

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 454

Introduced by Haar, 21.

Read first time January 22, 2013

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to recycling; to amend section 13-2039, Reissue
2 Revised Statutes of Nebraska, and sections 81-1504.01 and
3 81-15,160, Revised Statutes Cumulative Supplement, 2012;
4 to adopt the Electronics Extended Producer Responsibility
5 and Job Creation Act; to prohibit landfill disposal of
6 certain electronic equipment as prescribed; to provide
7 for reports and for grants from the Waste Reduction and
8 Recycling Incentive Fund; to provide duties for the
9 Director of Environmental Quality; to harmonize
10 provisions; to provide severability; to repeal the
11 original sections; and to declare an emergency.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 14 of this act shall be known
2 and may be cited as the Electronics Extended Producer Responsibility
3 and Job Creation Act.

4 Sec. 2. The purpose of the Electronics Extended Producer
5 Responsibility and Job Creation Act is to establish a comprehensive
6 electronics recycling system that ensures the safe, environmentally
7 sound management of covered electronic equipment and encourages the
8 design of electronic devices that are recyclable and less toxic, and
9 creates jobs in collection, handling, and recycling of covered
10 electronic equipment.

11 Sec. 3. For purposes of the Electronics Extended Producer
12 Responsibility and Job Creation Act:

13 (1) Cathode ray tube means a vacuum tube or picture tube
14 used to convert an electronic signal into a visual image;

15 (2) Computer means a desktop, portable or laptop,
16 electronic, magnetic, optical, electrochemical, or other high-speed
17 data processing device which is capable of performing logical,
18 arithmetic, or storage functions and includes, but is not limited to,
19 any cable, cord, or wiring permanently affixed to or incorporated
20 into such product and may include both a computer central processing
21 unit and a monitor. Computer does not include an automated typewriter
22 or typesetter, a portable handheld calculator, a portable digital
23 assistant, a mobile or cellular telephone, or other similar device;

24 (3) Consumer means a person located in the state who owns
25 or uses covered electronic equipment. Consumer does not include an

1 entity involved in a wholesale transaction between a manufacturer and
2 retailer;

3 (4)(a) Covered electronic equipment means a computer,
4 monitor, video display device, television, computer peripheral,
5 portable digital video disc player, small electronic equipment, or
6 small-scale server.

7 (b) Covered electronic equipment does not include:

8 (i) A device that is a part of a motor vehicle or any
9 component part of a motor vehicle assembled by or for a vehicle
10 manufacturer or franchise dealer, including replacement parts for use
11 in a motor vehicle;

12 (ii) A device that is functionally or physically a part
13 of a larger piece of equipment that is designed or intended for use
14 in an industrial, commercial, governmental, or medical setting,
15 including diagnostic, monitoring, or control equipment;

16 (iii) A device that is contained within a clothes washer,
17 clothes dryer, refrigerator, combination refrigerator and freezer,
18 microwave oven, conventional oven or range, dishwasher, room air
19 conditioner, dehumidifier, or air purifier; or

20 (iv) A telephone of any type unless it contains a video
21 display area greater than nine inches measured diagonally or any
22 hand-held device used to access commercial mobile radio service as
23 referenced in 47 C.F.R. 20.9, as such regulation existed on January
24 1, 2013;

25 (5) Department means the Department of Environmental

1 Quality;

2 (6) Electronic waste means covered electronic equipment
3 which has been discarded or is no longer wanted by its owner or which
4 for any other reason enters the waste collection, recovery,
5 treatment, processing, or recycling system;

6 (7) Electronic waste collection site means a facility at
7 a fixed or temporary site at which electronic waste is accepted from
8 consumers and temporarily stored for more than five days in a
9 calendar year before such waste is transported to an electronic waste
10 consolidation facility or electronic waste recycling facility.
11 Electronic waste collection site includes, but is not limited to, a
12 dedicated site and facility for the acceptance of electronic waste,
13 retail stores and outlets, municipal or private electronic waste
14 collection sites, and not-for-profit donation sites that have agreed
15 to accept electronic waste;

16 (8) Electronic waste consolidation facility means a
17 facility that receives and stores electronic waste for the purpose of
18 organizing, categorizing, or consolidating items of electronic waste
19 before such waste is transported to an electronic waste recycling
20 facility. Electronic waste consolidation facility includes, but is
21 not limited to, a facility of a broker acting as an intermediary
22 between electronic waste buyers and sellers and a regional center at
23 which electronic waste is organized, categorized, or consolidated
24 after being transported to such centers from electronic waste
25 collection sites or other electronic waste consolidation facilities;

1 (9) Electronic waste recycling facility means a facility
2 at which electronic waste is recycled;

3 (10) Label means a marker on the surface of covered
4 electronic equipment conveying information which is permanent and can
5 be attached, printed, engraved, or incorporated in any other
6 permanent way that is obvious and visible to users of the covered
7 electronic equipment;

8 (11) Manufacturer means a person who:

9 (a) Assembles or substantially assembles covered
10 electronic equipment for sale in the state;

11 (b) Manufactures covered electronic equipment under its
12 own brand name or under any other brand name for sale in the state;

13 (c) Sells, under its own brand name, covered electronic
14 equipment sold in the state;

15 (d) Owns a brand name that it licenses to another person
16 for use on covered electronic equipment sold in the state;

17 (e) Imports covered electronic equipment for sale in the
18 state; or

19 (f) Manufactures covered electronic equipment for sale in
20 the state without affixing a brand name.

