

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 (LF)							
Alliance Landfill	Alliance	MSWDA	03/17/94	\$ 4,662,958	\$ 1,902,868	Enterprise Fund	City of Alliance
Beatrice Area SW Agency	Beatrice	MSWDA	07/12/00	\$ 6,758,252	\$ 6,756,023	Financial Test	City of Beatrice
Butler County Landfill	David City	MSWDA	10/03/08	\$ 11,470,503	\$ 5,396,719	Trust Fund	US Bank
Douglas County Landfill	Bennington	MSWDA	03/28/00	\$ 13,024,969	\$ 13,024,967	Surety Bond	Evergreen Ntl. Indemnity Co.
G & P Dev Landfill	Milford	MSWDA	10/03/08	\$ 12,063,747	\$ 3,018,619	Trust Fund	US Bank
Gering Landfill	Gering	MSWDA	02/13/96	\$ 2,258,903	\$ 1,561,465	Enterprise Fund	City of Gering
L.P. Gill Landfill	Jackson	MSWDA	04/09/96	\$ 6,994,343	\$ 3,861,833	Trust Fund	Premier Trust
Grand Island Landfill	Grand Is.	MSWDA	03/31/96	\$ 10,307,362	\$ 10,307,362	Financial Test	City of Grand Island
Hastings Area Landfill	Hastings	MSWDA	03/18/13	\$ 6,235,152	\$ 3,513,738	Enterprise Fund	City of Hastings
Hastings Landfill	Hastings	Sanitary LF	10/01/97	\$ 158,596	\$ 31,175	Faith & Credit	City of Hastings
Holdrege Landfill	Holdrege	MSWDA	07/29/96	\$ 3,057,733	\$ 2,038,133	Enterprise Fund	City of Holdrege
J-Bar-J Landfill	Ogallala	MSWDA	03/28/00	\$ 6,198,369	\$ 6,198,369	Performance Bond	Evergreen Ntl. Indemnity Co.
Kearney Landfill	Kearney	MSWDA	03/31/94	\$ 8,267,153	\$ 3,481,875	Trust Fund	Union Bank & Trust
Kimball Landfill	Kimball	MSWDA	05/10/96	\$ 1,896,072	\$ 1,078,580	Enterprise Fund	City of Kimball
Lexington Landfill	Lexington	Sanitary LF	07/25/96	\$ 304,968	\$ 288,712	Faith & Credit	City of Lexington
Lexington Area Agency	Lexington	MSWDA	01/19/97	\$ 2,835,280	\$ 2,316,745	Enterprise Fund	Lexington Area SW Agency
Lincoln Bluff Road Landfill	Lincoln	MSWDA	04/01/96	\$ 25,375,500	\$ 22,771,546	Financial Test	City of Lincoln
Loup Central Landfill	Elba	MSWDA	04/09/96	\$ 2,430,750	\$ 1,004,112	Trust Fund	Citizens Bank & Tr St. Paul
McCook Landfill	McCook	Sanitary LF	03/04/96	\$ 442,871	\$ 80,522	Faith & Credit	City of McCook
NE Ecology Landfill	Geneva	MSWDA	10/03/08	\$ 2,466,469	\$ 907,684	Trust Fund	US Bank
NNSWC Landfill	Clarkson	MSWDA	04/09/96	\$ 20,329,374	\$ 7,522,087	Enterprise Fund	NNSWC
Pheasant Point Landfill	Bennington	MSWDA	08/01/03	\$ 29,127,902	\$ 29,127,902	Surety Bond	Evergreen Ntl. Indemnity Co.
