

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 599**

Introduced by Armendariz, 18.

Read first time January 17, 2023

Committee: Natural Resources

1 A BILL FOR AN ACT relating to recycling; to amend sections 13-2001,  
2 13-2003, 13-2010, 13-2023, and 13-2034, Reissue Revised Statutes of  
3 Nebraska, and sections 81-1502 and 81-15,160, Revised Statutes  
4 Cumulative Supplement, 2022; to define and redefine terms and change  
5 provisions relating to regulatory authority over advanced recycling  
6 facilities under the Integrated Solid Waste Management Act; to  
7 define, redefine, and alphabetize terms under the Environmental  
8 Protection Act; to provide capital assistance for establishing  
9 advanced recycling facilities from the Waste Reduction and Recycling  
10 Incentive Fund; to harmonize provisions; and to repeal the original  
11 sections.  
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2001, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 13-2001 Sections 13-2001 to 13-2043 and sections 3 to 5 of this act  
4 and 7 to 14 of this act shall be known and may be cited as the Integrated  
5 Solid Waste Management Act.

6 Sec. 2. Section 13-2003, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 13-2003 For purposes of the Integrated Solid Waste Management Act,  
9 the definitions found in sections 13-2004 to 13-2016.01 and sections 3 to  
10 5 of this act and 7 to 14 of this act shall be used.

11 Sec. 3. Advanced recycling means a manufacturing process for the  
12 conversion of post-use polymers and recovered feedstocks into basic raw  
13 materials, feedstocks, chemicals, and other products through processes  
14 that include pyrolysis, gasification, depolymerization, catalytic  
15 cracking, reforming, hydrogenation, solvolysis, chemolysis, and other  
16 similar technologies. The recycled products produced at advanced  
17 recycling facilities include, but are not limited to, monomers,  
18 oligomers, plastics, plastic and chemical feedstocks, basic and  
19 unfinished chemicals, waxes, lubricants, coatings, and adhesives.  
20 Advanced recycling may be considered recycling as defined in section  
21 81-1545. Advanced recycling shall not be considered solid waste  
22 management, solid waste processing, solid waste recovery, incineration,  
23 treatment, or waste-to-energy.

24 Sec. 4. Advanced recycling facility means a manufacturing facility  
25 that receives, stores, and converts post-use polymers and recovered  
26 feedstocks it receives using advanced recycling. An advanced recycling  
27 facility is a manufacturing facility subject to applicable Department of  
28 Environment and Energy manufacturing regulations for air, water, waste,  
29 and land use. Advanced recycling facilities shall not be considered solid  
30 waste disposal facilities, final disposal facilities, solid waste  
31 management facilities, solid waste processing facilities, solid waste

1 recovery facilities, incinerators, or waste-to-energy facilities.

2       Sec. 5. Depolymerization means a manufacturing process where post-  
3 use polymers are broken into smaller molecules such as monomers and  
4 oligomers or raw, intermediate, or final products, plastic and chemical  
5 feedstocks, basic and unfinished chemicals, waxes, lubricants, and  
6 coatings.

7       Sec. 6. Section 13-2010, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9       13-2010 Facility shall mean any site owned and operated or utilized  
10 by any person for the collection, source separation, storage,  
11 transportation, transfer, processing, treatment, or disposal of solid  
12 waste and shall include a solid waste landfill. Facility shall not  
13 include an advanced recycling facility.

14       Sec. 7. Gasification means a manufacturing process through which  
15 post-use polymers or recovered feedstocks are heated in an oxygen-  
16 controlled atmosphere and converted into syngas (carbon monoxide (CO) and  
17 hydrogen (H2)), followed by conversion into valuable raw, intermediate  
18 and final products including, but not limited to, plastic monomers,  
19 chemicals, waxes, lubricants, coatings, and plastic and chemical  
20 feedstocks that are returned to economic utility in the form of raw  
21 materials or products.

