

CHAPTER 11:

Financial Assurance Requirements

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
Municipal Solid Waste Disposal Areas (MSWDA), Sanitary Landfills (LF)							
Alliance Landfill	Alliance	MSWDA	03/17/94	\$ 3,495,158	\$ 1,775,372	Enterprise Fund	City of Alliance
Beatrice Landfill	Beatrice	Sanitary LF	07/12/00	\$ 146,313	\$ 146,313	Financial Test	City of Beatrice
Beatrice Area SW Agency	Beatrice	MSWDA	07/12/00	\$ 4,103,704	\$ 4,103,704	Financial Test	City of Beatrice
Butler County Landfill	David City	MSWDA	10/03/08	\$ 11,120,889	\$ 4,255,907	Trust Fund	US Bank
Douglas County Landfill	Bennington	MSWDA	03/28/00	\$ 12,679,150	\$ 12,679,150	Surety Bond	Evergreen Ntl. Indemnity Co.
G & P Dev Landfill	Milford	MSWDA	10/03/08	\$ 9,718,136	\$ 2,807,959	Trust Fund	US Bank
Gering Landfill	Gering	MSWDA	02/13/96	\$ 2,113,277	\$ 1,205,882	Enterprise Fund	City of Gering
L.P. Gill Landfill	Jackson	MSWDA	04/09/96	\$ 6,026,364	\$ 3,118,270	Trust Fund	Premier Trust
Grand Island Landfill	Grand Is.	MSWDA	03/31/96	\$ 9,997,238	\$ 9,997,238	Financial Test	City of Grand Island
Hastings Area Landfill	Hastings	MSWDA	03/18/13	\$ 6,093,593	\$ 3,216,319	Enterprise Fund	City of Hastings
Hastings Landfill	Hastings	Sanitary LF	10/01/97	\$ 154,996	\$ 29,481	Faith & Credit	City of Hastings
Holdrege Landfill	Holdrege	MSWDA	07/29/96	\$ 2,964,535	\$ 1,926,028	Enterprise Fund	City of Holdrege
J-Bar-J Landfill	Ogallala	MSWDA	03/28/00	\$ 4,534,523	\$ 4,534,523	Performance Bond	Evergreen Ntl. Indemnity Co.
Kearney Landfill	Kearney	MSWDA	03/31/94	\$ 6,957,198	\$ 3,186,998	Trust Fund	Union Bank & Trust
Kimball Landfill	Kimball	MSWDA	05/10/96	\$ 1,853,025	\$ 1,501,356	Enterprise Fund	City of Kimball
Lexington Landfill	Lexington	Sanitary LF	07/25/96	\$ 355,810	\$ 299,877	Faith & Credit	City of Lexington
Lexington Area Agency	Lexington	MSWDA	01/19/97	\$ 2,741,805	\$ 2,242,996	Enterprise Fund	Lexington Area SW Agency
Lincoln Bluff Road Landfill	Lincoln	MSWDA	04/01/96	\$ 22,077,484	\$ 22,077,484	Financial Test	City of Lincoln
Loup Central Landfill	Elba	MSWDA	04/09/96	\$ 2,356,663	\$ 892,658	Trust Fund	Citizens Bank & Tr St. Paul
McCook Landfill	McCook	Sanitary LF	03/04/96	\$ 511,498	\$ 78,692	Faith & Credit	City of McCook
Minden Disposal Area	Minden	Sanitary LF	11/18/96	\$ 35,196	\$ 85,218	Faith & Credit	City of Minden
NE Ecology Landfill	Geneva	MSWDA	10/03/08	\$ 2,357,347	\$ 852,803	Trust Fund	US Bank
NNSWC Landfill	Clarkson	MSWDA	04/09/96	\$ 19,709,596	\$ 6,387,688	Enterprise Fund	NNSWC
Pheasant Point Landfill	Bennington	MSWDA	08/01/03	\$ 24,985,935	\$ 24,985,935	Surety Bond	Evergreen Ntl. Indemnity Co.
