

# CHAPTER 11:

## Financial Assurance Requirements

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Section 81-1505(21) provides the statutory authority for the Department to develop, and the Council to adopt as regulations, requirements for all applicants to establish proof of financial responsibility. The requirements pertain to all new or renewal permit applicants regulated under the Nebraska Environmental Protection Act, the Integrated Solid Waste Management Act, and the Livestock Waste Management Act, unless a class of permittees is exempted by the Council. The purpose of financial responsibility is for an applicant to provide funds to be used in the event of abandonment, default or other inability of the permittee to comply with terms or conditions of its permit or license. State statutes also identify types of funding mechanisms that applicants can use to meet the requirements.

Following is a table which provides a comprehensive list of existing financial assurance requirements for each permittee. Financial assurance amounts are listed in two categories: the first is the obligated amount, which lists the total amount of financial assurance which must be provided by the time of closure of the facility. Second is the current amount demonstrated, which lists the amount of financial assurance which is currently accrued towards the obligated amount. The table lists the facility location, permit type, initial date financial assurance provided, method or type of financial assurance provided and the guarantor for each permittee.

## NDEQ FINANCIAL ASSURANCE

Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
<b>Municipal Solid Waste Disposal Areas (MSWDA), Sanitary Landfills (Sanitary LF)</b>							
Alliance Landfill	Alliance	MSWDA	03/17/94	\$ 3,223,600	\$ 1,444,465	Enterprise Fund	City of Alliance
Beatrice Landfill	Beatrice	Sanitary LF	07/12/00	\$ 151,500	\$ 151,500	Financial Test	City of Beatrice
Beatrice Area SW Agency	Beatrice	MSWDA	07/12/00	\$ 3,523,900	\$ 3,523,900	Financial Test	City of Beatrice
Butler County Landfill	David City	MSWDA	10/03/08	\$ 6,135,310	\$ 2,708,538	Trust Fund	US Bank
Douglas County Landfill	Bennington	MSWDA	03/28/00	\$ 11,688,997	\$ 11,688,997	Surety Bond	Evergreen Ntl. Indemnity Co.
G & P Dev Landfill	Milford	MSWDA	10/03/08	\$ 4,326,654	\$ 2,498,606	Trust Fund	US Bank
Gering Landfill	Gering	MSWDA	02/13/96	\$ 1,057,003	\$ 575,718	Enterprise Fund	City of Gering
L.P. Gill Landfill	Jackson	MSWDA	04/09/96	\$ 5,487,040	\$ 2,265,011	Trust Fund	Security Natl. Bank
Grand Island Landfill	Grand Is.	MSWDA	03/31/96	\$ 8,371,880	\$ 4,036,510	Enterprise Fund	City of Grand Island
Hastings Area Landfill	Hastings	MSWDA	08/12/96	\$ 5,139,183	\$ 2,284,820	Enterprise Fund	City of Hastings
