

LEGISLATIVE BILL 444

Approved by the Governor April 15, 1993

Introduced by Robinson, 16; Byars, 30; Coordsen, 32; Horgan, 4

AN ACT relating to waste reduction and recycling; to amend sections 81-15,160 and 81-15,161, Revised Statutes Supplement, 1992; to change provisions relating to priority and eligibility for grants; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-15,160, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,160. (1) There is hereby created a Waste Reduction and Recycling Incentive Fund to be administered by the Department of Environmental Quality. The fund shall consist of revenue from the following sources:

(a) Proceeds from the ~~fee fees~~ imposed ~~on each new tire sold in the state and the fee imposed on each tire of each new motor vehicle sold in the state~~ pursuant to section 81-15,162; and

(b) Proceeds from the annual fee imposed on businesses pursuant to section 81-15,163.

(2) The fund may be used for the following purposes, including, but not limited to:

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

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

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

(d) Capital assistance for establishing private and public intermediate processing facilities for recyclable materials and facilities using recyclable materials in new products;

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

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

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

(h) Incentive grants to political subdivisions to assist and encourage the closure of landfills operating without a permit, the regional consolidation of solid waste disposal facilities operating with a permit, and the use of transfer stations. Grants awarded for programs involving land

disposal shall include provisions for waste reduction and recycling; and

(i) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate waste to generate and recover energy resources.

(3) No grant shall be made under section 81-15,161 to a political subdivision which operates a landfill operating without a permit unless the grant will be used to meet permit standards and the landfill is issued a permit within two years after the award of the grant.

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction.

(5) (4) The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 2. That section 81-15,161, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,161. (1) Allocations from the Waste Reduction and Recycling Incentive Fund may be made as grants to a political subdivision or other entity or organization, public or private, when it is found that the proposed reduction or recycling program or project proposed by the political subdivision appears to benefit the general public, to further the goals of waste reduction and recycling, and to be consistent with proper waste management practices. ~~A political subdivision may file an application with the Department of Environmental Control for a grant from the fund.~~ Each application for a grant from the fund shall be filed with the Department of Environmental Quality in a manner and form prescribed by the department.

(2) An application for a grant from the fund shall: (a) Describe the nature and purpose of the proposed program or project; (b) set forth or be accompanied by a plan for development of the proposed program or project, together with engineering, economic, and financial feasibility data and information, and such estimated costs of construction or implementation as may be required by the department; (c) state whether money other than that for which the application is made will be used to help in meeting program or project costs and whether such money is available or has been sought for this purpose; (d) when appropriate, state that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands; (e) show that the applicant possesses all necessary authority to undertake or participate in the proposed program or project; and (f) demonstrate the probable environmental and ecological consequences that may result from such proposed program or project. Upon receipt of an application the Director of Environmental ~~Control~~ Quality shall evaluate and investigate all aspects of the proposed program or project and the proposed schedule for the development and completion of such program or project, determine the eligibility of the program or project for funding, and make appropriate recommendations to the Environmental ~~Control~~

Quality Council. As a part of his or her investigation, the director shall consider whether the plan for development of the program or project is satisfactory. If the director determines that the plan is unsatisfactory or that the application does not contain adequate information upon which to make determinations, the director shall return the application to the applicant and may make recommendations to the applicant which the director considers necessary to make the plan or the application satisfactory.

(3) The director shall within a reasonable time, not to exceed six months, after receipt of such application report to the council the results of his or her evaluation and investigation and shall recommend approval or rejection of funding for the program or project. The director shall indicate what form of allocation he or she deems appropriate. The council shall act in accordance with the director's recommendations unless action to the contrary is approved by each council member eligible to vote on the specific recommendation under consideration. No council member shall be eligible to participate in the action of the council concerning an application for funding to any entity in which such council member has any interest. If the council approves the recommendation of the director, the director shall allocate the funds. The grant shall be for a specific dollar amount of funds, and the funds shall be used only for the purpose specified in the grant. The director may set any terms for the administration of the funds as he or she deems necessary and any penalties to be imposed upon the recipient if it fails to comply with any requirements of the grant.

(4) It is the intent of the Legislature that allocations from the fund shall be made in an equitable manner which maximizes the benefits of the fund. When awarding grants, the council shall balance the needs of: (a) All geographic areas of the state; (b) all sizes and classes of communities; and (c) all manner and scale of programs and projects. The council shall also give consideration to eligible programs and projects which would specifically employ disabled or handicapped persons.

(5) The council shall adopt and promulgate rules and regulations to carry out this section and section 81-15,160.

Sec. 3. This act shall become operative October 1, 1993.

Sec. 4. That original sections 81-15,160 and 81-15,161, Revised Statutes Supplement, 1992, are repealed.