Sarpy County Landfill	Papillion	MSWDA	03/31/96	\$ 7,257,362	\$ 7,277,362	Enterprise Fund	Sarpy County
Sidney Landfill	Sidney	MSWDA	02/11/97	\$ 2,371,056	\$ 955,581	Enterprise Fund	City of Sidney
SWANN Landfill	Chadron	MSWDA	09/25/97	\$ 1,495,624	\$ 721,191	Enterprise Fund	SWANN
Valentine Landfill	Valentine	MSWDA	04/09/96	\$ 1,771,333	\$ 612,164	Enterprise Fund	City of Valentine
York Landfill	York	Sanitary LF	05/14/96	\$ 73,689	\$ 11,342	Faith & Credit	City of York
York Area SW Landfill	York	MSWDA	05/14/96	\$ 5,484,700	\$ 1,648,235	Enterprise Fund	City of York
*MSWDAs are landfills that are operating under current solid waste management regulations.							
**Sanitary LFs are closed facilities that have post-closure monitoring and maintenance.							
Construction/Demolition Landfills							
Abe's Trash Service C & D	Blair	Const./Demol.	03/30/98	\$ 264,209	\$ 264,209	Escrow Account	Bank of Bennington
Alliance C & D Landfill	Alliance	Const./Demol.	12/02/99	\$ 152,838	\$ 61,280	Enterprise Fund	City of Alliance
Anderson Excavating C & D	Omaha	Const./Demol.	10/19/98	\$ 928,926	\$ 928,926	Surety Bond	Employers Mutual Cas. Co.
Arnold C & D Landfill	Arnold	Const./Demol.	07/24/00	\$ 46,956	\$ 40,139	Enterprise Fund	Village of Arnold

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Beatrice Area SW Agency	Beatrice	Const./Demol.	10/15/12	\$ 1,011,536	\$ 1,011,536	Financial Test	City of Beatrice
Benkelman C & D Landfill	Benkelman	Const/Demol.	10/15/06	\$ 65,458	\$ 19,262	Enterprise Fund	City of Benkelman
Broken Bow C & D Landfill	Broken Bow	Const/Demol.	11/23/07	\$ 111,216	\$ 28,460	Enterprise Fund	City of Broken Bow
Bud's Sanitary Service C & D	Newman Grove	Const./Demol.	06/01/97	\$ 36,529	\$ 36,529	Letter of Credit	First Natl. Bank Newman Gr
Butler County C & D Landfill	David City	Const./Demol.	06/01/97	\$ 36,372	\$ 36,372	Surety Bond	Evergreen Ntl. Indemnity Co.
Eco-Storage C & D Landfill	Omaha	Const./Demol.	04/01/09	\$ 67,917	\$ 83,054	Trust Agreement	Security Natl. Bank
Franklin C&D Landfill	Franklin	Const./Demol.	11/08/10	\$ 26,805	\$ 8,234	Enterprise Fund	City of Franklin
Gage County C & D Landfill	Beatrice	Const./Demol.	02/23/98	\$ 259,036	\$ 200,000	Letter of Credit	1st Natl. Bank, Beatrice
Hawkins Construction C & D	Omaha	Const./Demol.	01/03/02	\$ 380,687	\$ 380,687	Surety Bond	Hartford Fire Ins. Co.