21 Manufacturer does not mean a person who assembles or
22 substantially assembles and sells fewer than one thousand units of
23 covered electronic equipment annually in this state or whose primary
24 business is the sale of covered electronic equipment which is
25 comprised primarily of rebuilt, refurbished, or used components.

1 If more than one person is a manufacturer of a brand of
2 covered electronic equipment, any such person may assume
3 responsibility for obligations of a manufacturer of that brand under
4 the act. If none of such persons assumes responsibility for the
5 obligations of a manufacturer under the act, any and all such persons
6 jointly and severally may be considered to be the responsible
7 manufacturer of that brand for purposes of the act;

8 (12) Manufacturer's brand means a manufacturer's name,
9 brand name, or brand label and all manufacturer's names, a brand name
10 or brand label for which the manufacturer has a legal right or
11 interest and includes names, brand names, and brand labels of a
12 company that has been acquired by the manufacturer or in which the
13 manufacturer asserts a legal interest such as trademark, license,
14 service mark, or patent;

15 (13) Monitor means a video display component of a
16 computer that does not contain a tuner, whether sold separately or
17 together with a computer central processing unit or computer box, and
18 includes a cathode ray tube, liquid crystal display, gas plasma,
19 digital light processing, or other image projection technology having
20 a viewable area greater than four inches when measured diagonally,
21 and its case, interior wires, and circuitry;

22 (14) Person means any individual, business entity,
23 partnership, company, corporation, not-for-profit corporation,
24 association, governmental entity, public benefit corporation, public
25 authority, firm, organization, or any other group of individuals, or

1 any officer or employee or agent thereof;

2 (15) Recycle means to separate, dismantle, or process the
3 materials, components, or commodities contained in electronic waste
4 for the purpose of preparing the materials, components, or
5 commodities for use or reuse in new products or components thereof
6 but not for energy recovery or energy generation by means of
7 combustion, gasification, pyrolysis, or other means. Recycle includes
8 the manual and mechanical separation of electronic waste to recover
9 materials, components, or commodities contained therein for the
10 purpose of use or reuse and changing the physical or chemical
11 composition of electronic waste to segregate components for purposes
12 of using or reusing those components;

13 (16) Retailer means a person who sells covered electronic
14 equipment to a person in the state through any means. Retailer does
15 not include a person who sells or offers for sale fewer than ten
16 items of covered electronic equipment during a calendar year;

17 (17) Reuse means the use of electronic waste that is
18 tested and certified to be in good working order and which was
19 removed from the waste stream for use for the same purpose for which
20 it was manufactured, including the continued use of whole systems or
21 components;

22 (18) Sell or sale means any transfer for consideration,
23 from a manufacturer or retailer to a person, of title or the right to
24 use property, including, but not limited to, transactions conducted
25 through retail sales outlets, catalogs, mail, the telephone, the

1 Internet, or any electronic means. Sell or sale includes transfer of
2 new products or used products that may have been refurbished by the
3 manufacturer or a manufacturer-approved party offered for sale by a
4 manufacturer or retailer. Sell or sale does not include: (a)
5 Consumer-to-consumer secondhand transfer; (b) the transfer of used
6 covered electronic equipment or a lease of covered electronic
7 equipment; or (c) wholesale transactions among a manufacturer,
8 wholesaler, and retailer;

9 (19) Small electronic equipment means any portable
10 digital music player that has memory capability and is battery-
11 powered, a video cassette recorder, digital video disc player,
12 digital video recorder, digital converter box, cable or satellite
13 receiver, or an electronic or video game console, and includes any
14 cable, cord, or wiring permanently affixed to or incorporated into
15 any such product;

16 (20) Small-scale server means a computer that typically
17 uses desktop components in a desktop form but is designed primarily
18 to be a storage host for other computers and is: (a) Designed in a
19 pedestal, tower, or other form similar to that of a desktop computer
20 such that all data processing, storage, and network interfacing is
21 contained within one box or product; (b) intended to be operational
22 twenty-four hours per day and seven days per week with extremely low
23 unscheduled down time; (c) capable of operating in a simultaneous
24 multi-user environment serving several users through networked client
25 units; and (d) designed for an industry accepted operating system for

1 home or low-end server applications;

2 (21) Television means a stand-alone display system
3 containing a cathode ray tube, liquid crystal display, gas plasma,
4 digital light processing, or other type of display primarily intended
5 to receive video programming via broadcast, having a viewable area
6 greater than four inches when measured diagonally, able to adhere to
7 standard consumer video requirements, and having the capability of
8 selecting different broadcast channels and support sound capability;
9 and

10 (22) Video display device means a device that has an
11 output surface having a viewable area greater than four inches when
12 measured diagonally that displays moving graphical images or a visual
13 representation of image sequences or pictures and shows a number of
14 quickly changing images on a screen in fast succession to create the
15 illusion of motion, including, but not limited to, a device that is
16 an integral part of the display that cannot be easily removed from
17 the display by the consumer and that produces the moving image on the
18 screen and includes technology using a cathode ray tube, liquid
19 crystal display, gas plasma, digital light processing, or other image
20 projection technology.

21 Sec. 4. (1)(a) Beginning July 1, 2015, a manufacturer of
22 covered electronic equipment must accept for collection, handling,
23 and recycling or reuse electronic waste of which it is the
24 manufacturer. Such waste shall count toward the amount of electronic
25 waste required to be accepted pursuant to subsection (4) of this

1 section.