Sarpy County Landfill	Papillion	MSWDA	03/31/96	\$ 3,518,407	\$ 3,937,989	Enterprise Fund	Sarpy County
Sidney Landfill	Sidney	MSWDA	02/11/97	\$ 2,405,249	\$ 1,028,742	Enterprise Fund	City of Sidney
SWANN Landfill	Chadron	MSWDA	09/25/97	\$ 1,530,323	\$ 777,393	Enterprise Fund	SWANN
Valentine Landfill	Valentine	MSWDA	04/09/96	\$ 1,812,471	\$ 726,883	Enterprise Fund	City of Valentine
York Landfill	York	Sanitary LF	05/14/96	\$ 46,490	\$ 11,417	Faith & Credit	City of York
York Area SW Landfill	York	MSWDA	05/14/96	\$ 4,625,689	\$ 1,986,923	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							
Abe's Trash Service C & D	Blair	Const./Demol.	03/30/98	\$ 272,526	\$ 272,526	Escrow Account	Bank of Bennington
Alliance C & D Landfill	Alliance	Const./Demol.	12/02/99	\$ 156,389	\$ 81,218	Enterprise Fund	City of Alliance
Anderson Excavating C & D	Omaha	Const./Demol.	11/15/12	\$ 958,130	\$ 958,130	Letter of Credit	Availa Bank
Arnold C & D Landfill	Arnold	Const./Demol.	07/24/00	\$ 48,434	\$ 50,200	Enterprise Fund	Village of Arnold
Beatrice Area SW Agency	Beatrice	Const./Demol.	10/15/12	\$ 1,034,385	\$ 1,068,855	Financial Test	City of Beatrice
Benkelman C & D Landfill	Benkelman	Const./Demol.	10/15/06	\$ 66,357	\$ 21,157	Enterprise Fund	City of Benkelman
Broken Bow C & D Landfill	Broken Bow	Const./Demol.	11/23/07	\$ 126,678	\$ 39,086	Enterprise Fund	City of Broken Bow

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Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
Bud's Sanitary Service C & D	Newman Grove	Const./Demol.	06/01/97	\$ 37,186	\$ 37,186	Letter of Credit	First Natl. Bank Newman Gr
Butler County C & D Landfill	David City	Const./Demol.	06/01/97	\$ 36,853	\$ 36,853	Surety Bond	Evergreen Ntl. Indemnity Co.
Eco-Storage C & D Landfill	Omaha	Const./Demol.	06/03/10	\$ 286,600	\$ 286,600	Surety Bond	Evergreen Ntl Indemnity Co.
Franklin C&D Landfill	Franklin	Const./Demol.	11/08/10	\$ 27,648	\$ 10,433	Enterprise Fund	City of Franklin
Gage County C & D Landfill	Beatrice	Const./Demol.	02/23/98	\$ 165,076	\$ 200,000	Letter of Credit	Security First Bank
Hawkins Construction C & D	Omaha	Const./Demol.	01/03/02	\$ 392,604	\$ 392,604	Surety Bond	Hartford Fire Ins. Co.
Holdrege C & D Landfill	Holdrege	Const/Demol.	05/01/09	\$ 316,612	\$ 63,756	Enterprise Fund	City of Holdrege
KGP Services C & D	Norfolk	Const/Demol.	11/06/03	\$ 96,872	\$ 92,933	Escrow Account	Elkhorn Valley Bank & Trust
Kimball C & D Landfill	Kimball	Const./Demol.	04/01/01	\$ 80,366	\$ 59,876	Enterprise Fund	City of Kimball
Lead Waste Mgmt C&D Landfill	Waterbury	Const./Demol.	05/28/14	\$ 38,998	\$ 38,998	Letter of Credit	Adrian State Bank
Lexington C & D Landfill	Lexington	Const./Demol.	09/30/98	\$ 211,506	\$ 162,232	Enterprise Fund	Lexington Area SW Agency
Lincoln North 48th St. C & D	Lincoln	Const./Demol.	04/01/96	\$ 2,515,350	\$ 1,935,075	Financial Test	City of Lincoln
Loup Central C & D Landfill#2	Elba	Const./Demol.	01/28/01	\$ 97,776	\$ 48,831	Trust Fund	Citizens Bank & Tr. St. Paul
L.P. Gill Landfill C & D	Jackson	Const/Demol.	04/09/96	\$ 188,472	\$ 124,503	Trust Fund	Premier Trust
NPPD Gerald Gentleman	Sutherland	Const./Demol.	04/01/95	\$ 258,511	\$ 258,511	Financial Test	NPPD
O'Neill C & D Landfill	O'Neill	Const./Demol.	06/01/01	\$ 232,836	\$ 42,080	Enterprise Fund	City of O'Neill
PAD LLC C & D Landfill	Hastings	Const./Demol.	06/05/02	\$ 200,893	\$ 200,893	Escrow Account	Five Points Bank
Plainview C & D Landfill	Plainview	Const./Demol.	09/26/00	\$ 87,298	\$ 32,973	Enterprise Fund	City of Plainview
Rainwood Hill LLC C & D	Omaha	Const/Demol.	05/29/15	\$ 206,650	\$ 205,347	Surety Bond	Hudson Insurance Co.
