

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.

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	\$ 4,939,119	\$ 2,121,379	Enterprise Fund	City of Alliance
Beatrice Area SW Agency	Beatrice	MSWDA	07/12/00	\$ 7,117,018	\$ 7,117,018	Financial Test	City of Beatrice
Butler County Landfill	David City	MSWDA	10/03/08	\$ 15,399,228	\$ 7,225,859	Trust Fund	US Bank
Douglas County Landfill	Bennington	MSWDA	03/28/00	\$ 13,716,404	\$ 13,716,404	Surety Bond	Evergreen Ntl. Indemnity Co.
G & P Dev Landfill	Milford	MSWDA	10/03/08	\$ 12,704,158	\$ 3,387,276	Trust Fund	US Bank
Gering Landfill	Gering	MSWDA	02/13/96	\$ 2,392,692	\$ 2,025,121	Enterprise Fund	City of Gering
L.P. Gill Landfill	Jackson	MSWDA	04/09/96	\$ 13,740,211	\$ 13,740,211	Surety Bond	Travelers Casualty & Surety
Grand Island Landfill	Grand Island	MSWDA	03/31/96	\$ 10,724,846	\$ 10,724,846	Financial Test	City of Grand Island
Hastings Area Landfill	Hastings	MSWDA	03/18/13	\$ 6,261,374	\$ 3,912,622	Enterprise Fund	City of Hastings
Hastings Landfill	Hastings	Sanitary LF	10/01/97	\$ 147,645	\$ 33,073	Faith & Credit	City of Hastings
Holdrege Landfill	Holdrege	MSWDA	07/29/96	\$ 3,276,700	\$ 2,240,159	Enterprise Fund	City of Holdrege
J-Bar-J Landfill	Ogallala	MSWDA	03/28/00	\$ 6,527,412	\$ 6,527,412	Performance Bond	Evergreen Ntl. Indemnity Co.
Kearney Landfill	Kearney	MSWDA	03/31/94	\$ 8,513,611	\$ 4,317,535	Trust Fund	Union Bank & Trust
Kimball Landfill	Kimball	MSWDA	05/10/96	\$ 1,845,115	\$ 1,233,283	Enterprise Fund	City of Kimball
Lexington Landfill	Lexington	Sanitary LF	07/25/96	\$ 289,903	\$ 255,209	Faith & Credit	City of Lexington
Lexington Area Agency	Lexington	MSWDA	01/19/97	\$ 2,985,793	\$ 2,479,047	Enterprise Fund	Lexington Area SW Agency
Lincoln Bluff Road Landfill	Lincoln	MSWDA	04/01/96	\$ 26,722,571	\$ 26,722,571	Financial Test	City of Lincoln
Loup Central Landfill	Elba	MSWDA	04/09/96	\$ 2,752,871	\$ 1,201,003	Trust Fund	Citizens Bank & Tr St. Paul
McCook Landfill	McCook	Sanitary LF	03/04/96	\$ 341,160	\$ 85,290	Faith & Credit	City of McCook
NE Ecology Landfill	Geneva	MSWDA	10/03/08	\$ 3,309,365	\$ 1,152,157	Trust Fund	US Bank
NNSWC Landfill	Clarkson	MSWDA	04/09/96	\$ 20,282,003	\$ 9,562,341	Enterprise Fund	NNSWC
Pheasant Point Landfill	Bennington	MSWDA	08/01/03	\$ 30,674,171	\$ 30,674,171	Surety Bond	Evergreen Ntl. Indemnity Co.
Sarpy County Landfill	Papillion	MSWDA	03/31/96	\$ 3,597,174	\$ 3,937,989	Enterprise Fund	Sarpy County
Sidney Landfill	Sidney	MSWDA	02/11/97	\$ 2,568,807	\$ 1,144,881	Enterprise Fund	City of Sidney
SWANN Landfill	Chadron	MSWDA	09/25/97	\$ 2,393,983	\$ 857,275	Enterprise Fund	SWANN
Valentine Landfill	Valentine	MSWDA	04/09/96	\$ 2,193,468	\$ 924,859	Enterprise Fund	City of Valentine
York Landfill	York	Sanitary LF	05/14/96	\$ 130,207	\$ 12,037	Faith & Credit	City of York
York Area SW Landfill	York	MSWDA	05/14/96	\$ 5,541,146	\$ 2,452,241	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.