2 (b) Beginning July 1, 2015, a manufacturer of covered
3 electronic equipment must accept for collection, handling, and
4 recycling or reuse one piece of electronic waste of any
5 manufacturer's brand if offered by a consumer with the purchase of
6 covered electronic equipment of the same type by a consumer. Such
7 waste shall count toward the amount of the electronic waste required
8 to be accepted pursuant to subsection (4) of this section.

9 (2) Beginning July 1, 2015, a manufacturer must accept
10 for collection, handling, and recycling or reuse the manufacturer's
11 acceptance standard as specified in subsection (4) of this section.

12 (3) The statewide recycling or reuse goal shall be as
13 follows:

14 (a) For the period July 1, 2015, through December 31,
15 2015, the statewide recycling or reuse goal for electronic waste
16 shall be the product of the latest population estimate for the state,
17 as published by the United States Department of Commerce, Bureau of
18 the Census, multiplied by two pounds;

19 (b) For 2016, the statewide recycling or reuse goal for
20 all electronic waste shall be the product of the latest population
21 estimate for the state, as published by the United States Department
22 of Commerce, Bureau of the Census, multiplied by four pounds;

23 (c) For 2017, the statewide recycling or reuse goal for
24 all electronic waste shall be the product of the latest population
25 estimate for the state, as published by the United States Department

1 of Commerce, Bureau of the Census, multiplied by five pounds;

2 (d) For 2018 and each year thereafter, the statewide
3 recycling or reuse goal for all electronic waste is the product of
4 the base weight multiplied by the goal attainment percentage; and

5 (e) For the purposes of this section: (i) Base weight
6 means the greater of: (A) The average weight of all electronic waste
7 collected for recycling or reuse during the previous three calendar
8 years as reported by manufacturers to the department pursuant to
9 subdivision (2)(b) of section 11 of this act; or (B) the three-year
10 average of the sum of all electronic waste collected for recycling or
11 reuse during the previous three calendar years based on information
12 reported by electronic waste consolidation facilities and electronic
13 waste recycling facilities to the department pursuant to subdivisions
14 (2)(b) and (3)(b) of section 9 of this act; and (ii) goal attainment
15 percentage means: (A) Ninety percent if the base weight is less than
16 ninety percent of the statewide recycling or reuse goal for the
17 previous calendar year; (B) ninety-five percent if the base weight is
18 ninety percent or greater, but does not exceed ninety-five percent of
19 the statewide recycling or reuse goal for the previous calendar year;
20 (C) one hundred percent if the base weight is ninety-five percent or
21 greater but does not exceed one hundred five percent of the statewide
22 recycling or reuse goal for the previous calendar year; (D) one
23 hundred five percent if the base weight is one hundred five percent
24 or greater but does not exceed one hundred ten percent of the
25 statewide recycling or reuse goal for the previous calendar year; and

1 (E) one hundred ten percent if the base weight is one hundred ten
2 percent or greater of the statewide recycling or reuse goal for the
3 previous calendar year.

4 (4) The manufacturer acceptance standard shall be as
5 follows:

6 (a) For the period July 1, 2015, through December 31,
7 2015, and annually thereafter, each manufacturer's acceptance
8 standard shall be the product of the statewide recycling or reuse
9 goal under subsection (3) of this section, as appropriate, multiplied
10 by that manufacturer's market share determined pursuant to
11 subdivision (b) of this subsection;

12 (b) Each manufacturer's market share of electronic waste
13 shall be determined by the department based on the manufacturer's
14 percentage share of the total weight of covered electronic equipment
15 sold as determined by the best available information, including, but
16 not limited to, state sales data reported by weight. Beginning July
17 1, 2015, and every calendar year thereafter, the department shall
18 provide each manufacturer with a determination of its market share of
19 electronic waste which shall be the quotient of the total weight of
20 the manufacturer's covered electronic equipment sold to persons in
21 this state based on the average annual retail sales during the
22 preceding three calendar years, as reported under sections 5 and 11
23 of this act divided by the total weight of all manufacturer's covered
24 electronic equipment sold to persons in this state based on the
25 average annual retail sales during the preceding three calendar

1 years, as reported under sections 5 and 11 of this act; and

2 (c) As an incentive to provide electronics collection
3 services in rural areas of the state, electronics collected outside
4 counties with a population of more than one hundred thousand
5 inhabitants shall have the total weight of covered electronic
6 equipment collected from consumers calculated at 1.25 times their
7 actual weight.

8 (5) In the absence of a waiver granted by the department
9 pursuant to section 10 of this act, beginning in 2017, a manufacturer
10 that fails to meet its manufacturer's acceptance standard for the
11 previous calendar year as described in subsection (4) of this section
12 shall be subject to a recycling surcharge, determined as follows:

13 (a) If a manufacturer accepts at least ninety percent but
14 less than one hundred percent of its manufacturer's acceptance
15 standard as required by subsection (4) of this section, the surcharge
16 shall be thirty cents multiplied by the number of additional pounds
17 of electronic waste that should have been accepted by such
18 manufacturer;

19 (b) If a manufacturer accepts at least fifty percent but
20 less than ninety percent of its manufacturer's acceptance standard as
21 required by subsection (4) of this section, the surcharge shall be
22 forty cents multiplied by the number of additional pounds of
23 electronic waste that should have been accepted by such manufacturer;
24 and

25 (c) If a manufacturer accepts less than fifty percent of

1 its manufacturer's acceptance standard as required by subsection (4)
2 of this section, the surcharge shall be fifty cents multiplied by the
3 number of additional pounds of electronic waste that should have been
4 accepted by such manufacturer.

5 (6) The recycling surcharge shall be paid to the
6 department with the annual report required pursuant to section 11 of
7 this act.