Holdrege C & D Landfill	Holdrege	Const/Demol.	05/01/09	\$ 306,738	\$ 50,663	Enterprise Fund	City of Holdrege
KGP Services C & D	Norfolk	Const/Demol.	11/06/03	\$ 83,639	\$ 90,346	Escrow Account	Elkhorn Valley Bank & Trust
Kimball C & D Landfill	Kimball	Const./Demol.	04/01/01	\$ 51,561	\$ 57,456	Enterprise Fund	City of Kimball
Lead Waste Mgmt C&D Landfill	Waterbury	Const./Demol.	05/28/14	\$ 37,809	\$ 37,809	Letter of Credit	Adrian State Bank
Lexington C & D Landfill	Lexington	Const./Demol.	09/30/98	\$ 205,059	\$ 157,768	Enterprise Fund	Lexington Area SW Agency
Lincoln North 48th St. C & D	Lincoln	Const./Demol.	04/01/96	\$ 1,366,871	\$ 1,366,871	Financial Test	City of Lincoln
Loup Central C & D Landfill#1	Elba	Const./Demol.	01/28/01	\$ 1,571	\$ 2,944	Trust Fund	Citizens Bank & Tr. St. Paul
Loup Central C & D Landfill#2	Elba	Const./Demol.	01/28/01	\$ 95,129	\$ 41,460	Trust Fund	Citizens Bank & Tr. St. Paul
L.P. Gill Landfill C & D	Jackson	Const/Demol.	04/09/96	\$ 135,772	\$ 57,308	Trust Fund	Premier Trust
NPPD Gerald Gentleman	Sutherland	Const./Demol.	04/01/95	\$ 248,726	\$ 248,726	Financial Test	NPPD
O'Neill C & D Landfill	O'Neill	Const./Demol.	06/01/01	\$ 264,659	\$ 54,599	Enterprise Fund	City of O'Neill
PAD LLC C & D Landfill	Hastings	Const./Demol.	06/05/02	\$ 169,808	\$ 169,808	Escrow Account	Five Points Bank
Plainview C & D Landfill	Plainview	Const./Demol.	09/26/00	\$ 64,791	\$ 54,420	Enterprise Fund	City of Plainview
Rainwood Hill LLC C & D	Omaha	Const/Demol.	05/29/15	\$ 199,089	\$ 199,089	Surety Bond	Hudson Insurance Co.
Schmader C & D Landfill	West Point	Const/Demol.	07/27/12	\$ 139,139	\$ 139,139	Letter of Credit	Charter West Ntl Bank
Sidney C & D Landfill	Sidney	Const./Demol.	11/23/99	\$ 128,938	\$ 46,090	Enterprise Fund	City of Sidney
SW NE Solid Waste Agency	Imperial	Const./Demol.	06/01/01	\$ 144,140	\$ 53,954	Enterprise Fund	City of Imperial
Three Valleys C & D Landfill	Indianola	Const./Demol.	02/24/10	\$ 53,954	\$ 53,954	Letter of Credit	McCook Ntl Bank
York C & D Landfill	York	Const/Demol.	12/01/07	\$ 811,212	\$ 82,770	Enterprise Fund	City of York
Fossil Fuel Combustion Ash (FFCA), Industrial Waste Landfills, Monofills							
Ash Grove Cement Co.	Louisville	Indus. Waste	03/01/03	\$ 4,070,452	\$ 5,095,100	Financial Test	Ash Grove
Clean Harbors Technology	Kimball	Monofill	08/01/95	\$ 3,427,680	\$ 3,427,680	Insurance Policy	Indian Harbors Insurance Co.
Fremont Utilities	Fremont	FFCA	05/28/96	\$ 3,330,364	\$ 500,000	Enterprise Fund	City of Fremont
Hastings Utilities	Hastings	FFCA	02/01//01	\$ 7,010,700	\$ 1,722,940	Enterprise Fund	City of Hastings & PPGA
NPPD Gerald Gentleman 4	Sutherland	FFCA	04/01/95	\$ 2,268,035	\$ 2,268,035	Financial Test	NPPD
NPPD Sheldon Station 4	Sheldon	FFCA	07/01/01	\$ 656,658	\$ 656,658	Financial Test	NPPD
OPPD NE City 1	NE City	FFCA	04/04/95	\$ 6,370,400	\$ 6,370,400	Financial Test	OPPD
OPPD NE City 2	NE City	FFCA	06/30/09	\$ 1,241,727	\$ 1,241,727	Financial Test	OPPD
OPPD North Omaha	Omaha	FFCA	04/04/95	\$ 1,905,278	\$ 1,905,278	Financial Test	OPPD

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Facility Name	Location	Permit Type	Initial Date	Obligated Amount	Current Amount Demonstrated	FA Mechanism	Guarantor
			Waste Tire Sites				
ABC Tire LLC	Kansas C, KS	Waste Tire	06/24/13	\$ 10,000	\$ 10,000	Surety Bond	Nationwide Mutual Ins.