Red Cloud C&D Landfill	Red Cloud	Const/Demol.	04/04/17	\$ 96,710	\$ 6,058	Enterprise Fund	City of Red Cloud
Schmader C & D Landfill	West Point	Const/Demol.	07/27/12	\$ 140,975	\$ 140,975	Letter of Credit	Charter West Ntl Bank
Sidney C & D Landfill	Sidney	Const./Demol.	11/23/99	\$ 131,060	\$ 49,600	Enterprise Fund	City of Sidney
SW NE Solid Waste Agency	Imperial	Const./Demol.	06/01/01	\$ 148,528	\$ 67,581	Enterprise Fund	City of Imperial
Three Valleys C & D Landfill	Indianola	Const./Demol.	02/24/10	\$ 79,737	\$ 79,737	Letter of Credit	McCook Ntl Bank
York C & D Landfill	York	Const/Demol.	12/01/07	\$ 804,050	\$ 117,361	Enterprise Fund	City of York
Fossil Fuel Combustion Ash (FFCA), Industrial Waste Landfills, Monofills							
Ash Grove Cement Co.	Louisville	Indus. Waste	03/01/03	\$ 4,784,326	\$ 4,784,326	Financial Test	Ash Grove
Clean Harbors Technology	Kimball	Monofill	08/01/95	\$ 3,535,438	\$ 3,535,438	Insurance Policy	Indian Harbors Insurance Co.
Fremont Utilities	Fremont	FFCA	05/28/96	\$ 3,435,356	\$ 700,000	Enterprise Fund	City of Fremont
Hastings Utilities	Hastings	FFCA	02/01//01	\$ 12,334,270	\$ 1,910,212	Enterprise Fund	City of Hastings & PPGA
NPPD Gerald Gentleman 4	Sutherland	FFCA	04/01/95	\$ 2,339,337	\$ 2,339,337	Financial Test	NPPD
NPPD Sheldon Station 4	Sheldon	FFCA	07/01/01	\$ 2,281,095	\$ 2,281,095	Financial Test	NPPD
OPPD NE City 1	NE City	FFCA	04/04/95	\$ 6,570,670	\$ 6,570,670	Financial Test	OPPD
OPPD NE City 2	NE City	FFCA	06/30/09	\$ 1,280,764	\$ 1,280,764	Financial Test	OPPD
OPPD North Omaha	Omaha	FFCA	04/04/95	\$ 3,384,438	\$ 3,384,438	Financial Test	OPPD
OPPD Fort Calhoun (IW)	Ft. Calhoun	Indus. Waste	04/04/95	\$ 139,476	\$ 150,170	Financial Test	OPPD
Platte Generation	Grand Island	FFCA	03/18/14	\$ 368,701	\$ 368,701	Financial Test	City of Grand Island
Waste Management of NE	Bennington	Indus. Waste	02/19/04	\$ 1,425,911	\$ 1,425,911	Surety Bond	Lexon Insurance Co.

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Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
Transfer Stations, Material Recovery Facilities, 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	05/19/17	\$ 2,970	\$ 2,970	Letter of Credit	First Natl. Bank, NG
Custer Transfer Station	Broken Bow	Transfer Station	11/08/16	\$ 10,339	\$ 10,339	Letter of Credit	Nebraska State Bank
Doernemann Const. Co.	Clarkson	Compost	12/15/99	\$ 101,013	\$ 101,013	Letter of Credit	Clarkson 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	\$ 13,125	\$ 13,125	Surety Bond	Capitol Indemnity Corp
King Transfer Station	Walthill	Transfer Station	04/02/96	\$ 1,182	\$ 1,187	Escrow Account	First Natl. Bank, Walthill
Medi-Waste Disposal	Lincoln	Proc Fac	01/24/18	\$ 36,036	\$ 36,036	Surety Bond	Cincinnati Ins. Co.
Prairieland Dairy LLC	Firth	Compost	08/01/15	\$ 313,830	\$ 313,830	Letter of Credit	First State Bank Nebraska
Recycling Enterprises of NE, Inc.	Lincoln	Mat. Recovery	08/30/12	\$ 7,734	\$ 7,734	Letter of Credit	CityBank & Trust Co.
River City Recycling	Omaha	Mat. Recovery	01/01/01	\$ 55,920	\$ 55,920	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	09/27/17	\$ 4,012	\$ 4,012	Letter of Credit	First Heritage Bank
Stericycle	Lincoln	Processing Fac	07/01/12	\$ 56,873	\$ 56,873	Surety Bond	Westchester Fire Ins. 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	Central City	Transfer Station	05/30/13	\$ 9,223	\$ 9,223	Surety Bond	Platte River Ins Co.
RCRA Closure and RCRA Post-Closure (PC)							
Loveland Products	Fairbury	RCRA PC	12/10/15	\$ 630,697	\$ 630,697	Letter of Credit	Bank of Nova Scotia
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	09/16/13	\$ 29,789,429	\$ 29,789,429	Insurance Policy	Indian Harbors Insurance Co.