22       Sec. 8. Mass balance attribution means a chain of custody  
23 accounting methodology with rules defined by a third-party certification  
24 system that enables the attribution of the mass of advanced recycling  
25 feedstocks to one or more advanced recycling products.

26       Sec. 9. Post-use polymer means a plastic to which all of the  
27 following apply:

28       (1) The plastic is derived from any industrial, commercial,  
29 agricultural, or domestic activities, and includes pre-consumer recovered  
30 materials and post-consumer materials;

31       (2) The plastic has been sorted from solid waste and other regulated

1 waste but may contain residual amounts of waste such as organic material  
2 and incidental contaminants or impurities such as paper labels and metal  
3 rings;

4 (3) The plastic is not mixed with solid waste or hazardous waste  
5 onsite or during processing at the advanced recycling facility;

6 (4) The plastic's use or intended use is as a feedstock for the  
7 manufacturing of feedstocks, raw materials, or other intermediate  
8 products or final products using advanced recycling; and

9 (5) The plastic is processed at an advanced recycling facility or  
10 held at such facility prior to processing.

11 Sec. 10. Pyrolysis means a manufacturing process through which  
12 post-use polymers or recovered feedstocks are heated in the absence of  
13 oxygen until melted and thermally decomposed, noncatalytically or  
14 catalytically, and are then cooled, condensed, and converted into  
15 valuable raw materials and intermediate and final products including, but  
16 not limited to, plastic monomers, chemicals, naphtha, waxes, and plastic  
17 and chemical feedstocks that are returned to economic utility in the form  
18 of raw materials and products.

19 Sec. 11. Recovered feedstock means one or more of the following  
20 materials that has been processed so that it may be used as feedstock in  
21 an advanced recycling facility:

22 (1) Post-use polymers;

23 (2) Materials for which the United States Environmental Protection  
24 Agency has made a nonwaste determination or has otherwise determined are  
25 feedstocks and not solid waste;

26 (3) Recovered feedstock that does not include unprocessed municipal  
27 solid waste; or

28 (4) Recovered feedstock that is not mixed with solid waste or  
29 hazardous waste onsite or during processing at an advanced recycling  
30 facility.

31 Sec. 12. Recycled plastic means a product that is produced from (1)

1 mechanical recycling of pre-consumer recovered feedstocks or plastics and  
2 post-consumer plastics or (2) the advanced recycling of pre-consumer  
3 recovered feedstocks or plastics and post-consumer plastics via mass  
4 balance attribution under a third-party certification system.

5       Sec. 13. Solvolysis means a manufacturing process through which  
6 post-use polymers are purified with the aid of solvents while heated at  
7 low temperatures or pressurized to make useful products allowing  
8 additives and contaminants to be removed. The products of solvolysis  
9 include monomers, intermediates, valuable chemicals, plastic and chemical  
10 feedstocks, and raw materials. Solvolysis includes, but is not limited  
11 to, hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.

12       Sec. 14. Third-party certification system means an international  
13 and multinational third-party certification system which consists of a  
14 set of rules for the implementation of mass balance attribution  
15 approaches for advanced recycling of materials. A third-party  
16 certification system includes, but is not limited to, International  
17 Sustainability and Carbon Certification, Underwriter Laboratories, SCS  
18 Recycled Content, Roundtable on Sustainable Biomaterials, EcoLoop, and  
19 REDcert2.

20       Sec. 15. Section 13-2023, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22       13-2023 (1) A county, municipality, or agency may, by ordinance or  
23 resolution, adopt regulations governing collection, source separation,  
24 storage, transportation, transfer, processing, treatment, and disposal of  
25 solid waste within its solid waste jurisdiction area as necessary to  
26 protect the public health and welfare and the environment. Regulations  
27 authorized by this section shall be equal to or more stringent than the  
28 provisions of the Integrated Solid Waste Management Act and rules and  
29 regulations adopted and promulgated by the council as authorized by the  
30 act. Any person who violates any such regulation shall be subject to a  
31 noncompliance fee not to exceed five hundred dollars.

