

AMENDMENTS TO LB 916

(Amendments to Standing Committee amendments, AM2826)

1           1. Insert the following new section:

2           "Section 1.       Section 13-2042, Revised Statutes  
3 Supplement, 2003, is amended to read:

4           13-2042.     (1) A disposal fee of one dollar and  
5 twenty-five cents is imposed for each six cubic yards of  
6 uncompact solid waste, one dollar and twenty-five cents for each  
7 three cubic yards of compacted solid waste, or one dollar and  
8 twenty-five cents per ton of solid waste disposed of at landfills  
9 regulated by the department. Each operator of a landfill disposal  
10 facility shall make the fee payment quarterly. The fee shall be  
11 paid quarterly to the department on or before the forty-fifth day  
12 following the end of each quarter. For purposes of this section,  
13 landfill has the same definition as municipal solid waste landfill  
14 unit in 40 C.F.R. part 258, subpart A, section 258.2.

15           (2) Each fee payment shall be accompanied by a form  
16 prepared and furnished by the department and completed by the  
17 permitholder. The form shall state the total volume of solid waste  
18 disposed of at that facility during the payment period and shall  
19 provide any other information deemed necessary by the department.  
20 The form shall be signed by the permitholder.

21           (3) If a permitholder fails to make a timely payment of  
22 the fee, he or she shall pay interest on the unpaid amount at the  
23 rate specified in section 45-104.02, as such rate may from time to

1 time be adjusted.

2 (4) This section shall not apply to a site used solely  
3 for the reclamation of land through the introduction of landscaping  
4 rubble or inert material.

5 (5) Fifty percent of the total of such fees collected in  
6 each quarter shall be remitted to the State Treasurer for credit to  
7 the Integrated Solid Waste Management Cash Fund and shall be used  
8 by the department to cover the direct and indirect costs of  
9 responding to spills or other environmental emergencies, of  
10 regulating, investigating, remediating, and monitoring facilities  
11 during and after operation of facilities, or of performance of  
12 regulated activities under the Integrated Solid Waste Management  
13 Act, the Nebraska Litter Reduction and Recycling Act, the Livestock  
14 Waste Management Act, and the Waste Reduction and Recycling  
15 Incentive Act. The department may seek recovery of expenses paid  
16 from the fund for responding to spills or other environmental  
17 emergencies or for investigation, remediation, and monitoring of a  
18 facility from any person who owned, operated, or used the facility  
19 in violation of the Integrated Solid Waste Management Act, the  
20 Nebraska Litter Reduction and Recycling Act, the Livestock Waste  
21 Management Act, and the Waste Reduction and Recycling Incentive Act  
22 in a civil action filed in the district court of Lancaster County.  
23 Of the amount credited to the Integrated Solid Waste Management  
24 Cash Fund, the department may disburse amounts to political  
25 subdivisions for costs incurred in response to and remediation of  
26 any solid waste disposed of or abandoned at dump sites or discrete  
27 locations along public roadways or ditches and on any contiguous

1 area affected by such disposal or abandonment. Such reimbursement  
2 shall be by application to the department on forms prescribed by  
3 the department. The department shall prepare and make available a  
4 schedule of eligible costs and application procedures which may  
5 include a requirement of a demonstration of preventive measures to  
6 be taken to discourage future dumping. The department may not  
7 disburse to political subdivisions an amount which in the aggregate  
8 exceeds five percent of total revenue from the disposal fees  
9 collected pursuant to this section in the preceding fiscal year.  
10 These disbursements shall be made on a fiscal-year basis, and  
11 applications received after funds for this purpose have been  
12 exhausted may be eligible during the next fiscal year but are not  
13 an obligation of the state. Any eligible costs incurred by a  
14 political subdivision which are not funded due to a lack of funds  
15 shall not be considered an obligation of the state. In disbursing  
16 funds under this section, the director shall make efforts to ensure  
17 equal geographic distribution throughout the state and may deny  
18 reimbursements in order to accomplish this goal.

19 (6) The remaining fifty percent of the total of such fees  
20 collected per quarter shall be remitted to the State Treasurer for  
21 credit to the Waste Reduction and Recycling Incentive Fund. For  
22 purposes of determining the total fees collected, any amount of  
23 fees rebated pursuant to section 13-2042.01 shall be included as if  
24 the fees had not been rebated, and the amount of the fees rebated  
25 pursuant to such section shall be deducted from the amount to be  
26 credited to the Waste Reduction and Recycling Incentive Fund.

27 (7) The council shall adopt and promulgate rules and

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1 regulations for the distribution of grants under subsection (6) of  
2 this section from the proceeds of the fees imposed by this section  
3 to counties, municipalities, and agencies for the purposes of  
4 planning and implementing facilities and systems to further the  
5 goals of the Integrated Solid Waste Management Act. The fees  
6 collected pursuant to this section shall not be used as grant  
7 proceeds to fund landfill closure site assessments, closure,  
8 monitoring, or investigative or corrective action costs for  
9 existing landfills or landfills already closed prior to July 15,  
10 1992. The rules and regulations shall base the awarding of grants  
11 on a project's reflection of the integrated solid waste management  
12 policy and hierarchy established in section 13-2018, the proposed  
13 amount of local matching funds, and community need.".

14           2. Correct the operative date and repealer sections so  
15 that the section added by this amendment becomes operative on its  
16 effective date.

17           3. Renumber the remaining sections and correct internal  
18 references accordingly.