Hastings Landfill	Hastings	Sanitary LF	10/01/97	\$ 168,064	\$ 25,376	Faith & Credit	City of Hastings
Holdrege Landfill	Holdrege	MSWDA	07/29/96	\$ 2,881,669	\$ 1,671,867	Enterprise Fund	City of Holdrege
J-Bar-J Landfill	Ogallala	MSWDA	03/28/00	\$ 3,031,651	\$ 3,031,651	Performance Bond	Evergreen Ntl. Indemnity Co.
Kearney Landfill	Kearney	MSWDA	03/31/94	\$ 6,212,798	\$ 3,444,841	Trust Fund	Wells Fargo Bank
Kimball Landfill	Kimball	MSWDA	05/10/96	\$ 1,529,511	\$ 848,479	Enterprise Fund	City of Kimball
Lexington Landfill	Lexington	Sanitary LF	07/25/96	\$ 868,014	\$ 250,000	Faith & Credit	City of Lexington
Lexington Area Agency	Lexington	MSWDA	01/19/97	\$ 2,308,724	\$ 1,530,793	Enterprise Fund	Lexington Area SW Agency
Lincoln Bluff Road Landfill	Lincoln	MSWDA	04/01/96	\$ 19,237,800	\$ 19,237,800	Financial Test	City of Lincoln
Loup Central Landfill	Elba	MSWDA	04/09/96	\$ 2,181,430	\$ 729,309	Trust Fund	Citizens Bank & Tr St. Paul
McCook Landfill	McCook	Sanitary LF	03/04/96	\$ 712,688	\$ 89,086	Faith & Credit	City of McCook
Minden Disposal Area	Minden	Sanitary LF	11/18/96	\$ 162,875	\$ 83,428	Faith & Credit	City of Minden
NE Ecology Landfill	Geneva	MSWDA	10/03/08	\$ 2,159,701	\$ 640,850	Trust Fund	US Bank
NNSWC Landfill	Clarkson	MSWDA	04/09/96	\$ 18,536,389	\$ 4,151,143	Enterprise Fund	NNSWC
Pheasant Point Landfill	Bennington	MSWDA	08/01/03	\$ 21,965,819	\$ 21,965,819	Surety Bond	Evergreen Ntl. Indemnity Co.
Sarpy County Landfill	Papillion	MSWDA	03/31/96	\$ 6,841,256	\$ 7,182,126	Enterprise Fund	Sarpy County
Sidney Landfill	Sidney	MSWDA	02/11/97	\$ 2,216,513	\$ 791,757	Enterprise Fund	City of Sidney
SWANN Landfill	Chadron	MSWDA	9/25/97	\$ 1,799,920	\$ 559,876	Enterprise Fund	SWANN
Valentine Landfill	Valentine	MSWDA	04/09/96	\$ 1,640,262	\$ 384,138	Enterprise Fund	City of Valentine
York Landfill	York	Sanitary LF	05/14/96	\$ 228,460	\$ 10,978	Faith & Credit	City of York
York Area SW Landfill	York	MSWDA	05/14/96	\$ 3,243,690	\$ 1,493,668	Enterprise Fund	City of York
*Municipal Solid Waste Disposal Areas are landfills that are operating under current solid waste management regulations.							
**Sanitary Landfills are closed facilities that have post-closure monitoring and maintenance.							
<b>Construction/Demolition Landfills (Const./Demol.)</b>							
Abe's Trash Service C & D	Blair	Const./Demol.	03/30/98	\$ 214,744	\$ 214,744	Escrow Account	Bank of Bennington
Alliance C & D Landfill	Alliance	Const./Demol.	12/02/99	\$ 139,424	\$ 35,622	Enterprise Fund	City of Alliance
Anderson Excavating C & D	Omaha	Const./Demol.	10/19/98	\$ 514,113	\$ 514,113	Surety Bond	Employers Mutual Cas. Co.
Arnold C & D Landfill	Arnold	Const./Demol.	07/24/00	\$ 34,796	\$ 18,049	Enterprise Fund	Village of Arnold
Benkelman C & D Landfill	Benkelman	Const./Demol.	10/15/06	\$ 63,221	\$ 7,614	Enterprise Fund	City of Benkelman