1           (2) A county, municipality, or agency shall not adopt, enforce, or  
2 otherwise administer an ordinance or resolution that prohibits the use of  
3 or that sets standards, fees, prohibitions, or requirements regarding the  
4 sale, use, or marketing of containers. This subsection shall not apply to  
5 county, municipality, or agency recycling or solid waste collection  
6 programs, or restrict such programs from the environmental and lawful  
7 operation of program facilities and imposition of user fees at such  
8 facilities, except that in no event shall such programs prohibit or have  
9 the effect of prohibiting the sale, use, or marketing of any containers.

10           (3) This section shall not apply to advanced recycling facilities.

11           Sec. 16. Section 13-2034, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           13-2034   (1) The council shall adopt and promulgate rules and  
14 regulations which shall include the following:

15           (a) (1) A permit program for facilities providing for permits to be  
16 issued to owners and operators;

17           (b) (2) Requirements for the collection, source separation, storage,  
18 transportation, transfer, processing, recycling, resource recovery,  
19 treatment, and disposal of solid wastes as well as developmental and  
20 operational plans for facilities. Regulations concerning operations may  
21 include waste characterization, composition, and source identification,  
22 site improvements, air and methane gas monitoring, ground water and  
23 surface water monitoring, daily cover, insect and rodent control, salvage  
24 operations, waste tire disposal, safety and restricted access, inspection  
25 of loads and any other necessary inspection or verification requirements,  
26 reporting of monitoring analysis, record-keeping requirements and other  
27 reporting requirements, handling and disposal of wastes with special  
28 characteristics, and any other operational criteria, location criteria,  
29 or design criteria necessary to minimize environmental and health risks  
30 and to provide protection of the air, land, and waters of the state; and

31           (c) (3) Requirements for closure, postclosure care and monitoring,

1 and investigative and corrective action with respect to landfills. Such  
2 rules and regulations shall require financial assurance for such  
3 activities after April 9, 1996. Such rules and regulations shall impose  
4 any necessary requirements upon owners or operators in order to assure  
5 proper closure, care, monitoring, and investigative and corrective action  
6 with respect to landfills to minimize the need for future maintenance and  
7 eliminate, to the extent necessary to protect humans, animals, and the  
8 environment, releases or the threat of releases of contaminants or  
9 leachate.

10 (2) Rules and regulations adopted and promulgated pursuant to this  
11 section shall not apply to advanced recycling.

12 Sec. 17. Section 81-1502, Revised Statutes Cumulative Supplement,  
13 2022, is amended to read:

14 81-1502 For purposes of the Environmental Protection Act, unless the  
15 context otherwise requires:

16 (1) Advanced recycling has the same meaning as in section 3 of this  
17 act;

18 (2) Advanced recycling facility has the same meaning as in section 4  
19 of this act;

20 (3) (1) Air contaminant or air contamination shall mean the presence  
21 in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas,  
22 other gaseous fluid, or particulate substance differing in composition  
23 from or exceeding in concentration the natural components of the  
24 atmosphere;

25 (4) (2) Air pollution shall mean the presence in the outdoor  
26 atmosphere of one or more air contaminants or combinations thereof in  
27 such quantities and of such duration as are or may tend to be injurious  
28 to human, plant, or animal life, property, or the conduct of business;

29 (5) (3) Chairperson shall mean the chairperson of the Environmental  
30 Quality Council and council shall mean the Environmental Quality Council;

31 (6) (4) Complaint shall mean any charge, however informal, to or by

1 the council, that any person or agency, private or public, is polluting  
2 the air, land, or water or is violating the Environmental Protection Act  
3 or any rule or regulation of the department in respect thereof;

4 (7) (5) Control and controlling shall include prohibition and  
5 prohibiting as related to air, land, or water pollution;

6 (8) (6) Department shall mean the Department of Environment and  
7 Energy, which department is hereby created;

