

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 180

Introduced by Natural Resources Committee Langemeier, 23,
Chairperson; Carlson, 38; Cook, 13; Fischer,
43; Haar, 21; McCoy, 39; Schilz, 47.

Read first time January 12, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to solid waste; to amend sections 13-2042.01
2 and 81-15,160, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to a landfill disposal fee;
4 to provide for grants for deconstruction of abandoned
5 buildings; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2042.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 13-2042.01 (1) The Department of Environmental Quality
4 shall rebate to the municipality or county of origin ten cents of
5 the disposal fee required by section 13-2042 for each six cubic
6 yards of uncompacted solid waste, for each three cubic yards of
7 compacted solid waste, or for each ton of solid waste disposed
8 of at landfills regulated by the department and originating in
9 a municipality or county with a purchasing policy approved by
10 the department. The fee shall be rebated on a schedule agreed
11 upon between the municipality or county and the department. The
12 schedule shall be no more often than quarterly and no less often
13 than annually. on or before the thirtieth day after receipt of a
14 quarterly report from the municipality or county of origin.

15 (2) Any municipality or county may apply to the
16 department for the rebate authorized in subsection (1) of this
17 section if the municipality or county has a written purchasing
18 policy in effect requiring a preference for purchasing products,
19 materials, or supplies which are manufactured or produced from
20 recycled material. The policy shall provide that the preference
21 shall not operate when it would result in the purchase of
22 products, materials, or supplies which are of inadequate quality
23 as determined by the municipality or county. Upon receipt of an
24 application, the Department of Environmental Quality shall submit
25 the application to the materiel division of the Department of

1 Administrative Services for review. The materiel division shall
2 review the application for compliance with this section and any
3 rules and regulations adopted pursuant to this section and to
4 determine the probable effectiveness in assuring that a preference
5 is given to products, materials, or supplies which are manufactured
6 or produced from recycled material. The materiel division shall
7 provide a report of its findings to the Department of Environmental
8 Quality within thirty days after receiving the review request. The
9 Department of Environmental Quality shall approve the application
10 or suggest modifications to the application within sixty days after
11 receiving the application based on the materiel division's report,
12 any analysis by the Department of Environmental Quality, and any
13 factors affecting compliance with this section or the rules and
14 regulations adopted pursuant to this section.

15 (3) A municipality or county shall file a report
16 complying with the rules and regulations adopted pursuant to
17 this section with the Department of Environmental Quality before
18 April 1 of each year documenting purchasing practices for the
19 past calendar year in order to continue receiving the rebate.
20 The report shall include, but not be limited to, quantities of
21 products, materials, or supplies purchased which were manufactured
22 or produced from recycled material. The department shall provide
23 copies of each report to the materiel division in a timely manner.
24 If the department determines that a municipality or county is
25 not following the purchasing policy presented in the approved

1 application or that the purchasing policy presented in the approved
2 application is not effective in assuring that a preference is
3 given to products, materials, or supplies which are manufactured
4 or produced from recycled material, the department shall suspend
5 the rebate until it determines that the municipality or county
6 is giving a preference to products, materials, or supplies which
7 are manufactured or produced from recycled material pursuant to
8 a written purchasing policy approved by the department subsequent
9 to the suspension. The materiel division may make recommendations
10 to the department regarding suspensions and reinstatements of
11 rebates. The Department of Administrative Services may adopt
12 and promulgate rules and regulations establishing procedures for
13 reviewing applications and for annual reports.

14 (4) Any suspension of the rebate or denial of an
15 application made under this section may be appealed. The appeal
16 shall be in accordance with the Administrative Procedure Act.

17 (5) The council shall adopt and promulgate rules and
18 regulations establishing criteria for application procedures, for
19 accepting and denying applications, for ~~annual and quarterly~~
20 ~~reporting requirements,~~ required reports, and for suspending and
21 reinstating the rebate. The materiel division shall recommend to
22 the council criteria for accepting and denying applications and
23 for suspending and reinstating the rebate. The materiel division
24 may make other recommendations to the council regarding rules
25 and regulations authorized under this section. ~~The Department~~

1 of Administrative Services may adopt and promulgate rules and
2 regulations establishing procedures for reviewing applications and
3 for annual and quarterly reports.

4 Sec. 2. Section 81-15,160, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 81-15,160 (1) The Waste Reduction and Recycling Incentive
7 Fund is created. The department shall deduct from the fund amounts
8 sufficient to reimburse itself for its costs of administration
9 of the fund. The fund shall be administered by the Department
10 of Environmental Quality. The fund shall consist of proceeds from
11 the fees imposed pursuant to the Waste Reduction and Recycling
12 Incentive Act.

