

CHAPTER 11:

Financial Assurance Requirements

Section 81-1505(21) provides the statutory authority for the Department to develop, and the Environmental Quality 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.

NDEE 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	\$ 5,252,460	\$ 2,140,143	Enterprise Fund	City of Alliance
Beatrice Area SW Agency	Beatrice	MSWDA	07/12/00	\$ 8,074,994	\$ 7,928,996	Financial Test	City of Beatrice
Butler County Landfill	David City	MSWDA	10/03/08	\$ 16,036,756	\$ 7,709,449	Trust Fund	US Bank
Douglas County Landfill	Bennington	MSWDA	02/16/04	\$ 15,281,306	\$ 1,281,306	Surety Bond	Evergreen Ntl. Indemnity Co.
G & P Dev Landfill	Milford	MSWDA	10/03/08	\$ 13,238,470	\$ 3,561,480	Trust Fund	US Bank
Gering Landfill	Gering	MSWDA	02/13/96	\$ 2,521,643	\$ 2,123,500	Enterprise Fund	City of Gering
L.P. Gill Landfill	Jackson	MSWDA	08/18/21	\$ 15,307,829	\$ 15,307,829	Surety Bond	Travelers Casualty & Surety
Grand Island Landfill	Grand Island	MSWDA	03/31/96	\$ 11,446,915	\$ 11,446,915	Financial Test	City of Grand Island
Hastings Area Landfill	Hastings	MSWDA	03/18/13	\$ 6,690,984	\$ 4,017,139	Enterprise Fund	City of Hastings
Hastings Landfill	Hastings	Sanitary LF	10/01/97	\$ 114,572	\$ 33,073	Faith & Credit	City of Hastings
Holdrege Landfill	Holdrege	MSWDA	07/29/96	\$ 3,412,355	\$ 2,353,397	Enterprise Fund	City of Holdrege
J-Bar-J Landfill	Ogallala	MSWDA	03/28/00	\$ 7,431,411	\$ 7,431,411	Performance Bond	Evergreen Ntl. Indemnity Co.
Kearney Landfill	Kearney	MSWDA	03/31/94	\$ 9,484,926	\$ 4,648,110	Trust Fund	Union Bank & Trust
Kimball Landfill	Kimball	MSWDA	05/10/96	\$ 1,944,754	\$ 1,346,467	Enterprise Fund	City of Kimball
Lexington Landfill	Lexington	Sanitary LF	07/25/96	\$ 237,560	\$ 291,112	Faith & Credit	City of Lexington
Lexington Area Agency	Lexington	MSWDA	01/19/97	\$ 3,766,036	\$ 2,479,047	Enterprise Fund	Lexington Area SW Agency
Lincoln Bluff Road Landfill	Lincoln	MSWDA	04/01/96	\$ 41,565,838	\$ 29,771,341	Financial Test	City of Lincoln
Loup Central Landfill	Elba	MSWDA	04/09/96	\$ 3,066,945	\$ 1,296,584	Trust Fund	Citizens Bank & Tr St. Paul
McCook Landfill	McCook	Sanitary LF	03/04/96	\$ 269,688	\$ 89,896	Faith & Credit	City of McCook
NE Ecology Landfill	Geneva	MSWDA	10/03/08	\$ 3,446,372	\$ 1,205,400	Trust Fund	US Bank
NNSWC Landfill	Clarkson	MSWDA	04/09/96	\$ 22,595,970	\$ 11,224,005	Enterprise Fund	NNSWC
Pheasant Point Landfill	Bennington	MSWDA	03/01/12	\$ 37,527,020	\$ 37,527,020	Surety Bond	Western Surety
Sarpy County Landfill	Papillion	MSWDA	03/31/96	\$ 4,009,990	\$ 4,200,000	Enterprise Fund	Sarpy County
Sidney Landfill	Sidney	MSWDA	02/11/97	\$ 2,757,719	\$ 1,256,984	Enterprise Fund	City of Sidney
SWANN Landfill	Chadron	MSWDA	09/25/97	\$ 2,521,705	\$ 905,619	Enterprise Fund	SWANN
Valentine Landfill	Valentine	MSWDA	04/09/96	\$ 2,311,917	\$ 1,052,652	Enterprise Fund	City of Valentine
York Landfill	York	Sanitary LF	05/14/96	\$ 108,478	\$ 12,059	Faith & Credit	City of York