8 (9) (7) Director shall mean the Director of Environment and Energy,  
9 which position is hereby established;

10 (10) (8) Disposal system shall mean a system for disposing of  
11 wastes, including hazardous wastes, either by surface or underground  
12 methods, and includes sewerage systems and treatment works, disposal  
13 wells and fields, and other systems;

14 (11) Effluent limitation shall mean any restriction, including a  
15 schedule of compliance, established by the council on quantities, rates,  
16 and concentrations of chemical, physical, biological, and other  
17 constituents which are discharged from point sources into waters of the  
18 state;

19 (12) (9) Emissions shall mean releases or discharges into the  
20 outdoor atmosphere of any air contaminant or combination thereof;

21 (13) Fluid shall mean a material or substance which flows or moves  
22 whether in a semisolid, liquid, sludge, gas, or other form or state;

23 (14) Garbage shall mean rejected food wastes, including waste  
24 accumulation of animal, fruit, or vegetable matter used or intended for  
25 food or that attend the preparation, use, cooking, dealing in, or storing  
26 of meat, fish, fowl, fruit, or vegetables, and dead animals rejected by  
27 rendering plants;

28 (15) Hazardous waste shall mean a solid waste, or combination of  
29 solid wastes, which because of its quantity, concentration, or physical,  
30 chemical, or infectious characteristics may (a) cause or significantly  
31 contribute to an increase in mortality or an increase in serious

1 irreversible, or incapacitating reversible, illness or (b) pose a  
2 substantial present or potential hazard to human or animal health or the  
3 environment when improperly treated, stored, transported, disposed of, or  
4 otherwise managed;

5 (16) Injection well shall mean a well into which fluids are  
6 injected;

7 (17) Junk shall mean old scrap, copper, brass, iron, steel, rope,  
8 rags, batteries, paper, trash, rubber debris, waste, dismantled or  
9 wrecked automobiles, or parts thereof, and other old or scrap ferrous or  
10 nonferrous material;

11 (18) Land pollution shall mean the presence upon or within the land  
12 resources of the state of one or more contaminants or combinations of  
13 contaminants, including, but not limited to, refuse, garbage, rubbish, or  
14 junk, in such quantities and of such quality as will or are likely to (a)  
15 create a nuisance, (b) be harmful, detrimental, or injurious to public  
16 health, safety, or welfare, (c) be injurious to plant and animal life and  
17 property, or (d) be detrimental to the economic and social development,  
18 the scenic beauty, or the enjoyment of the natural attractions of the  
19 state;

20 (19) Livestock waste control facility shall have the same meaning as  
21 in section 54-2417;

22 (20) Manifest shall mean the form used for identifying the quantity,  
23 composition, origin, routing, and destination of hazardous waste during  
24 its transportation from the point of generation to the point of disposal,  
25 treatment, or storage;

26 (21) Mineral exploration hole shall mean a hole bored, drilled,  
27 driven, or dug in the act of exploring for any mineral other than oil or  
28 gas;

29 (22) Mineral production well shall mean a well drilled to promote  
30 extraction of mineral resources or energy, including, but not limited to,  
31 a well designed for (a) mining of sulfur by the Frasch process, (b)

1 solution mining of sodium chloride, potash, phosphate, copper, uranium,  
2 or any other mineral which can be mined by this process, (c) in situ  
3 combustion of coal, tar sands, oil shale, or any other fossil fuel, or  
4 (d) recovery of geothermal energy for the production of electric power.  
5 Mineral production well shall not include any well designed for  
6 conventional oil or gas production, for use of fluids to promote enhanced  
7 recovery of oil or natural gas, or for injection of hydrocarbons for  
8 storage purposes;

9 (23) ~~(10)~~ Person shall mean any: Individual; partnership; limited  
10 liability company; association; public or private corporation; trustee;  
11 receiver; assignee; agent; municipality or other governmental  
12 subdivision; public agency; other legal entity; or any officer or  
13 governing or managing body of any public or private corporation,  
14 municipality, governmental subdivision, public agency, or other legal  
15 entity;

