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## Permitting and Operating Materials Recovery Facilities

A “materials recovery facility” is defined in Nebraska [Title 132 – Integrated Solid Waste Management Regulations](#) as any facility at which solid waste is processed for the purpose of resource recovery. All materials recovery facilities require a permit from the Department of Environment and Energy. Typically, these operations would include facilities that receive large quantities of mixed solid waste. Materials that can be recovered are removed from the waste with the remaining portion being disposed in a landfill.

### Permit Requirements

The following criteria must be considered and addressed when permitting a materials recovery facility:

#### Locational Criteria (Title 132, Chapter 6, §002)

- Wetlands

#### Construction/Design Criteria (Title 132, Chapter 6, §003)

- Protective of human health and the environment.
- Protective of waters of the state.

#### Operational Criteria (Title 132, Chapter 6, §004)

- Operations must not constitute a hazard or a threat to human health or the environment.
- Effective litter and disease vector control programs must be implemented.
- Operations must be in compliance with applicable air quality standards developed under [Title 129- Nebraska Air Quality Regulations](#).
- Discharge of surface water runoff to waters of the State is prohibited.
- Operations must comply with storage capacity and designated storage area restrictions.
- Procedures for excluding the receipt of hazardous waste or TSCA regulated PCB wastes must be implemented.
- Public access to the site must be controlled.
- An operational plan must be developed that describes the methods of operations at the facility.

#### Closure Plan Criteria (Title 132, Chapter 6, §005)

Operations must develop:

- A description of the activities required to close the site in a manner protective of human health and the environment;
- A description of the post-closure plans for the inactive site;
- Methods or means for notifying facility users of the closure of the facility; and
- A description of the location where all materials remaining at the site will be disposed when applicable.

**Financial Assurance Criteria** (Title 132, Chapter 8)

Financial assurance is required and is applicable to the owners or operators of all materials recovery facilities except owners or operators who are:

- State or federal government entities whose debts and liabilities are debts and liabilities of a state or the United States; or
- A municipality, county or solid waste agency.

For those facilities required to obtain financial assurance, a detailed written estimate of the cost of hiring a third party to close the facility and properly dispose of all materials or wastes left at the site must be provided. This estimate must include the cost of disposing the maximum amount of accumulated waste or materials that would ever be stored at the facility at any one time. The financial assurance mechanism must be obtained prior to the initial receipt of waste.

**Recordkeeping Requirements** (Title 132, Chapter 2, §007)

An owner or operator of a permitted materials recovery facility must maintain an operating record near the facility which must include evidence of compliance with:

- All applicable permits;
- Locational criteria;
- Construction/Design criteria;
- Operational criteria;
- Closure criteria; and
- Financial Assurance criteria.

**Permit Application Fees** (Title 132, Chapter 9)

Permits to operate materials recovery facilities are issued for a term of not more than 10 years. Non-refundable fees in the following amounts must be paid in full at the time of application for a permit to operate a facility, for renewal of a permit, or for a major modification to any permitted facility.

	Initial	Major Modification	Renewal
Materials Recovery Facility	\$1500	\$500	\$250

If more than one type of permitted facility is located on the same premises, refer to Title 132, Chapter 9, §003 for fee information.

**Annual Operating Fees** (Title 132, Chapter 10)

Annual operating fees for a materials recovery facility must be submitted to the Department by October 1 of each year following the first full year of operation.

Annual operating fee amount: Materials Recovery Facility - \$1500

If more than one type of facility is located on the same premises, refer to Title 132, Chapter 10, §005 for fee information.

### **RESOURCES:**

- NDEE Home Page <http://dee.ne.gov/>

### **Contacts:**

- NDEE Waste Management Section (402) 471-4210
- NDEE Toll Free Number (877) 253-2603
- NDEE Hazardous Waste Compliance Assistant (402) 471-8308
- Email questions to: [NDEE.moreinfo@nebraska.gov](mailto:NDEE.moreinfo@nebraska.gov)

### **NDEE Publications:**

- [Title 129- Nebraska Air Quality Regulations](#)
- [Title 132 – Integrated Solid Waste Management Regulations](#)  
*Titles are available on the NDEE Home Page under “Laws/Regs & EQC”, “Rules & Regulations”*

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