York Area SW Landfill	York	MSWDA	05/14/96	\$ 6,173,334	\$ 2,702,526	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	\$ 630,871	\$ 630,871	Escrow Account	Bank of Bennington
Alliance C & D Landfill	Alliance	Const./Demol.	12/02/99	\$ 440,015	\$ 138,690	Enterprise Fund	City of Alliance
Anderson Excavating C & D	Omaha	Const./Demol.	11/15/12	\$ 1,062,687	\$ 1,062,687	Letter of Credit	Availa Bank
Arnold C & D Landfill	Arnold	Const./Demol.	07/24/00	\$ 98,089	\$ 53,581	Enterprise Fund	Village of Arnold
Beatrice Area SW Agency	Beatrice	Const./Demol.	10/15/12	\$ 1,231,573	\$ 1,231,573	Financial Test	City of Beatrice
Benkelman C & D Landfill	Benkelman	Const./Demol.	10/15/06	\$ 103,144	\$ 30,799	Enterprise Fund	City of Benkelman
Broken Bow C & D Landfill	Broken Bow	Const./Demol.	11/23/07	\$ 339,236	\$ 58,007	Enterprise Fund	City of Broken Bow
Bud's Sanitary Service C & D	Newman Grove	Const./Demol.	06/01/97	\$ 55,132	\$ 55,132	Letter of Credit	First Natl. Bank Newman Gr
Eco-Storage C & D Landfill	Omaha	Const./Demol.	06/03/10	\$ 45,411	\$ 45,411	Surety Bond	Evergreen Ntl Indemnity Co.
Franklin C&D Landfill	Franklin	Const./Demol.	11/08/10	\$ 75,587	\$ 49,816	Enterprise Fund	City of Franklin
Gage County C & D Landfill	Beatrice	Const./Demol.	02/23/98	\$ 78,027	\$ 78,027	Letter of Credit	Security First Bank
Hawkins Construction C & D	Omaha	Const./Demol.	02/11/21	\$ 438,688	\$ 438,688	Surety Bond	Western Surety Co.
Holdrege C & D Landfill	Holdrege	Const./Demol.	05/01/09	\$ 341,186	\$ 91,484	Enterprise Fund	City of Holdrege
Imperial C&D Landfill	Imperial	Const./Demol.	06/01/01	\$ 167,988	\$ 102,706	Enterprise Fund	City of Imperial
KGP Services C & D	Norfolk	Const./Demol.	11/06/03	\$ 113,652	\$ 113,652	Escrow Account	Elkhorn Valley Bank & Trust
Kimball C & D Landfill	Kimball	Const./Demol.	04/01/01	\$ 199,234	\$ 76,017	Enterprise Fund	City of Kimball
Lead Waste Mgmt C&D Landfill	Waterbury	Const./Demol.	05/28/14	\$ 84,632	\$ 84,632	Letter of Credit	Adrian State Bank
L.P. Gill Landfill C & D	Jackson	Const./Demol.	08/18/21	\$ 511,954	\$ 511,954	Surety Bond	Travelers Casualty & Surety
Lexington C & D Landfill	Lexington	Const./Demol.	09/30/98	\$ 364,085	\$ 181,955	Enterprise Fund	Lexington Area SW Agency
Lincoln North 48th St. C & D	Lincoln	Const./Demol.	04/01/96	\$ 4,241,929	\$ 4,095,774	Financial Test	City of Lincoln
Loup Central C & D Landfill#2	Elba	Const./Demol.	01/28/01	\$ 203,320	\$ 82,379	Trust Fund	Citizens Bank & Tr. St. Paul
NPPD Gerald Gentleman	Sutherland	Const./Demol.	04/01/95	\$ 307,299	\$ 307,299	Financial Test	NPPD
O'Neill C & D Landfill	O'Neill	Const./Demol.	06/01/01	\$ 261,982	\$ 80,824	Enterprise Fund	City of O'Neill
O'Neill Wood Resources C & D	Grand Island	Const./Demol.	10/10/18	\$ 543,120	\$ 75,835	Trust Fund	Minden State Bank & Trust
PAD LLC C & D Landfill	Hastings	Const./Demol.	03/30/22	\$ 620,959	\$ 620,959	Letter of Credit	Five Points Bank
Plainview C & D Landfill	Plainview	Const./Demol.	09/26/00	\$ 76,507	\$ 73,842	Enterprise Fund	City of Plainview