16 (24) Point source shall mean any discernible confined and discrete  
17 conveyance, including, but not limited to, any pipe, ditch, channel,  
18 tunnel, conduit, well, discrete fissure, container, rolling stock, or  
19 vessel or other floating craft from which pollutants are or may be  
20 discharged;

21 (25) Post-use polymers has the same meaning as in section 9 of this  
22 act;

23 (26) Processing shall mean to treat, detoxify, neutralize,  
24 incinerate, biodegrade, or otherwise process a hazardous waste to remove  
25 the harmful properties or characteristics of such waste for disposal in  
26 accordance with regulations established by the council;

27 (27) Recovered feedstocks has the same meaning as in section 11 of  
28 this act;

29 (28) Refuse shall mean putrescible and nonputrescible solid wastes,  
30 except body wastes, and includes garbage, rubbish, ashes, incinerator  
31 ash, incinerator residue, street cleanings, and solid market and

1 industrial wastes;

2 (29) Rubbish shall mean nonputrescible solid wastes, excluding  
3 ashes, consisting of both combustible and noncombustible wastes, such as  
4 paper, cardboard, tin cans, yard clippings, wood, glass, bedding,  
5 crocery, or litter of any kind that will be a detriment to the public  
6 health and safety;

7 (30) ~~(11)~~ Rule or regulation shall mean any rule or regulation of  
8 the department;

9 (31) Schedule of compliance shall mean a schedule of remedial  
10 measures including an enforceable sequence of actions or operations  
11 leading to compliance with an effluent limitation, other limitation,  
12 prohibition, or standard;

13 (32) ~~(12)~~ Sewerage system shall mean pipelines, conduits, pumping  
14 stations, force mains, and all other constructions, devices,  
15 appurtenances, and facilities used for collecting or conducting wastes to  
16 an ultimate point for treatment or disposal;

17 (33) Solid waste shall mean any garbage, refuse, or sludge from a  
18 waste treatment plant, water supply treatment plant, or air pollution  
19 control facility and other discarded material, including solid, liquid,  
20 semisolid, or contained gaseous material resulting from industrial,  
21 commercial, and mining operations and from community activities. Solid  
22 waste shall not include slag, a product that is a result of the steel  
23 manufacturing process and is managed as an item of value in a controlled  
24 manner and not as a discarded material; solid or dissolved materials in  
25 irrigation return flows or industrial discharges which are point sources  
26 subject to permits under section 402 of the Clean Water Act, 33 U.S.C.  
27 1251 et seq., as such section existed on January 1, 2023; source  
28 material, special nuclear material, or byproduct material as defined by  
29 the Atomic Energy Act of 1954, 42 U.S.C. 2014, as such section existed on  
30 January 1, 2023; or post-use polymers and recovered feedstocks converted  
31 at an advanced recycling facility or held at such advanced recycling

1 facility prior to conversion through a process of advanced recycling;

2 (34) Solid waste management facility shall mean a facility as  
3 defined in section 13-2010;

4 (35) Solution mining shall mean the use of an injection well and  
5 fluids to promote the extraction of mineral resources;

6 (36) Storage, when used in connection with hazardous waste, shall  
7 mean the containment of hazardous waste, either on a temporary basis or  
8 for a period of years, in such manner as not to constitute disposal of  
9 such hazardous waste;

10 (37) ~~(13)~~ Treatment works shall mean any plant or other works used  
11 for the purpose of treating, stabilizing, or holding wastes;

12 (38) Uranium shall mean tri-uranium oct-oxide;

13 (39) ~~(14)~~ Wastes shall mean sewage, industrial waste, and all other  
14 liquid, gaseous, solid, radioactive, or other substances which may  
15 pollute or tend to pollute any air, land, or waters of the state;

16 (40) Water pollution shall mean the manmade or man-induced  
17 alteration of the chemical, physical, biological, or radiological  
18 integrity of water;

