State Bank, IA
River City Recycling	Omaha	Waste Tire	04/05/12	\$ 43,750	\$ 43,750	Letter of Credit	Mutual of Omaha Bank
Tire Cutters	Centralia KS	Waste Tire	05/13/06	\$ 5,000	\$ 5,000	Letter of Credit	1st Natl. Bank, Centralia, KS
Tire Town, Inc.	Leavenworth,K	Waste Tire	03/07/05	\$ 10,000	\$ 10,000	Letter of Credit	Enterprise Bank & Trust
Winnebago Tribe of Nebraska	Winnebago	Waste Tire	09/15/10	\$ 5,000	\$ 5,000	Letter of Credit	Charter West National Bank