1221 Rainwood Road C & D	Omaha	Const./Demol.	08/10/21	\$ 342,391	\$ 342,391	Surety Bond	North American Specialty Ins.
Red Cloud C&D Landfill	Red Cloud	Const./Demol.	04/04/17	\$ 114,962	\$ 21,440	Enterprise Fund	City of Red Cloud
Schmader C & D Landfill	West Point	Const./Demol.	07/27/12	\$ 231,337	\$ 31,337	Letter of Credit	Charter West Ntl Bank
Sidney C & D Landfill	Sidney	Const./Demol.	11/23/99	\$ 203,194	\$ 73,184	Enterprise Fund	City of Sidney
Three Valleys C & D Landfill	Indianola	Const./Demol.	02/24/10	\$ 194,649	\$ 194,649	Letter of Credit	McCook Ntl Bank
Valentine C&D	Valentine	Const./Demol.	07/11/22	\$ 111,758	\$ 2,700	Enterprise Fund	City of Valentine
York C & D Landfill	York	Const./Demol.	12/01/07	\$ 943,337	\$ 211,292	Enterprise Fund	City of York
Fossil Fuel Combustion Ash (FFCA), Industrial Waste Landfills, Monofills							
Ash Grove Cement Co.	Louisville	Indus. Waste	03/01/03	\$ 4,160,339	\$ 4,160,339	Insurance Policy	Great American E&S Ins. Co.
Clean Harbors Technology	Kimball	Monofill	07/31/20	\$ 3,075,499	\$ 3,075,499	Insurance Policy	Great American Ins. Co.
Fremont Utilities	Fremont	FFCA	05/28/96	\$ 4,176,518	\$ 1,084,142	Enterprise Fund	City of Fremont

Hastings Utilities	Hastings	FFCA	02/01//01	\$ 7,236,898	\$ 3,181,818	Enterprise Fund	City of Hastings & PPGA
NPPD Gerald Gentleman 4	Sutherland	FFCA	04/01/95	\$ 8,398,672	\$ 8,398,672	Financial Test	NPPD
NPPD Sheldon Station 4	Sheldon	FFCA	07/01/01	\$ 2,359,753	\$ 2,359,753	Financial Test	NPPD
OPPD NE City 1	NE City	FFCA	04/04/95	\$ 2,445,014	\$ 2,445,014	Financial Test	OPPD
OPPD NE City 2	NE City	FFCA	06/30/09	\$ 7,027,714	\$ 7,027,714	Financial Test	OPPD
OPPD North Omaha	Omaha	FFCA	04/04/95	\$ 10,354,177	\$ 10,354,177	Financial Test	OPPD
Platte Generation	Grand Island	FFCA	03/18/14	\$ 2,569,969	\$ 2,569,969	Financial Test	City of Grand Island
Waste Management of NE	Bennington	Indus. Waste	03/01/12	\$ 1,672,924	\$ 1,672,924	Surety Bond	Lexon Insurance Co.
Transfer Stations, Material Recovery Facilities, Compost Sites							
Bud's Sanitary Service	Newman Gr.	Transf. Station	05/19/17	\$ 2,970	\$ 2,970	Letter of Credit	First Natl. Bank, NG
Custer Transfer Station	Broken Bow	Transf. 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
Eco-Storage Inc.	Omaha	Mat. Recovery	12/10/19	\$ 70,017	\$ 70,017	Surety Bond	Federal Ins. Co.
Edgetown Properties LLC	Madison	Transf. Station	06/27/12	\$ 12,493	\$ 12,493	Escrow Account	Frontier Bank
Fremont CRD, Inc.	Fremont	Transf. Station	07/02/03	\$ 13,125	\$ 13,125	Surety Bond	Capitol Indemnity Corp
King Transfer Station	Walthill	Transf. Station	04/02/96	\$ 1,821	\$ 2,023	Escrow Account	Charter West Bank
Medi-Waste Disposal	Lincoln	Processing Fac	01/24/18	\$ 30,124	\$ 30,124	Surety Bond	Cincinnati Ins. Co.
Prairieland Gold Capital LLC	Firth	Compost	07/13/22	\$ 357,608	\$ 357,608	Letter of Credit	United Bank & Trust
River City Recycling	Omaha	Mat. Recovery	01/01/01	\$ 55,920	\$ 55,920	Escrow Account	US Bank Ntl Assoc
Sarpy County	Papillion	Transf. Station	04/17/12	\$ 95,650	\$ 95,650	Surety Bond	Travelers Surety Co. of Amer.
Seneca Sanitation	Dubois	Transf. 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	Central City	Transf. Station	05/30/13	\$ 9,223	\$ 9,223	Surety Bond	Platte River Ins Co.
Waste Connections of NE	Gering	Transf. Station	08/15/03	\$ 25,831	\$ 25,831	Surety Bond	Evergreen Ntl. Indemnity Co.