## NDEQ FINANCIAL ASSURANCE

Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
Broken Bow C & D Landfill	Broken Bow	Const./Demol.	11/23/07	\$ 102,947	\$ 12,602	Enterprise Fund	City of Broken Bow
Bud's Sanitary Service C & D	Newman Grove	Const./Demol.	06/01/97	\$ 43,035	\$ 43,035	Letter of Credit	First Natl. Bank Newman Gr
Butler County C & D Landfill	David City	Const./Demol.	06/01/97	\$ 343,245	\$ 328,736	Surety Bond	Evergreen Ntl. Indemnity Co.
Eco-Storage C & D Landfill	Omaha	Const./Demol.	04/01/09	\$ 87,064	\$ 17,750	Trust Agreement	Security Natl. Bank
Franklin C&D Landfill	Franklin	Const./Demol.	11/08/10	\$ 21,703	\$ 2,830	Enterprise Fund	City of Franklin
Gage County C & D Landfill	Beatrice	Const./Demol.	02/23/98	\$ 197,495	\$ 197,495	Letter of Credit	1st Natl. Bank, Beatrice
Hawkins Construction C & D	Omaha	Const./Demol.	3/9/96	\$ 409,031	\$ 264,176	Surety Bond	Hartford Fire Ins. Co.
Holdrege C & D Landfill	Holdrege	Const./Demol.	05/01/09	\$ 286,234	\$ 18,126	Enterprise Fund	City of Holdrege
KGP Services C & D	Norfolk	Const./Demol.	11/06/03	\$ 67,743	\$ 67,743	Escrow Account	Elkhorn Valley Bank & Trust
Kimball C & D Landfill	Kimball	Const./Demol.	04/01/01	\$ 49,065	\$ 45,222	Enterprise Fund	City of Kimball
Lexington C & D Landfill	Lexington	Const./Demol.	09/30/98	\$ 160,357	\$ 132,618	Enterprise Fund	Lexington Area SW Agency
Limited Fill C & D Landfill	Omaha	Const./Demol.	04/30/97	\$ 38,119	\$ 28,023	Trust Agreement	First Natl. Bank, Omaha
Lincoln North 48th St. C & D	Lincoln	Const./Demol.	04/01/96	\$ 1,067,813	\$ 1,067,813	Financial Test	City of Lincoln
Loup Central C & D Landfill#1	Elba	Const./Demol.	1/28/2001	\$ 29,262	\$ 31,683	Trust Fund	Citizens Bank & Tr. St. Paul
Loup Central C & D Landfill#2	Elba	Const./Demol.	1/28/2001	\$ 87,228	\$ 1,832	Trust Fund	Citizens Bank & Tr. St. Paul
L.P. Gill Landfill C & D	Jackson	Const./Demol.	04/09/96	\$ 93,735	\$ 18,621	Trust Fund	Security Natl. Bank
NPPD Gerald Gentleman	Sutherland	Const./Demol.	04/01/95	\$ 235,065	\$ 134,565	Financial Test	NPPD
O'Neill C & D Landfill	O'Neill	Const./Demol.	06/01/01	\$ 69,772	\$ 69,772	Enterprise Fund	City of O'Neill
PAD LLC C & D Landfill	Hastings	Const./Demol.	06/05/02	\$ 157,168	\$ 155,980	Escrow Account	Five Points Bank
Plainview C & D Landfill	Plainview	Const./Demol.	09/26/00	\$ 42,242	\$ 34,295	Enterprise Fund	City of Plainview
Rainwood Hill LLC C & D	Omaha	Const./Demol.	02/10/08	\$ 71,897	\$ 71,897	Surety Bond	Nationwide Mutual Ins. Co.
Schmader C & D Landfill	West Point	Const./Demol.	05/05/04	\$ 115,599	\$ 115,599	Letter of Credit	Charter West Ntl Bank
Sidney C & D Landfill	Sidney	Const./Demol.	11/23/99	\$ 90,981	\$ 38,732	Enterprise Fund	City of Sidney
SW NE Solid Waste Agency	Imperial	Const./Demol.	06/01/01	\$ 67,538	\$ 26,728	Enterprise Fund	City of Imperial
Three Valleys C & D Landfill	Indianola	Const./Demol.	02/24/10	\$ 72,220	\$ 72,220	Letter of Credit	McCook Ntl Bank
York C & D Landfill	York	Const./Demol.	12/01/07	\$ 235,814	\$ 27,423	Enterprise Fund	City of York
<b>Fossil Fuel Combustion Ash (Fossil Fuel), Industrial Waste Landfills, Monofills</b>							
Ash Grove Cement Co.	Louisville	Indus. Waste	03/01/03	\$ 5,883,488	\$ 5,883,488	Financial Test	Ash Grove
Clean Harbors Technology	Kimball	Monofill	08/01/95	\$ 3,721,309	\$ 3,721,309	Insurance Policy	Steadfast Insurance Co.
Fremont Utilities	Fremont	Fossil Fuel	05/28/96	\$ 354,700	\$ 500,000	Enterprise Fund	City of Fremont
Hastings Utilities	Hastings	Fossil Fuel	2/1/01	\$ 1,508,500	\$ 650,410	Enterprise Fund	City of Hastings
NPPD Gerald Gentleman 4	Sutherland	Fossil Fuel	04/01/95	\$ 1,484,655	\$ 1,484,655	Financial Test	NPPD
NPPD Sheldon Station 3	Sheldon	Fossil Fuel	04/01/95	\$ 136,708	\$ 136,708	Financial Test	NPPD
NPPD Sheldon Station 4	Sheldon	Fossil Fuel	07/01/01	\$ 609,244	\$ 609,244	Financial Test	NPPD
OPPD NE City 1	NE City	Fossil Fuel	04/04/95	\$ 4,133,450	\$ 4,133,450	Financial Test	OPPD
OPPD NE City 2	NE City	Fossil Fuel	06/30/09	\$ 803,205	\$ 803,205	Financial Test	OPPD
OPPD North Omaha	Omaha	Fossil Fuel	04/04/95	\$ 1,757,148	\$ 1,757,148	Financial Test	OPPD
OPPD Fort Calhoun (IW)	Ft. Calhoun	Indus. Waste	04/04/95	\$ 212,788	\$ 212,788	Financial Test	OPPD