13 (2) The fund may be used for purposes which include, but
14 are not limited to:

15 (a) Technical and financial assistance to political
16 subdivisions for creation of recycling systems and for modification
17 of present recycling systems;

18 (b) Recycling and waste reduction projects, including
19 public education, planning, and technical assistance;

20 (c) Market development for recyclable materials separated
21 by generators, including public education, planning, and technical
22 assistance;

23 (d) Capital assistance for establishing private and
24 public intermediate processing facilities for recyclable materials
25 and facilities using recyclable materials in new products;

1 (e) Programs which develop and implement composting of
2 yard waste and composting with sewage sludge;

3 (f) Technical assistance for waste reduction and waste
4 exchange for waste generators;

5 (g) Programs to assist communities and counties to
6 develop and implement household hazardous waste management
7 programs; and

8 (h) Capital assistance for establishing private and
9 public facilities to manufacture combustible waste products and
10 to incinerate combustible waste to generate and recover energy
11 resources, except that no disbursements shall be made under this
12 section for scrap tire processing related to tire-derived fuel;
13 and-

14 (i) Grants for reimbursement of costs to cities of the
15 second class, villages, and counties of five thousand or fewer
16 population for the deconstruction of abandoned buildings. Eligible
17 deconstruction costs will be related to the recovery and processing
18 of recyclable or reusable material from the abandoned buildings.

19 ~~The State Treasurer shall transfer two million one~~
20 ~~hundred thousand dollars from the Waste Reduction and Recycling~~
21 ~~Incentive Fund to the General Fund within five days after August~~
22 ~~16, 2002.~~

23 (3) Grants up to one million dollars annually shall be
24 available until June 30, 2009, for new scrap tire projects only, if
25 acceptable scrap tire project applications are received. Eligible

1 categories of disbursement under section 81-15,161 may include, but
2 are not limited to:

3 (a) Reimbursement for the purchase of crumb rubber
4 generated and used in Nebraska, with disbursements not to exceed
5 fifty percent of the cost of the crumb rubber;

6 (b) Reimbursement for the purchase of tire-derived
7 product which utilizes a minimum of twenty-five percent recycled
8 tire content, with disbursements not to exceed twenty-five percent
9 of the product's retail cost, except that persons who applied for
10 a grant between June 1, 1999, and May 31, 2001, for the purchase
11 of tire-derived product which utilizes a minimum of twenty-five
12 percent recycled tire content may apply for reimbursement on or
13 before July 1, 2002. Reimbursement shall not exceed twenty-five
14 percent of the product's retail cost and may be funded in fiscal
15 years 2001-02 and 2002-03;

16 (c) Participation in the capital costs of building,
17 equipment, and other capital improvement needs or startup costs
18 for scrap tire processing or manufacturing of tire-derived product,
19 with disbursements not to exceed fifty percent of such costs or
20 five hundred thousand dollars, whichever is less;

21 (d) Participation in the capital costs of building,
22 equipment, or other startup costs needed to establish collection
23 sites or to collect and transport scrap tires, with disbursements
24 not to exceed fifty percent of such costs;

25 (e) Cost-sharing for the manufacturing of tire-derived

1 product, with disbursements not to exceed twenty dollars per ton
2 or two hundred fifty thousand dollars, whichever is less, to any
3 person annually;

4 (f) Cost-sharing for the processing of scrap tires, with
5 disbursements not to exceed twenty dollars per ton or two hundred
6 fifty thousand dollars, whichever is less, to any person annually;

7 (g) Cost-sharing for the use of scrap tires for civil
8 engineering applications for specified projects, with disbursements
9 not to exceed twenty dollars per ton or two hundred fifty thousand
10 dollars, whichever is less, to any person annually; and

11 (h) Disbursement to a political subdivision up to one
12 hundred percent of costs incurred in cleaning up scrap tire
13 collection and disposal sites.

14 The director shall give preference to projects which
15 utilize scrap tires generated and used in Nebraska.

16 (4) Priority for grants made under section 81-15,161
17 shall be given to grant proposals demonstrating a formal
18 public/private partnership except for grants awarded from fees
19 collected under subsection (6) of section 13-2042.

20 (5) Grants awarded from fees collected under subsection
21 (6) of section 13-2042 may be renewed for up to a five-year
22 grant period. Such applications shall include an updated integrated
23 solid waste management plan pursuant to section 13-2032. Annual
24 disbursements are subject to available funds and the grantee
25 meeting established grant conditions. Priority for such grants

1 shall be given to grant proposals showing regional participation
2 and programs which address the first integrated solid waste
3 management hierarchy as stated in section 13-2018 which shall
4 include toxicity reduction. Disbursements for any one year shall
5 not exceed fifty percent of the total fees collected after rebates
6 under subsection (6) of section 13-2042 during that year.

7 (6) Any person who stores waste tires in violation
8 of section 13-2033, which storage is the subject of abatement
9 or cleanup, shall be liable to the State of Nebraska for the
10 reimbursement of expenses of such abatement or cleanup paid by the
11 Department of Environmental Quality.

12 (7) The Department of Environmental Quality may receive
13 gifts, bequests, and any other contributions for deposit in the
14 Waste Reduction and Recycling Incentive Fund. Any money in the fund
15 available for investment shall be invested by the state investment
16 officer pursuant to the Nebraska Capital Expansion Act and the
17 Nebraska State Funds Investment Act.

18 Sec. 3. Original sections 13-2042.01 and 81-15,160,
19 Reissue Revised Statutes of Nebraska, are repealed.