19 (41) Waters of the state shall mean all waters within the  
20 jurisdiction of this state, including all streams, lakes, ponds,  
21 impounding reservoirs, marshes, wetlands, watercourses, waterways, wells,  
22 springs, irrigation systems, drainage systems, and all other bodies or  
23 accumulations of water, surface or underground, natural or artificial,  
24 public or private, situated wholly or partly within or bordering upon the  
25 state; and

26 (42) Well shall mean a bored, drilled, or driven shaft or a dug  
27 hole, the depth of which is greater than the largest surface dimension of  
28 such shaft or hole.

29 ~~(15) Refuse shall mean putrescible and nonputrescible solid wastes,~~  
30 ~~except body wastes, and includes garbage, rubbish, ashes, incinerator~~  
31 ~~ash, incinerator residue, street cleanings, and solid market and~~

1 ~~industrial wastes;~~

2 ~~(16) Garbage shall mean rejected food wastes, including waste~~  
3 ~~accumulation of animal, fruit, or vegetable matter used or intended for~~  
4 ~~food or that attend the preparation, use, cooking, dealing in, or storing~~  
5 ~~of meat, fish, fowl, fruit, or vegetables, and dead animals rejected by~~  
6 ~~rendering plants;~~

7 ~~(17) Rubbish shall mean nonputrescible solid wastes, excluding~~  
8 ~~ashes, consisting of both combustible and noncombustible wastes, such as~~  
9 ~~paper, cardboard, tin cans, yard clippings, wood, glass, bedding,~~  
10 ~~crockery, or litter of any kind that will be a detriment to the public~~  
11 ~~health and safety;~~

12 ~~(18) Junk shall mean old scrap, copper, brass, iron, steel, rope,~~  
13 ~~rags, batteries, paper, trash, rubber debris, waste, dismantled or~~  
14 ~~wrecked automobiles, or parts thereof, and other old or scrap ferrous or~~  
15 ~~nonferrous material;~~

16 ~~(19) Land pollution shall mean the presence upon or within the land~~  
17 ~~resources of the state of one or more contaminants or combinations of~~  
18 ~~contaminants, including, but not limited to, refuse, garbage, rubbish, or~~  
19 ~~junk, in such quantities and of such quality as will or are likely to (a)~~  
20 ~~create a nuisance, (b) be harmful, detrimental, or injurious to public~~  
21 ~~health, safety, or welfare, (c) be injurious to plant and animal life and~~  
22 ~~property, or (d) be detrimental to the economic and social development,~~  
23 ~~the scenic beauty, or the enjoyment of the natural attractions of the~~  
24 ~~state;~~

25 ~~(20) Water pollution shall mean the manmade or man-induced~~  
26 ~~alteration of the chemical, physical, biological, or radiological~~  
27 ~~integrity of water;~~

28 ~~(21) Waters of the state shall mean all waters within the~~  
29 ~~jurisdiction of this state, including all streams, lakes, ponds,~~  
30 ~~impounding reservoirs, marshes, wetlands, watercourses, waterways, wells,~~  
31 ~~springs, irrigation systems, drainage systems, and all other bodies or~~

1 ~~accumulations of water, surface or underground, natural or artificial,~~  
2 ~~public or private, situated wholly or partly within or bordering upon the~~  
3 ~~state;~~

4 ~~(22) Point source shall mean any discernible confined and discrete~~  
5 ~~conveyance, including, but not limited to, any pipe, ditch, channel,~~  
6 ~~tunnel, conduit, well, discrete fissure, container, rolling stock, or~~  
7 ~~vessel or other floating craft from which pollutants are or may be~~  
8 ~~discharged;~~

9 ~~(23) Effluent limitation shall mean any restriction, including a~~  
10 ~~schedule of compliance, established by the council on quantities, rates,~~  
11 ~~and concentrations of chemical, physical, biological, and other~~  
12 ~~constituents which are discharged from point sources into waters of the~~  
13 ~~state;~~