8 (7) On and after January 1, 2018, if a manufacturer
9 accepts more than its manufacturer's acceptance standard as required
10 by subsection (4) of this section, the excess weight may be used as
11 electronic waste acceptance credits and may be sold, traded, or
12 banked for a period no longer than three calendar years following the
13 year in which the credits were earned, except that no more than
14 twenty-five percent of a manufacturer's obligation for any calendar
15 year may be met with recycling credits generated in a prior calendar
16 year.

17 Sec. 5. (1) A manufacturer shall submit a one-time
18 registration on a form prescribed by the department to the department
19 by July 1, 2015, along with a registration fee based on the number of
20 units of covered electronic equipment sold in this state by the
21 manufacturer in the previous calendar year. Such fee shall be:

22 (a) Five hundred dollars for sales of one thousand
23 through two thousand four hundred ninety-nine units;

24 (b) One thousand dollars for sales of two thousand five
25 hundred through four thousand nine hundred ninety-nine units;

1 (c) Two thousand five hundred dollars for sales of five
2 thousand through nine thousand nine hundred ninety-nine units; and

3 (d) Five thousand dollars for sales of ten thousand or
4 more units. The department may require such form to be filed
5 electronically.

6 (2) Such registration shall include:

7 (a) The manufacturer's name, address, and telephone
8 number;

9 (b) The name and title of an officer, director, or other
10 individual designated as the manufacturer's contact for purposes of
11 the Electronics Extended Producer Responsibility and Job Creation
12 Act;

13 (c) A list identifying the manufacturer's brands;

14 (d) A general description of the manner in which the
15 manufacturer will comply with section 4 of this act, including
16 specific information on the manufacturer's electronic waste
17 acceptance program in the state and a current list of locations
18 within the state where consumers may return electronic waste;

19 (e) Sales data reported by weight for the manufacturer's
20 covered electronic equipment sold in this state for the previous
21 three calendar years, categorized by type to the extent known. If the
22 manufacturer cannot provide accurate state sales data, it shall
23 explain why such data cannot be provided and estimate state sales
24 data, estimated by (i) dividing the manufacturer's national sales
25 data by weight by the national population according to the most

1 recent decennial census and multiplying the result by the population
2 of the state according to the most recent decennial census or (ii)
3 another method approved by the department;

4 (f) A statement disclosing whether (i) any covered
5 electronic equipment sold in this state exceeds the maximum
6 concentration values established for lead, mercury, cadmium,
7 hexavalent chromium, polybrominated biphenyls, and polybrominated
8 diphenyl ethers under the restriction of hazardous substances
9 directive pursuant to 2002/95/EC of the European Parliament and
10 Council and any amendments thereto and if so, a listing of any
11 covered electronic equipment that is not in compliance with such
12 directive or (ii) the manufacturer has received an exemption from one
13 or more of such maximum concentration values that has been approved
14 and published by the European Parliament and Council; and

15 (g) Any other information the department may require.

16 (3) A manufacturer's registration is effective upon
17 acceptance by the department and shall be updated within thirty days
18 after any material change to the information required by subsection
19 (1) of this section.

20 (4) Any person who becomes a manufacturer on or after
21 January 1, 2015, shall register with the department prior to selling
22 or offering for sale in this state any covered electronic equipment,
23 and shall comply with the requirements of the act.

24 (5) Beginning July 1, 2015, a manufacturer shall not sell
25 or offer for sale electronic equipment in the state unless the

1 manufacturer has registered with the department and maintains an
2 electronic waste acceptance program through which the manufacturer,
3 either directly or through an agent or designee, accepts electronic
4 waste from consumers in the state for recycling. The manufacturer
5 shall ensure that retailers are notified of such registration.

6 (6) An electronic waste acceptance program shall include,
7 but need not be limited to:

8 (a) Collection, handling, and recycling or reuse of
9 electronic waste pursuant to section 4 of this act in a manner
10 convenient to consumers. The following acceptance methods shall be
11 considered convenient to consumers: (i) Mail-back or ship-back return
12 programs; (ii) collection or acceptance events conducted by the
13 manufacturer or the manufacturer's agent or designee, including
14 events conducted through local governments or private parties; (iii)
15 fixed acceptance locations such as dedicated acceptance sites
16 operated by the manufacturer or its agent or designee; (iv)
17 agreements with local governments, retail stores, sales outlets and
18 not-for-profit organizations which have agreed to provide facilities
19 for the collection of electronic waste; (v) community collection
20 events; or (vi) any combination of these or other acceptance methods
21 which effectively provide for the acceptance of electronic waste for
22 recycling or reuse through means that are available and reasonably
23 convenient to consumers in the state. The department may establish
24 additional requirements to ensure convenient collection from
25 consumers;

1 (b) Information on how consumers can destroy all data on
2 any electronic waste, either through physical destruction of the hard
3 drive or through data wiping;

4 (c) A public education program to inform consumers about
5 the manufacturer's electronic waste acceptance program, including,
6 but not limited to: (i) An Internet web site and a toll-free
7 telephone number and written information included in the product
8 manual for, or at the time of sale of, covered electronic equipment
9 that provides sufficient information to allow a consumer of covered
10 electronic equipment to learn how to return the covered electronic
11 equipment for recycling or reuse, and in the case of manufacturers of
12 computers, hard drives and other covered electronic equipment that
13 have internal memory on which personal or other confidential data can
14 be stored, such web site shall provide instructions for how consumers
15 can destroy such data before surrendering the products for recycling
16 or reuse and (ii) electronic public service announcements, printed
17 advertisements, billboards, direct mail pieces focused
18 geographically, and press releases distributed statewide; and

19 (d) Any other information as required by the department
20 in accordance with rules and regulations adopted and promulgated by
21 the department.