Douglas County Landfill	Omaha	RCRA PC	03/08/85	\$ 270,981	\$ 270,981	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	\$ 146,057	\$ 146,057	Insurance Policy	Indian Harbors Insurance Co.
Safety Kleen	Omaha	RCRA Closure	10/15/01	\$ 386,973	\$ 386,973	Insurance Policy	Indian Harbors Insurance Co.
Tenneco Automotive Inc.	Cozad	RCRA PC	09/17/97	\$ 52,366	\$ 52,366	Letter of Credit	Canadian Imperial Bank
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
Douglas County Landfill	Omaha	RCRA Cor Act	08/20/18	\$ 1,726,617	\$ 1,726,617	Financial Test	Douglas County
Becton Dickinson & Company	Columbus	RCRA Closure	08/30/18	\$ 9,839	\$ 9,839	Escrow Agreement	Bank of New York Mellon
Preferred Pump & Equipment	Dodge	RCRA Closure	09/15/17	\$ 57,084	\$ 57,084	Financial Test	Preferred Pump & Equipment
Hornady Manufacturing CO.	Grand Island	RCRA Closure	12/28/17	\$ 121,742	\$ 121,742	Letter of Credit	Five Points Bank
Underground Injection Control (UIC)							
Crow Butte Resources, Inc.	Crawford	UIC		\$ 47,740,447	\$ 47,740,447	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 Haulers							
ABC Tire LLC	Kansas C, KS	Waste Tire	06/24/13	\$ 10,000	\$ 10,000	Surety Bond	Nationwide Mutual Ins.
B-Rose Transportation	Alvo	Waste Tire	04/16/15	\$ 40,000	\$ 40,000	Surety Bond	Merchants Bonding Co.
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
D & B Enterprise LLC	Correctville, IA	Waste Tire	01/22/18	\$ 10,000	\$ 10,000	Surety Bond	Western Surety Co.
Don's Used Tires	Lincoln	Waste Tire	03/13/03	\$ 5,000	\$ 5,000	Surety Bond	Old Republic Surety Co.
Gill Hauling Inc.	Jackson	Waste Tire	02/04/09	\$ 10,000	\$ 10,000	Letter of Credit	Dakota County State Bank
Hackbart Brothers, Inc	Seward	Waste Tire	08/03/15	\$ 10,000	\$ 10,000	Letter of Credit	Jones Natl. Bank & Trust
Hoke Transport LLC	Gering	Waste Tire	04/04/12	\$ 5,000	\$ 5,000	Surety Bond	Old Republic Surety Co.
Intrawest LLC	Fountain CO	Waste Tire	09/15/15	\$ 5,000	\$ 5,000	Surety Bond	U.S. Specialty Ins. Co.
J & M Steel	Hastings	Waste Tire	01/15/15	\$ 5,000	\$ 5,000	Letter of Credit	Five Points Bank
Kenny Frazier	Edmond OK	Waste Tire	05/26/04	\$ 5,000	\$ 5,000	Escrow Account	Bank of America, Inc.
LAL Enterprise, LLC	Alvo	Waste Tire	04/16/15	\$ 40,000	\$ 40,000	Surety Bond	Merchants Bonding Co.
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.
Million Tire Disposal	Sarcoxie,MO	Waste Tire	09/16/16	\$ 5,000	\$ 5,000	Surety Bond	Great American Ins.Co.
New Horizons Enterprises LLC	Lincoln	Waste Tire	05/11/12	\$ 5,000	\$ 5,000	Surety Bond	Granite Re, Inc.
Omaha Casing Co. Inc	Omaha	Waste Tire	12/05/14	\$ 5,000	\$ 5,000	Letter of Credit	Security Natl. Bank
Resource Management Co	Brownell, KS	Waste Tire	01/17/06	\$ 10,000	\$ 10,000	Letter of Credit	First State Bank, Ness Cy,KS
River City Recycling	Omaha	Waste Tire	04/22/16	\$ 43,750	\$ 43,750	Letter of Credit	Access Bank
Shockley Trucking	Octavia	Waste Tire	02/24/16	\$ 10,000	\$ 10,000	Surety Bond	Universal Surety Co.
Tire Cutters	Centralia KS	Waste Tire	05/13/06	\$ 5,000	\$ 5,000	Letter of Credit	First Heritage Bank
Tire Town, Inc.	Leavenworth,K	Waste Tire	06/11/15	\$ 10,000	\$ 10,000	Letter of Credit	Bank of the Prairie
Uribe Scrap Tires, LLC	Lincoln	Waste Tire	01/06/14	\$ 5,000	\$ 5,000	Surety Bond	Ohio Casualty Ins. Co.