14 ~~(24) Schedule of compliance shall mean a schedule of remedial~~  
15 ~~measures including an enforceable sequence of actions or operations~~  
16 ~~leading to compliance with an effluent limitation, other limitation,~~  
17 ~~prohibition, or standard;~~

18 ~~(25) Hazardous waste shall mean a solid waste, or combination of~~  
19 ~~solid wastes, which because of its quantity, concentration, or physical,~~  
20 ~~chemical, or infectious characteristics may (a) cause or significantly~~  
21 ~~contribute to an increase in mortality or an increase in serious~~  
22 ~~irreversible, or incapacitating reversible, illness or (b) pose a~~  
23 ~~substantial present or potential hazard to human or animal health or the~~  
24 ~~environment when improperly treated, stored, transported, disposed of, or~~  
25 ~~otherwise managed;~~

26 ~~(26) Solid waste shall mean any garbage, refuse, or sludge from a~~  
27 ~~waste treatment plant, water supply treatment plant, or air pollution~~  
28 ~~control facility and other discarded material, including solid, liquid,~~  
29 ~~semisolid, or contained gaseous material resulting from industrial,~~  
30 ~~commercial, and mining operations and from community activities. Solid~~  
31 ~~waste shall not include slag, a product that is a result of the steel~~

1 ~~manufacturing process and is managed as an item of value in a controlled~~  
2 ~~manner and not as a discarded material; solid or dissolved materials in~~  
3 ~~irrigation return flows or industrial discharges which are point sources~~  
4 ~~subject to permits under section 402 of the Clean Water Act, as amended,~~  
5 ~~33 U.S.C. 1251 et seq.; or source, special nuclear, or byproduct material~~  
6 ~~as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011~~  
7 ~~et seq.;~~

8 ~~(27) Storage, when used in connection with hazardous waste, shall~~  
9 ~~mean the containment of hazardous waste, either on a temporary basis or~~  
10 ~~for a period of years, in such manner as not to constitute disposal of~~  
11 ~~such hazardous waste;~~

12 ~~(28) Manifest shall mean the form used for identifying the quantity,~~  
13 ~~composition, origin, routing, and destination of hazardous waste during~~  
14 ~~its transportation from the point of generation to the point of disposal,~~  
15 ~~treatment, or storage;~~

16 ~~(29) Processing shall mean to treat, detoxify, neutralize,~~  
17 ~~incinerate, biodegrade, or otherwise process a hazardous waste to remove~~  
18 ~~such waste's harmful properties or characteristics for disposal in~~  
19 ~~accordance with regulations established by the council;~~

20 ~~(30) Well shall mean a bored, drilled, or driven shaft or a dug~~  
21 ~~hole, the depth of which is greater than the largest surface dimension of~~  
22 ~~such shaft or hole;~~

23 ~~(31) Injection well shall mean a well into which fluids are~~  
24 ~~injected;~~

25 ~~(32) Fluid shall mean a material or substance which flows or moves~~  
26 ~~whether in a semisolid, liquid, sludge, gas, or other form or state;~~

27 ~~(33) Mineral production well shall mean a well drilled to promote~~  
28 ~~extraction of mineral resources or energy, including, but not limited to,~~  
29 ~~a well designed for (a) mining of sulfur by the Frasch process, (b)~~  
30 ~~solution mining of sodium chloride, potash, phosphate, copper, uranium,~~  
31 ~~or any other mineral which can be mined by this process, (c) in situ~~

1 ~~combustion of coal, tar sands, oil shale, or any other fossil fuel, or~~  
2 ~~(d) recovery of geothermal energy for the production of electric power.~~  
3 ~~Mineral production well shall not include any well designed for~~  
4 ~~conventional oil or gas production, for use of fluids to promote enhanced~~  
5 ~~recovery of oil or natural gas, or for injection of hydrocarbons for~~  
6 ~~storage purposes;~~