22 (7) A manufacturer shall maintain records demonstrating
23 compliance with this section and make them available for audit and
24 inspection by the department for a period of three years.

25 (8) A manufacturer may satisfy the electronic waste

1 collection requirements of this section by agreeing to participate in
2 a collective electronic waste acceptance program with other
3 manufacturers. Any such collective electronic waste acceptance
4 program must meet the same requirements as those required for an
5 individual manufacturer. Any collective electronic waste acceptance
6 program shall include a list of manufacturers participating in such
7 program along with other identifying information required by the
8 department. A collective electronic waste acceptance program shall
9 submit a registration to the department along with a one-time
10 registration fee of ten thousand dollars.

11 (9) A manufacturer shall be responsible for all costs
12 associated with implementation of an electronic waste acceptance
13 program. The manufacturer shall not charge consumers for the
14 collection, handling, and recycling and reuse of electronic waste,
15 except that such prohibition shall not apply to a charge on business
16 consumers, to charges for premium services, or to a manufacturer's
17 contract with a consumer for the collection, handling, recycling, or
18 reuse of electronic waste that was entered into prior to the
19 effective date of this act.

20 For purposes of this subsection, (a) business consumer
21 means a for-profit entity which has fifty or more full-time employees
22 or a not-for-profit corporation with seventy-five or more full-time
23 employees, but does not include a not-for-profit corporation
24 designated under section 501(c)(3) of the Internal Revenue Code and
25 (b) premium services means equipment and data security services,

1 refurbishment for reuse by the consumer, and other custom services as
2 may be determined by the department.

3 Sec. 6. (1) At the location of sale of covered electronic
4 equipment, a retailer shall provide purchasers of covered electronic
5 equipment with information, if any, about opportunities for the
6 return of electronic waste that has been provided to the retailer by
7 a manufacturer.

8 (2) Beginning July 1, 2015, no retailer shall sell or
9 offer for sale in the state any covered electronic equipment unless
10 the manufacturer and the manufacturer's brands are registered with
11 the department pursuant to section 5 of this act. If the retailer
12 purchased covered electronic equipment from a manufacturer who fails
13 to register by January 1, 2015, or prior to the date the manufacturer
14 withdrew its registration or its registration was revoked by the
15 department, the retailer may continue to sell the covered electronic
16 equipment for one hundred eighty days after July 1, 2015, or the date
17 the registration was withdrawn or revoked.

18 Sec. 7. On and after July 1, 2015, a manufacturer may not
19 offer for sale in the state or deliver to retailers for subsequent
20 sale covered electronic equipment unless it has a visible, permanent
21 label clearly identifying the manufacturer of the covered electronic
22 equipment.

23 Sec. 8. (1) On and after July 1, 2015, no manufacturer,
24 retailer, or owner or operator of an electronic waste collection
25 site, electronic waste consolidation facility, or electronic waste

1 recycling facility in the state shall dispose of electronic waste at
2 a solid waste management facility or hazardous waste management
3 facility or place electronic waste for collection which is intended
4 for disposal at a solid waste management facility or hazardous waste
5 management facility.

6 (2) On and after January 1, 2016, no person except an
7 individual or household shall place or dispose of any electronic
8 waste in any solid waste management facility, or place electronic
9 waste for collection which is intended for disposal at a solid waste
10 management facility or hazardous waste management facility in this
11 state. Persons engaged in the collection of solid waste for delivery
12 to a solid waste management facility shall provide written
13 information to users of such facility on the proper methods for the
14 recycling of electronic waste.

15 (3) On and after January 1, 2019, no individual or
16 household shall place or dispose of any electronic waste in any solid
17 waste management facility or place electronic waste for collection
18 which is intended for disposal at a solid waste management facility
19 or hazardous waste management facility in this state.

20 (4) On and after January 1, 2016, an owner or operator of
21 a solid waste management facility or hazardous waste management
22 facility shall educate users of such facility on the proper methods
23 for the management of electronic waste. Such education shall include:

24 (a) Providing written information to users of such
25 facility on the proper methods for recycling of electronic waste; and

1 (b) Posting in conspicuous locations at such facility
2 signs stating that electronic waste may not be disposed of at the
3 facility.

4 Sec. 9. (1)(a) On or before January 1, 2015, each person
5 who owns or operates an electronic waste collection site in the state
6 shall notify the department on a form prescribed by the department.
7 The department may require such form to be filed electronically. The
8 notification shall include: (i) The name, address, and telephone
9 number of the owners and the operators of the electronic waste
10 collection site; and (ii) the name, address, and telephone number of
11 the electronic waste collection site. Any person who commences the
12 operation of an electronic waste collection site on or after January
13 1, 2015, shall notify the department at least thirty days prior to
14 receiving any electronic waste at such collection site. In the case
15 of collection sites operated by a retailer, a single notification
16 listing the name, address, and telephone number of the individual
17 collection sites may be submitted covering all its collection sites.

18 (b) Each person who owns or operates an electronic waste
19 collection site in the state shall (i) collect electronic waste from
20 consumers in an enclosed van, truck, or other collection vehicle
21 approved by the department if a collection service is provided, (ii)
22 manage electronic waste in a manner that complies with all applicable
23 laws, rules, and regulations, (iii) store electronic waste in a fully
24 enclosed building with a roof, floor, and walls or in a secure
25 container that is constructed and maintained to minimize breakage of

1 electronic waste and to prevent releases of hazardous materials to
2 the environment, and (iv) remove electronic waste from the site
3 within one year of receipt, (v) ship electronic waste to a registered
4 electronic waste consolidation or recycling facility, and (vi)
5 maintain records demonstrating compliance with this requirement.