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Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
Platte Generation	Grand Island	Fossil Fuel	08/25/97	\$ 326,521	\$ 326,521	Enterprise Fund	City of Grand Island
Waste Management	Bennington	Indus. Waste	04/01/02	\$ 3,733,940	\$ 3,733,940	Surety Bond	Evergreen Ntl. Indemnity Co.
<b>Transfer Stations, Material Recovery Facilities, Compost Sites</b>							
Bud's Sanitary Service	Newman Gr.	Transfer Station	07/08/94	\$ 3,937	\$ 3,937	Letter of Credit	First Natl. Bank, NG
Butler County MRF	David City	Mat. Recovery	08/15/03	\$ 6,900	\$ 6,900	Surety Bond	Evergreen Ntl. Indemnity Co.
Central Sanitation	Central City	Transfer Station	07/02/03	\$ 10,523	\$ 10,523	Surety Bond	Platte River Ins Co.
Custer Transfer Station	Broken Bow	Transfer Station	06/27/94	\$ 10,693	\$ 10,693	Letter of Credit	Great Western Bank
Doernamann Const. Co.	Clarkson	Compost	12/15/99	\$ 89,551	\$ 89,551	Letter of Credit	Clarkson Bank
E3 Biofuels Compost	Mead	Compost	04/01/07	\$ 178,739	\$ 179,906	Escrow Account	American Ntl Bank
Fremont CRD, Inc.	Fremont	Transfer Station	04/09/96	\$ 12,627	\$ 12,627	Surety Bond	American Guar & Liability Co
King Transfer Station	Walthill	Transfer Station	04/02/96	\$ 1,182	\$ 636	Escrow Account	First Natl. Bank, Walthill
J & J Sanitation	Ord	Transfer Station	09/22/00	\$ 6,813	\$ 6,813	Surety Bond	Capitol Indemnity Corp
River City Recycling	Omaha	Mat. Recovery	01/01/01	\$ 41,176	\$ 45,474	Escrow Account	US Bank Ntl Assoc
Sanitation Systems	Wilber	Transfer Station	07/03/03	\$ 5,538	\$ 5,538	Surety Bond	Capitol Indemnity Corp
Seneca Sanitation	Dubois	Transfer Station	03/07/96	\$ 4,224	\$ 4,224	Letter of Credit	First Natl. Bank, Centralia
Saunders County San.	Wahoo	Transfer Station	07/02/03	\$ 5,917	\$ 5,917	Surety Bond	Capitol Indemnity Corp
Waste Connections of NE	Bridgeport	Transfer Station	08/15/03	\$ 3,956	\$ 3,956	Surety Bond	Evergreen Ntl. Indemnity Co.
Waste Connections of NE	Gering	Transfer Station	08/15/03	\$ 10,076	\$ 14,740	Surety Bond	Evergreen Ntl. Indemnity Co.
<b>RCRA Closure and RCRA Post-Closure (RCRA PC)</b>							
Agromac International	Gering	RCRA PC	12/11/07	\$ 8,019	\$ 8,019	Escrow Account	Platte Valley Ntl. Bank
Behlen Manufacturing Co.	Columbus	RCRA PC	03/18/11	\$ 132,350	\$ 132,350	Letter of Credit	Bank of America
Clean Harbors Technology	Kimball	RCRA Closure	05/10/95	\$ 16,250,983	\$ 16,250,983	Insurance Policy	Steadfast Insurance Co.
Douglas County Landfill	Omaha	RCRA PC	03/08/85	\$ 337,619	\$ 1,008,148	Trust Fund	First Natl Bank of Omaha
Eaton Corporation	Omaha	RCRA PC	06/08/09	\$ 4,463,158	\$ 4,463,158	Letter of Credit	JP Morgan/Chase Bank
Tenneco Automotive Inc.	Cozad	RCRA PC	11/25/85	\$ 697,283	\$ 697,283	Letter of Credit	JP Morgan/Chase Bank
Safety Kleen	Grand Island	RCRA Closure	10/15/01	\$ 132,115	\$ 132,115	Insurance Policy	Indian Harbors Insurance Co.
Safety Kleen	Omaha	RCRA Closure	10/15/01	\$ 350,032	\$ 350,032	Insurance Policy	Indian Harbors Insurance Co.
Bosch Security Systems	Lincoln	RCRA PC	06/02/09	\$ 10,344	\$ 10,344	Letter of Credit	Bank of Montreal
Agrium Advanced Technologies	Fairbury	RCRA PC	07/11/11	\$ 630,696	\$ 630,696	Letter of Credit	The Bank of Nova Scotia
USA Tire Management	Dakota City	RCRA Closure	12/14/07	\$ 15,063	\$ 15,234	Escrow Account	Vantus Bank Sioux City IA
Valmont Industries	Valley	RCRA PC	10/30/85	\$ 128,000	\$ 128,000	Financial Test	Valmont Industries
Van Diest Supply Liquid Plant	McCook	RCRA PC	02/16/06	\$ 1,397,550	\$ 1,463,334	Letter of Credit	1st State Bank Webster Cty IA
Van Diest Supply Zimmerman	McCook	RCRA Closure	05/19/10	\$ 2,716,612	\$ 2,716,612	Letter of Credit	1st State Bank Webster Cty IA
<b>Underground Injection Control (UIC)</b>							
Crow Butte Resources, Inc.	Crawford	UIC		\$ 35,248,294	\$ 35,248,294	Letter of Credit	Royal Bank of Canada

