

AMENDMENTS TO LB 614

1           1. Strike the original sections and insert the following  
2 new sections:

3           "Section 1. Section 81-1532, Revised Statutes  
4 Supplement, 2000, is amended to read:

5           81-1532. Sections 81-1501 to 81-1532 and section 2 of  
6 this act shall be known and may be cited as the Environmental  
7 Protection Act.

8           Sec. 2. No disbursements from grants or loans  
9 administered pursuant to the Environmental Protection Act shall be  
10 made for projects related to tire-derived fuel.

11          Sec. 3. Section 81-15,160, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13          81-15,160. (1) The Waste Reduction and Recycling  
14 Incentive Fund is created. The department shall deduct from the  
15 fund amounts sufficient to reimburse itself for its costs of  
16 administration of the fund. The fund shall be administered by the  
17 Department of Environmental Quality. The fund shall consist of  
18 proceeds from the fees imposed pursuant to the Waste Reduction and  
19 Recycling Incentive Act.

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

22          (a) Technical and financial assistance to political  
23 subdivisions for creation of recycling systems and for modification  
24 of present recycling systems;

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

3                   (c) Market development for recyclable materials separated  
4 by generators, including public education, planning, and technical  
5 assistance;

6                   (d) Capital assistance for establishing private and  
7 public intermediate processing facilities for recyclable materials  
8 and facilities using recyclable materials in new products;

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

11                   (f) Technical assistance for waste reduction and waste  
12 exchange for waste generators;

13                   (g) Programs to assist communities and counties to  
14 develop and implement household hazardous waste management  
15 programs;

16                   (h) Incentive grants to political subdivisions to assist  
17 and encourage the closure of landfills operating without a permit,  
18 the regional consolidation of solid waste disposal facilities  
19 operating with a permit, and the use of transfer stations. Grants  
20 awarded for programs involving land disposal shall include  
21 provisions for waste reduction and recycling; and

22                   (i) Capital assistance for establishing private and  
23 public facilities to manufacture combustible waste products and to  
24 incinerate waste to generate and recover energy resources, except  
25 that no disbursements shall be made under this section for scrap  
26 tire processing related to tire-derived fuel.

27                   (3) No grant shall be made under section 81-15,161 to a

1 political subdivision which operates a landfill operating without a  
2 permit unless the grant will be used to meet permit standards and  
3 the landfill is issued a permit within two years after the award of  
4 the grant.

5 (4) ~~Priority for grants made under section 81-15,161~~  
6 ~~shall be given to grant proposals that will be used for the~~  
7 ~~recycling of tires or tire waste reduction, except that on or~~  
8 ~~before June 1, 2002, up to one million dollars will be available~~  
9 ~~for scrap tire projects only, if acceptable scrap tire project~~  
10 ~~applications are received~~ Grants up to one million dollars annually  
11 shall be available until June 1, 2004, for new scrap tire projects  
12 only, if acceptable scrap tire project applications are received.  
13 Eligible categories of disbursement under section 81-15,161 may  
14 include, but are not limited to:

15 (a) ~~Studies to determine economic and technical~~  
16 ~~feasibility of uses of scrap tires or tire-derived product, with~~  
17 ~~disbursements of up to one hundred percent of the cost of the~~  
18 ~~study;~~

19 ~~(b)~~ Reimbursement for the purchase of crumb rubber  
20 generated and used in Nebraska, with disbursements not to exceed  
21 fifty percent of the cost of the crumb rubber;

22 ~~(c)~~ (b) Reimbursement for the purchase of tire-derived  
23 product which utilizes a minimum of twenty-five percent recycled  
24 tire content, with disbursements not to exceed twenty-five percent  
25 of the product's retail cost, except that persons who applied for a  
26 grant between June 1, 1999, and the effective date of this act for  
27 the purchase of tire-derived product which utilizes a minimum of

1 twenty-five percent recycled tire content may apply for  
2 reimbursement on or before July 1, 2002. Reimbursement shall not  
3 exceed twenty-five percent of the product's retail cost and may be  
4 funded in fiscal years 2001-02 and 2002-03;

5 ~~(d)~~ (c) Participation in the capital costs of building,  
6 equipment, and other capital improvement needs or startup costs for  
7 scrap tire processing or manufacturing of tire-derived product,  
8 with disbursements not to exceed fifty percent of such costs or  
9 five hundred thousand dollars, whichever is less;

10 ~~(e)~~ (d) Participation in the capital costs of building,  
11 equipment, or other startup costs needed to establish collection  
12 sites or to collect and transport scrap tires, with disbursements  
13 not to exceed fifty percent of such costs;

14 ~~(f)~~ (e) Cost-sharing for the manufacturing of  
15 tire-derived product, with disbursements not to exceed twenty  
16 dollars per ton or two hundred fifty thousand dollars, whichever is  
17 less, to any person annually;

18 ~~(g)~~ (f) Cost-sharing for the processing of scrap tires,  
19 with disbursements not to exceed twenty dollars per ton or two  
20 hundred fifty thousand dollars, whichever is less, to any person  
21 annually; ~~and~~

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

26 (h) Disbursement to a political subdivision up to one  
27 hundred percent of costs incurred in cleaning up scrap tire

1 collection sites.

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

4           ~~(5) The department may disburse (a) to any person up to~~  
5 ~~one hundred percent of the costs incurred in cleaning up scrap tire~~  
6 ~~collection sites existing on June 11, 1997, if application for such~~  
7 ~~cleanup is submitted prior to June 17, 1999, and the cleanup is~~  
8 ~~completed by September 17, 2000, or (b) to a political subdivision~~  
9 ~~up to one hundred percent of costs incurred in cleaning up~~  
10 ~~collection sites if application for such cleanup is submitted prior~~  
11 ~~to June 17, 1999, and the cleanup is completed by September 17, 2000.~~

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

16           ~~(7) (6)~~ Grants awarded from fees collected under  
17 subsection (6) of section 13-2042 may be renewed for up to a  
18 five-year grant period. Such applications shall include an updated  
19 integrated solid waste management plan pursuant to section 13-2032.  
20 Annual disbursements are subject to available funds and the grantee  
21 meeting established grant conditions. Priority for such grants  
22 shall be given to grant proposals showing regional participation  
23 and programs which address the first integrated solid waste  
24 management hierarchy as stated in section 13-2018 which shall  
25 include toxicity reduction. Disbursements for any one year shall  
26 not exceed fifty percent of the total fees collected after rebates  
27 under subsection (6) of section 13-2042 during that year.

1           ~~(8)~~ (7) Any person who operates a scrap tire collection  
2 site in violation of state law which is the subject of abatement or  
3 cleanup ~~as provided in section 81-15,161.01~~ shall be liable to the  
4 State of Nebraska for the reimbursement of expenses of such  
5 abatement or cleanup paid ~~out of the fund~~ by the Department of  
6 Environmental Quality.

7           ~~(9)~~ (8) The Department of Environmental Quality may  
8 receive gifts, bequests, and any other contributions for deposit in  
9 the fund. Any money in the fund available for investment shall be  
10 invested by the state investment officer pursuant to the Nebraska  
11 Capital Expansion Act and the Nebraska State Funds Investment Act.

12           Sec. 4. Original section 81-15,160, Reissue Revised  
13 Statutes of Nebraska, and section 81-1532, Revised Statutes  
14 Supplement, 2000, are repealed.

15           Sec. 5. Since an emergency exists, this act takes effect  
16 when passed and approved according to law."