6 (2)(a) On or before January 1, 2015, each person who
7 operates an electronic waste consolidation facility in the state
8 shall register with the department on a form prescribed by the
9 department. The department may require such form to be filed
10 electronically. The registration shall include: (i) The name,
11 address, and telephone number of the owner and the operator of the
12 facility; and (ii) the name, address, and telephone number of the
13 electronic waste consolidation facility. Any person who commences the
14 operation of an electronic waste consolidation facility on or after
15 January 1, 2015, shall register with the department at least thirty
16 days prior to receiving any electronic waste. A registration is
17 effective upon acceptance by the department. Any registration
18 required by this subsection shall be accompanied by a one-time
19 registration fee of two hundred fifty dollars.

20 (b) Each person operating an electronic waste
21 consolidation facility shall:

22 (i) Manage electronic waste in a manner that complies
23 with all applicable laws, rules, and regulations;

24 (ii) Store electronic waste in a fully enclosed building
25 with a roof, floor, and walls or in a secure container that is

1 constructed and maintained to minimize breakage of electronic waste
2 and to prevent releases of hazardous materials to the environment;

3 (iii) Have a means to control entry at all times to the
4 active portion of the facility;

5 (iv) Inform all employees who handle or have
6 responsibility for managing electronic waste about the proper
7 handling and emergency procedures appropriate to the type or types of
8 electronic waste handled at the facility;

9 (v) Remove electronic waste from the site within one year
10 of receipt and maintain records demonstrating compliance with this
11 requirement; and

12 (vi) Maintain the records required by subdivisions (2)
13 (a), (2)(b)(v), and (2)(c) of this section onsite and make them
14 available for audit and inspection by the department for a period of
15 three years.

16 (c) On March 1, 2016, for the period of July 1, 2015,
17 through December 31, 2015, and on each March 1 thereafter for the
18 preceding calendar year, each person operating an electronic waste
19 consolidation facility shall submit to the department an annual
20 report on a form prescribed by the department. The department may
21 require annual reports to be filed electronically. Annual reports
22 shall include, but not be limited to, the following information: (i)
23 The name and address of each electronic waste collection site from
24 which the consolidation facility received electronic waste during the
25 reporting period, along with the quantity, by weight, of electronic

1 waste received from each collection site; (ii) the name and address
2 of each person to whom the electronic waste consolidation facility
3 sent electronic waste during the reporting period, along with the
4 quantity, by weight, of electronic waste that was sent to each such
5 person; (iii) the weight of electronic waste collected on behalf of
6 or pursuant to an agreement with each manufacturer during the
7 reporting period; and (iv) a certification by the owner or operator
8 of the electronic waste consolidation facility that such facility has
9 complied with the requirements of the Electronics Extended Producer
10 Responsibility and Job Creation Act and all other applicable laws,
11 rules, and regulations. All quantities of electronic waste reported
12 by the electronic waste consolidation facility must separately
13 include electronic waste generated by Nebraska consumers and
14 electronic waste received from or shipped outside the state.

15 (d) A person operating an electronic waste consolidation
16 facility shall not engage in electronic waste recycling unless such
17 person is also registered as an electronic waste recycling facility
18 and complies with the requirements of this section that are
19 applicable to each type of facility.

20 (e) A person operating an electronic waste consolidation
21 facility may accept electronic waste in the same manner as an
22 electronic waste collection site if such person complies with the
23 requirements of this section that are applicable to electronic waste
24 collection sites.

25 (3)(a) On or before January 1, 2015, each person

1 operating an electronic waste recycling facility in the state shall
2 register with the department on a form prescribed by the department.
3 The department may require such form to be filed electronically. The
4 registration shall include the name, address, and telephone number of
5 the owner and the operator of the facility and the name, address, and
6 telephone number of the electronic waste recycling facility. Any
7 person who commences the operation of an electronic waste recycling
8 facility on or after January 1, 2015, shall register with the
9 department at least thirty days prior to receiving any electronic
10 waste. A registration is effective upon acceptance by the department.
11 Any registration required by this subsection shall be accompanied by
12 a one-time registration fee of two hundred fifty dollars.

13 (b) On March 1, 2016, for the period of July 1, 2015,
14 through December 31, 2015, and on each March 1 thereafter for the
15 preceding calendar year, each person operating an electronic waste
16 recycling facility shall submit to the department an annual report on
17 a form prescribed by the department. The department may require
18 annual reports to be filed electronically. Such reports shall
19 include, but not be limited to, the following information: (i) The
20 quantity, by weight, of electronic waste received from consumers in
21 the state; (ii) the name and address of each electronic waste
22 collection site and electronic waste consolidation facility from
23 which electronic waste was received during the reporting period,
24 along with the quantity, by weight, of electronic waste received from
25 each person; (iii) the name and address of each person to whom the

1 facility sent electronic waste or component materials during the
2 reporting period, along with the quantity, by weight, of electronic
3 waste or component materials thereof sent to each such person; (iv)
4 the weight of electronic waste collected on behalf of or pursuant to
5 an agreement with each manufacturer during the reporting period; and
6 (v) a certification by the owner or operator of the facility that
7 such facility has complied with the requirements of the Electronics
8 Extended Producer Responsibility and Job Creation Act and all other
9 applicable laws, rules, and regulations. All quantities of electronic
10 waste reported by the electronic waste recycling facility must
11 separately include electronic waste generated by Nebraska consumers
12 and electronic waste received from or shipped outside the state.