B-Rose Transportation	Alvo	Waste Tire	04/16/15	\$ 5,000	\$ 5,000	Surety Bond	Merchants Bonding Co.
Butler County Landfill	David City	Waste Tire	05/16/97	\$ 50,000	\$ 50,000	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	02/05/16	\$ 5,000	\$ 5,000	Surety Bond	U.S. Fire Ins. Co.
D & B Enterprise LLC	Correctville, IA	Waste Tire	11/17/08	\$ 10,000	\$ 10,000	Surety Bond	Great American Ins.Co.
Don's Used Tires	Lincoln	Waste Tire	03/13/03	\$ 5,000	\$ 5,000	Surety Bond	Old Republic Surety Co.
EnTire Recycling Inc	Brock	Waste Tire	04/18/13	\$ 10,000	\$ 10,000	Letter of Credit	Great Western Bank
Gill Hauling Inc.	Jackson	Waste Tire	02/04/09	\$ 10,000	\$ 10,000	Letter of Credit	Dakota County State Bank
Hackbart Brothers, Inc	Seward	Waste Tire	08/03/15	\$ 10,000	\$ 10,000	Letter of Credit	Jones Natl. Bank & Trust
Hoke Transport LLC	Gering	Waste Tire	04/04/12	\$ 5,000	\$ 5,000	Surety Bond	Old Republic Surety Co.
Intrawest LLC	Fountain CO	Waste Tire	09/15/15	\$ 5,000	\$ 5,000	Surety Bond	U.S. Specialty Ins. Co.
J & M Steel	Hastings	Waste Tire	01/15/15	\$ 5,000	\$ 5,000	Letter of Credit	Five Points Bank
Kenny Frazier	Edmond OK	Waste Tire	05/26/04	\$ 5,000	\$ 5,000	Escrow Account	Bank of America, Inc.
LAL Enterprise, LLC	Alvo	Waste Tire	04/16/15	\$ 5,000	\$ 5,000	Surety Bond	Merchants Bonding 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.
New Horizons Enterprises LLC	Lincoln	Waste Tire	05/11/12	\$ 5,000	\$ 5,000	Surety Bond	Granite Re, Inc.
Omaha Casing Co. Inc	Omaha	Waste Tire	12/05/14	\$ 5,000	\$ 5,000	Letter of Credit	Security Natl. Bank
Resource Management Co	Brownell, KS	Waste Tire	01/17/06	\$ 10,000	\$ 10,000	Letter of Credit	First State Bank, Ness Cy,KS
River City Recycling	Omaha	Waste Tire	04/22/16	\$ 43,750	\$ 43,750	Letter of Credit	Access Bank
Shockley Trucking	Octavia	Waste Tire	02/24/16	\$ 10,000	\$ 10,000	Surety Bond	Universal Surety Co.
Tire Cutters	Centralia KS	Waste Tire	05/13/06	\$ 5,000	\$ 5,000	Letter of Credit	1st Natl. Bank, Centralia, KS
Tire Town, Inc.	Leavenworth,K	Waste Tire	06/11/15	\$ 10,000	\$ 10,000	Letter of Credit	Bank of the Prairie
Uribe Scrap Tires, LLC	Lincoln	Waste Tire	01/06/14	\$ 5,000	\$ 5,000	Surety Bond	Ohio Casualty Ins. Co.