



NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL GUIDANCE DOCUMENT

06-198

10-2007

Local Siting Approval for Solid Waste Management Facilities

An application for a new solid waste disposal area or compost facility must contain proper documentation demonstrating local siting approval pursuant to Neb. Rev. Stat. Sections 13-1701 to 13-1714, or if applicable, Neb. Rev. Stat. Section 13-2035. These statutes may be found at www.unicam.ne.us. Applications received without the proper documentation will be considered incomplete and will not be reviewed.

The requirements for local siting approval depend on whether the intended owner of the facility is a private or a governmental entity.

Private facilities follow these steps:

Step 1. Give notice pursuant to Neb. Rev. Stat. Section 13-1704 to adjacent property owners and publish in a local newspaper notice of the intent to request local siting approval from the appropriate governing body.

Step 2. No sooner than 14 days after notification of property owners, submit a request for local siting approval to the appropriate governing body which demonstrates compliance with the criteria found in Neb. Rev. Stat. Section 13-1703 which is summarized as follows:

- The facility is necessary to meet the solid waste needs of the area;
- The facility is designed, located, and proposed to be operated so that the health, safety, and welfare of the local population will be protected;
- The facility is located to minimize incompatibility with the surrounding area and has been reviewed by the appropriate planning commission;
- The plan minimizes danger from fire, spills, or other operational accidents; and
- Traffic patterns are designed to minimize impact on existing traffic flows.

Private facility owners must also submit information regarding previous operating experience and show a lack of criminal history. The request and all documents must be made available to the public at the local governing body's office. This provides the public an opportunity to review and comment in writing at any time before 30 days after the last public hearing.

Step 3. The governing body receives the request at a regular meeting and determines if it is appropriate to proceed. If so, it sets a hearing date for at least one public hearing, no sooner than 90 days but no later than 120 days after the receipt of the request for local siting.

Step 4. Notice of the public hearing is published in a local newspaper pursuant to Neb. Rev. Stat. Section 13-1706.

Step 5. A public hearing is conducted sufficient to develop a record to form the basis of an appeal of the decision. Comments received in writing will also be included in the record. Local zoning ordinances, local land use requirements and other ordinances or resolutions must be considered.

Step 6. The governing body takes final action on the request within 180 days. Amended applications may be filed at any time prior to completion of the presentation of factual evidence and questioning. An amended application may extend this time limitation for ninety days. See Neb. Rev. Stat. Section 13-1707.

Step 7. If approved, the application for a permit is submitted to the Nebraska Department of Environmental Quality with the local siting approval documentation, which includes:

- Attached Certification Form;
- Copy of the request for approval of local siting;
- Copy of the 14-day written notice given to adjacent owners;
- Copies of all public notices;
- Written comments, if received; and
- Public hearing record showing the local governing body considered the required criteria. The record should show the outcome of any vote taken. If the local siting approval took place at a subsequent meeting, a copy of the minutes of that meeting should also be included.

Governmental bodies follow these steps:

Step 1. The governing body makes a preliminary decision to site a facility based on criteria specified in Neb. Rev. Stat. Section 13-1703.

Step 2. The governing body gives notice to adjacent property owners at least 14 days before a regular meeting at which the body intends to set a public hearing date pursuant to Neb. Rev. Stat. Section 13-1704. The governing body publishes notice of its intent to locate the facility at the chosen site in a local newspaper.

Step 3. All documents must be made available to the public for viewing purposes. This provides the public an opportunity to view and make comments in writing at any time before 30 days after the last public hearing.

Step 4. At the scheduled regular meeting (the one specified in the 14 day notice), a public hearing date is set.

Step 5. Notice of the public hearing is published in a local newspaper pursuant to Neb. Rev. Stat. Section 13-1706.

Step 6. A public hearing is conducted sufficient to develop a record to form the basis of an appeal of the decision. Comments received in writing will also be included in the record.

Step 7. If approved, the governing body submits the application for a permit to the Nebraska Department of Environmental Quality with the local siting documentation, which includes:

- Attached Certification Form;
- Copy of the 14-day written notice given to adjacent owners;
- Copies of all public notices;
- Written comments, if received; and
- Public hearing record showing the governing body considered the required criteria. The record should show the outcome of any vote taken. If the local siting approval took place at a subsequent meeting, a copy of the minutes of that meeting should also be included.

Questions and Answers

1. Which facilities are covered by these local siting approval rules?

ANSWER: All types of solid waste disposal areas, incinerators and compost sites.

2. Does a renewal of an existing permit require local siting approval?

ANSWER: No.

3. Does a new application for a facility to be located within an existing permitted facility need local siting approval?

ANSWER: Yes. For example, if a new application is submitted for a C& D Landfill to be located on the property of an existing permitted facility, the applicant would be required to obtain Local Siting Approval.

4. When is a governing body exempt under Neb. Rev. Stat. Section 13-2035?

ANSWER: When the county, municipality or agency is to be the owner and the facility is to be (1) located in a county where unincorporated areas in that county are going to be served, or (2) located in a county where a municipality in that county is going to be served.

5. Who are the adjacent landowners that need to be notified?

ANSWER: Adjacent landowners are those who own property within 1000 feet of the property line if the proposed facility is within three miles of a city or village. If outside the three mile limit, adjacent property owners are those within two miles of the proposed facility.

Produced by: Nebraska Department of Environmental Quality, P.O. Box 98922, Lincoln, NE 68509-8922; phone (402) 471-2186. To view this, and other information related to our agency, visit our web site at www.deq.state.ne.us.

For more information, contact
moreinfo@ndeq.state.ne.us

**Nebraska Department of Environmental Quality
1200 "N" Street, Suite 400
PO Box 98922
Lincoln, Nebraska 68509-8922
(402) 471-2186 FAX (402) 471-2909**

Certification of Local Siting Approval

Name of Facility: _____

Mailing Address: _____

City/State/Zip: _____ Tele #: _____

Legal Description: (NE/SE/NW/SW) Quarter, (NE/SE/NW/SW) Quarter, Section _____
Township _____ (N) (S), Range _____ (E)(W). County: _____

Type of Facility:

- Solid Waste Disposal Area
- Compost Site
- Incinerator

I certify that the above referenced solid waste management facility has received local siting approval in accordance with Neb. Rev. Stat. Sections 13-1701 to 13-1714, or with Section 13-2035, if applicable. This approval process has included notification of nearby property owners, a written request for hearing, published notice of hearing, the public hearing and the development of a record of hearing. The appropriate documentation is attached hereto, including: (1) copy of request for approval (if private facility); (2) copy of 14-day notice to adjacent owners; (3) copies of all public notices; (4) written comments, if received; and (5) public hearing record showing criteria considered and outcome of any vote taken.

Signature of Facility Owner

Date

Signature of Authorized Local Government Official

Title

Date

Representing _____
(Name of County or Municipality)