13 (c) Each person operating an electronic waste recycling
14 facility shall:

15 (i) Manage and recycle electronic waste in a manner that
16 complies with all applicable laws, rules, and regulations;

17 (ii) Follow best management practices similar to national
18 environmental standards such as the Institute of Scrap Recycling
19 Industries Responsible Recycling/Recycling Industry Operating
20 Standards, the e-Stewards Standard for Responsible Recycling and
21 Reuse of Electronic Equipment, or another comparable recycling or
22 disposal standard developed and administered by a national
23 accrediting organization, the State of Nebraska, or the United
24 States;

25 (iii) Store electronic waste in a fully enclosed building

1 with a roof, floor, and walls or in a secure container that is
2 constructed and maintained to minimize breakage of electronic waste
3 and to prevent releases of hazardous materials to the environment;

4 (iv) Have a means to control entry, at all times, through
5 gates or other entrances to the active portion of the facility;

6 (v) Inform all employees who handle or have
7 responsibility for managing electronic waste about proper handling
8 and emergency procedures appropriate to the type or types of
9 electronic waste handled at the facility;

10 (vi) Remove electronic waste from the site within one
11 year of receipt and maintain records demonstrating compliance with
12 this subdivision; and

13 (vii) Maintain the records required by subdivisions (3)
14 (a), (3)(b), and (3)(c)(vi) of this section on site and make them
15 available for audit and inspection by the department for a period of
16 three years.

17 (d) A person operating an electronic waste recycling
18 facility may also operate such facility as an electronic waste
19 consolidation facility if such person complies with the requirements
20 of this section that are applicable to each type of facility. If a
21 facility is operated for both purposes, only one registration fee is
22 required.

23 (e) A person operating an electronic waste recycling
24 facility may accept electronic waste in the same manner as an
25 electronic waste collection site if such person complies with the

1 requirements of this section that are applicable to electronic waste
2 collection sites.

3 (4) Except to the extent otherwise required by law, no
4 manufacturer or person operating an electronic waste collection site,
5 electronic waste consolidation facility, or electronic waste
6 recycling facility shall have any responsibility or liability for any
7 data in any form stored on electronic waste surrendered for recycling
8 or reuse unless such person misuses or knowingly and intentionally or
9 with gross negligence discloses the data. This subsection does not
10 prohibit any such person from entering into agreements that provide
11 for the destruction of data on covered electronic equipment.

12 Sec. 10. (1) The department shall (a) maintain a list of
13 manufacturers who are registered pursuant to section 5 of this act,
14 (b) maintain a list of each such manufacturer's brands, and (c) post
15 such lists on the department's web site.

16 (2) The department may waive the recycling surcharge
17 payable by a manufacturer under section 4 of this act when the
18 manufacturer demonstrates in an application to the department it was
19 unable to accept the weight of electronic waste required by such
20 section of this act despite the manufacturer's best efforts. The
21 application shall be made with the annual report required by section
22 11 of this act. The application shall include such information as the
23 department requires. A waiver provided pursuant to this subsection
24 does not relieve a manufacturer from the obligation to comply with
25 any provision of the Electronics Extended Producer Responsibility and

1 Job Creation Act not specifically addressed in such waiver.

2 (3) The department shall establish public education
3 performance standards and requirements for manufacturers to ensure
4 that a comprehensive and consistent statewide education effort is in
5 place to inform the public on proper handling and disposal
6 requirements for covered electronic equipment.

7 (4) The department shall post manufacturers' annual
8 reports submitted to the department pursuant to section 11 of this
9 act on the department's web site.

10 Sec. 11. (1) Beginning March 1, 2016, for the period of
11 July 1, 2015, through December 31, 2015, and each calendar year
12 thereafter, a manufacturer that offers covered electronic equipment
13 for sale in this state shall submit a report to the department on a
14 form prescribed by the department that includes the following:

15 (a) Sales data reported by weight for the manufacturer's
16 covered electronic equipment sold in this state for the previous
17 three calendar years, categorized by type to the extent known. If the
18 manufacturer cannot provide accurate state sales data, it shall
19 explain why such data cannot be provided and estimate sales data,
20 estimated by (i) dividing its national sales data by weight by the
21 national population according to the most recent decennial census and
22 multiplying the result by the population of the state or (ii) another
23 method approved by the department;

24 (b) The quantity, by weight, of electronic waste
25 collected for recycling or reuse in this state, categorized by the

1 type of covered electronic equipment collected during the reporting
2 period, the methods used to accept the electronic waste, the
3 approximate weight of electronic waste accepted by each method used
4 to the extent known, and the quantity of electronic waste accepted in
5 rural areas of the state pursuant to subdivision (4)(c) of section 4
6 of this act;

7 (c) All quantities of electronic waste reported by the
8 manufacturer shall separately include electronic waste generated by
9 Nebraska consumers and electronic waste received from or shipped
10 outside the state as follows: (i) The quantity, by weight, of
11 electronic waste received directly from consumers in the state
12 through a mail-back or ship-back program; (ii) the name and address
13 of each electronic waste collection site, electronic waste
14 consolidation facility, and electronic waste recycling facility at
15 which electronic waste from consumers was received on behalf of the
16 manufacturer during the reporting period, along with the quantity, by
17 weight, of electronic waste received; and (iii) the name and address
18 of each person to whom the manufacturer sent electronic waste or
19 component materials during the reporting period, along with the
20 quantity, by weight, of electronic waste or component materials
21 thereof sent to each such person;