Waste Connections of NE	Ord	Transf. Station	07/02/03	\$ 9,317	\$ 9,317	Surety Bond	Platte River Ins Co.
RCRA Closure and RCRA Post-Closure (PC)							
Loveland Products	Fairbury	RCRA PC & CA	12/10/15	\$ 3,088,997	\$ 3,088,997	Letter of Credit	Bank of Nova Scotia
Bosch Security Systems	Lincoln	RCRA PC	11/04/21	\$ 10,344	\$ 10,344	Letter of Credit	Deutsche Bank AG
Clean Harbors Technology	Kimball	RCRA Closure	07/31/20	\$ 35,524,662	\$ 35,524,662	Insurance Policy	Great American Insurance Co.
Douglas County Landfill	Omaha	RCRA Cor Act	08/20/18	\$ 2,240,246	\$ 2,240,246	Financial Test	Douglas County
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	07/31/20	\$ 165,515	\$ 165,515	Insurance Policy	Great American Insurance Co.
Safety Kleen	Omaha	RCRA Closure	07/31/20	\$ 439,102	\$ 439,102	Insurance Policy	Great American Insurance Co.
Tenneco Automotive Inc.	Cozad	RCRA PC	07/22/15	\$ 53,366	\$ 53,366	Letter of Credit	Canadian Imperial Bank
Tenneco Automotive Inc.	Cozad	RCRA Cor Act	12/20/21	\$ 5,463,381	\$ 5,463,381	Letter of Credit	Canadian Imperial Bank
Van Diest Supply Liquid Plant	McCook	RCRA PC	02/16/06	\$ 1,907,765	\$ 1,907,765	Letter of Credit	1st State Bank Webster Cty IA

Underground Injection Control (UIC)							
Crow Butte Resources, Inc.	Crawford	UIC		\$ 61,582,740	\$ 61,582,740	Letter of Credit	Royal Bank of Canada
Waste Tire Haulers							
360 Tire Recycling	Kado Mills, Tx	Waste Tire	06/02/23	\$ 5,000	\$ 5,000	Surety Bond	Berkley Insurance Co.
ABC Tire LLC	Kansas C, KS	Waste Tire	06/24/13	\$ 10,000	\$ 10,000	Surety Bond	Nationwide Mutual Ins.
Abe's Trash Service Inc.	Omaha	Waste Tire	02/08/19	\$ 5,000	\$ 5,000	Letter of Credit	Bank of Bennington
American Tire Distributors, Inc.	Lincoln, NE	Waster Tire	04/03/23	\$ 5,000	\$ 5,000	Letter of Credit	Wells Fargo
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
Don's Used Tires	Lincoln	Waste Tire	03/13/03	\$ 5,000	\$ 5,000	Surety Bond	Old Republic Surety Co.
FMS North America	DeSoto, KS	Waste Tire	06/02/23	\$ 5,000	\$ 5,000	Surety Bond	Western Surety
Gill Hauling Inc.	Jackson	Waste Tire	02/04/09	\$ 10,000	\$ 10,000	Letter of Credit	Dakota County State Bank
Hoke Transport LLC	Gering	Waste Tire	04/04/12	\$ 10,000	\$ 10,000	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.
Pete Langer	Scottsbluff	Waste Tire	02/11/22	\$ 60,000	\$ 60,000	Surety Bond	Merchants Bonding Co.
LAL Enterprises	Alvo, NE	Waste Tire	04/03/23	\$ 10,000	\$ 10,000	Surety Bond	Merchants Bonding Co.
Leo Porter	Oshkosh	Waste Tire	02/21/08	\$ 15,000	\$ 15,000	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.
Michelle Johnson	Pawnee City, NE	Waste Tire	08/01/23	\$ 5,000	\$ 5,000	Surety Bond	Merchants Bonding 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
RNS Metals, LLC	Elgin	Waste Tire	10/26/21	\$ 50,000	\$ 50,000	Letter of Credit	Cornerstone Bank
Shockley Trucking	Octavia	Waste Tire	02/24/16	\$ 10,000	\$ 10,000	Surety Bond	Universal Surety Co.
Southwick Liquid Waste Inc.	Hickman	Waste Tire	12/16/20	\$ 20,000	\$ 20,000	Surety Bond	Atlantic Specialty Ins. Co.
Tire Cutters	Centralia, KS	Waste Tire	05/13/06	\$ 5,000	\$ 5,000	Letter of Credit	First Heritage Bank
Tire Town, Inc.	Leavenworth, KS	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	\$ 10,000	\$ 10,000	Surety Bond	Ohio Casualty Ins. Co.