## NDEQ FINANCIAL ASSURANCE

Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
<b>Waste Tire Sites</b>							
ABC Tire LLC	Kansas C, KS	Waste Tire	12/08/08	\$ 10,000	\$ 10,000	Letter of Credit	Union Bank
Beck's Tire Service, Inc.	Kansas C, MO	Waste Tire	6/11/11`	\$ 5,000	\$ 5,000	Surety Bond	Merchants Bonding Company
Butler County Landfill	David City	Waste Tire	05/16/97	\$ 178,625	\$ 178,625	Surety Bond	Travelers Casualty & Surety
Champlin Tire Recycling Inc	Concordia KS	Waste Tire	10/04/96	\$ 10,000	\$ 10,000	Letter of Credit	United Bank & Trust
David's Tire	Nevada, MO	Waste Tire	10/22/09	\$ 10,000	\$ 10,000	Surety Bond	Ohio Casualty Ins. Co.
D & B Salvage	Correctville, IA	Waste Tire	11/17/08	\$ 10,000	\$ 10,000	Surety Bond	Great American Ins.Co.
Don's New & Used Tires	Lincoln	Waste Tire	03/13/03	\$ 5,000	\$ 5,000	Surety Bond	Old Republic Surety Co.
Double A Trucking	Shelby	Waste Tire	06/05/06	\$ 10,000	\$ 10,000	Letter of Credit	Bank of the Valley
EnTire Recycling Inc	Brock	Waste Tire	04/21/96	\$ 10,000	\$ 10,000	Letter of Credit	The First National Bank
Gill Hauling Inc.	Jackson	Waste Tire	02/04/09	\$ 10,000	\$ 10,000	Letter of Credit	Dakota County State Bank
J & M Steel	Hastings	Waste Tire	08/27/98	\$ 5,000	\$ 5,000	Letter of Credit	1st Bank & Trust, Clay Center
Kenny Frazier	Edmond OK	Waste Tire	05/26/04	\$ 5,000	\$ 5,000	Escrow Account	Bank of America, Inc.
Lee Pester	Lincoln	Waste Tire	07/01/96	\$ 5,000	\$ 5,000	Surety Bond	Old Republic Surety Co.
Leo Porter	Oshkosh	Waste Tire	02/21/08	\$ 5,000	\$ 5,000	Escrow Account	Nebraska State Bank
Liberty Tire Services of Ohio	Savage, MN	Waste Tire	03/09/09	\$ 10,000	\$ 10,000	Surety Bond	Evergreen Ntl. Indemnity Co.
Resource Management Co	Brownell, KS	Waste Tire	06/08/99	\$ 10,000	\$ 10,000	Letter of Credit	First State Bank, Ness Cy, KS
Richard D. Morrical	Tabor, IA	Waste Tire	12/15/10	\$ 5,000	\$ 5,000	Letter of Credit	Glenwood State Bank, IA
River City Recycling	Omaha	Waste Tire	09/07/99	\$ 43,750	\$ 43,750	Letter of Credit	US Bank Ntl Assoc, Omaha
Tire Cutters	Centralia KS	Waste Tire	11/10/03	\$ 5,000	\$ 5,000	Letter of Credit	1st Natl. Bank, Centralia, KS
Tire Town, Inc.	Leavenworth, K	Waste Tire	03/15/96	\$ 5,000	\$ 5,000	Letter of Credit	First Commercial Bank
Verdant Environmental Services	Omaha	Waste Tire	08/25/09	\$ 5,000	\$ 5,000	Escrow Account	American Ntl Bank