7 ~~(34) Mineral exploration hole shall mean a hole bored, drilled,~~  
8 ~~driven, or dug in the act of exploring for a mineral other than oil and~~  
9 ~~gas;~~

10 ~~(35) Solution mining shall mean the use of an injection well and~~  
11 ~~fluids to promote the extraction of mineral resources;~~

12 ~~(36) Uranium shall mean tri-uranium oct-oxide;~~

13 ~~(37) Solid waste management facility shall mean a facility as~~  
14 ~~defined in section 13-2010; and~~

15 ~~(38) Livestock waste control facility shall have the same meaning as~~  
16 ~~in section 54-2417.~~

17 Sec. 18. Section 81-15,160, Revised Statutes Cumulative Supplement,  
18 2022, is amended to read:

19 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is  
20 created. The department shall deduct from the fund amounts sufficient to  
21 reimburse itself for its costs of administration of the fund. The fund  
22 shall be administered by the department. The fund shall consist of  
23 proceeds from the fees imposed pursuant to the Waste Reduction and  
24 Recycling Incentive Act.

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

27 (a) Technical and financial assistance to political subdivisions for  
28 creation of recycling systems and for modification of present recycling  
29 systems;

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

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

4 (d) Capital assistance for establishing private and public  
5 intermediate processing facilities for recyclable materials, advanced  
6 recycling facilities as defined in section 4 of this act, and facilities  
7 using recyclable materials in new products;

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

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

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

14 (h) Capital assistance for establishing private and public  
15 facilities to manufacture combustible waste products and to incinerate  
16 combustible waste to generate and recover energy resources, except that  
17 no disbursements shall be made under this section for scrap tire  
18 processing related to tire-derived fuel; and

19 (i) Grants for reimbursement of costs to cities of the first class,  
20 cities of the second class, villages, and counties of five thousand or  
21 fewer population for the deconstruction of abandoned buildings. Eligible  
22 deconstruction costs will be related to the recovery and processing of  
23 recyclable or reusable material from the abandoned buildings.

24 (3) Grants up to one million five hundred thousand dollars annually  
25 shall be available until June 30, 2024, for new scrap tire projects only,  
26 if acceptable scrap tire project applications are received. Eligible  
27 categories of disbursement under section 81-15,161 may include, but are  
28 not limited to:

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

1 (b) Reimbursement for the purchase of tire-derived product which  
2 utilizes a minimum of twenty-five percent recycled tire content, with  
3 disbursements not to exceed twenty-five percent of the product's retail  
4 cost;

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

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

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

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

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

24 (h) Disbursement to a political subdivision up to one hundred  
25 percent of costs incurred in cleaning up scrap tire collection and  
26 disposal sites; and

27 (i) Costs related to the study provided in section 81-15,159.01.

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

30 (4) Priority for grants made under section 81-15,161 shall be given  
31 to grant proposals demonstrating a formal public/private partnership

1 except for grants awarded from fees collected under subsection (6) of  
2 section 13-2042.

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

14 (6) Any person who stores waste tires in violation of section  
15 13-2033, which storage is the subject of abatement or cleanup, shall be  
16 liable to the State of Nebraska for the reimbursement of expenses of such  
17 abatement or cleanup paid by the department.

18 (7) The department may receive gifts, bequests, and any other  
19 contributions for deposit in the Waste Reduction and Recycling Incentive  
20 Fund. Transfers may be made from the fund to the General Fund at the  
21 direction of the Legislature. Any money in the Waste Reduction and  
22 Recycling Incentive Fund available for investment shall be invested by  
23 the state investment officer pursuant to the Nebraska Capital Expansion  
24 Act and the Nebraska State Funds Investment Act.

25 Sec. 19. Original sections 13-2001, 13-2003, 13-2010, 13-2023, and  
26 13-2034, Reissue Revised Statutes of Nebraska, and sections 81-1502 and  
27 81-15,160, Revised Statutes Cumulative Supplement, 2022, are repealed.