22 (d) The number of electronic waste acceptance credits
23 purchased, sold, banked, and traded during the reporting period, the
24 average price of credits sold or purchased, the number of electronic
25 waste acceptance credits used to meet the requirements of section 4

1 of this act, and from whom they were purchased and to whom they were
2 sold or traded, and the number of electronic waste acceptance credits
3 retained as of the date of the report;

4 (e) The amount of any recycling surcharge owed for the
5 reporting period, with sufficient information to demonstrate the
6 basis for the calculation of the surcharge;

7 (f) The names and locations of electronic waste recycling
8 facilities utilized by the manufacturer and entities to which
9 electronic waste is sent for reuse, whether within the state or
10 outside the state, including details on the methods of recycling or
11 reuse of electronic waste, any disassembly or physical recovery
12 operation used, and the environmental management measures implemented
13 by such recycling facility or entity;

14 (g) Information detailing the acceptance methods made
15 available to consumers in municipalities which have a population of
16 greater than ten thousand and in each county of the state to meet the
17 requirements of section 5 of this act;

18 (h) A brief description of its public education program,
19 including the number of visits to its web site and calls to the toll-
20 free telephone number provided by the manufacturer as required by
21 section 5 of this act;

22 (i) Any other information required by the department; and

23 (j) A signature by an officer, director, or other
24 individual affirming the accuracy of the report.

25 (2) The department may require such annual reports to be

1 filed electronically.

2 (3) The report shall be accompanied by an annual
3 reporting fee of two thousand seven hundred fifty dollars, and any
4 recycling surcharge imposed pursuant to section 4 of this act.

5 (4) The department shall submit a report on
6 implementation of the Electronics Extended Producer Responsibility
7 and Job Creation Act to the Governor and to the Legislature by July
8 1, 2016, and every two years thereafter. The report shall include, at
9 a minimum, an evaluation of:

10 (a) The electronic waste stream in the state;

11 (b) Recycling and reuse rates in the state for covered
12 electronic equipment;

13 (c) A discussion of compliance and enforcement related to
14 the requirements of the act;

15 (d) Recommendations for any changes to the act; and

16 (e) A discussion of opportunities for business
17 development in the state related to the acceptance, collection,
18 handling, and recycling or reuse of electronic equipment in this
19 state.

20 Sec. 12. All fees remitted pursuant to the Electronics
21 Extended Producer Responsibility and Job Creation Act, after
22 deducting the department's administrative costs, shall be remitted to
23 the State Treasurer for credit to the Waste Reduction and Recycling
24 Incentive Fund and used pursuant to subsection (6) of section
25 81-15,160 first to pay the costs of the department in administering

1 the act with the remainder used to award grants for creation and
2 retention of jobs in the electronics recycling industry, education
3 and information about electronics recycling, infrastructure
4 development, and the collection, transportation, and recycling of
5 covered electronic equipment. Any unused fees shall be carried over
6 and available for grants in the following year. Grants awarded under
7 this section may be awarded to either public or private entities and
8 shall be equally distributed among the congressional districts as
9 such districts existed on January 1, 2015.

10 Sec. 13. The Environmental Quality Council may adopt and
11 promulgate rules and regulations necessary to carry out the
12 Electronics Extended Producer Responsibility and Job Creation Act. At
13 a minimum, such rules and regulations shall include standards for
14 reuse, electronic waste acceptance credits, waivers of the recycling
15 surcharge, and acceptable alternative methods for the determination
16 of state sales data. The department shall administer and enforce the
17 act.

18 Sec. 14. (1) Any manufacturer or any owner or operator of
19 an electronic waste collection site, electronic waste consolidation
20 facility, or electronic waste recycling facility who violates any
21 provision of or fails to perform any duty imposed by the Electronics
22 Extended Producer Responsibility and Job Creation Act shall be liable
23 for an administrative penalty not to exceed two hundred fifty dollars
24 for each violation.

25 (2) Any manufacturer or any person operating an

1 electronic waste collection site, an electronic waste consolidation
2 facility, or an electronic waste recycling facility who fails to
3 submit any report, registration, fee, or surcharge to the department
4 as required by the act shall be liable for an administrative penalty
5 not to exceed one thousand dollars for each day such report,
6 registration, fee, or surcharge is not submitted.

7 (3) Any retailer who violates any provision of the act or
8 fails to perform any duty imposed by the act shall be liable for an
9 administrative penalty for each violation not to exceed two hundred
10 fifty dollars for the first violation, five hundred dollars for the
11 second violation, and one thousand dollars for the third and
12 subsequent violations within a twelve-month period.

13 (4) Administrative penalties under this section may be
14 assessed by the director after a hearing or opportunity to be heard
15 or by a court in any action or proceeding brought pursuant to this
16 section, and, in addition thereto, such person may by similar process
17 be enjoined from continuing such violation.

18 (5) All administrative penalties collected pursuant to
19 this section shall be remitted to the State Treasurer for credit to
20 the Waste Reduction and Recycling Incentive Fund created pursuant to
21 section 81-15,160.

22 Sec. 15. Section 13-2039, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 13-2039 (1)(a) A landfill may accept yard waste without
25 condition from December 1 through March 31 of each year.

1 (b) A landfill may accept yard waste year-round if such
2 yard waste:

3 (i) Will be used for the production and recovery of
4 methane gas for use as fuel (A) with the approval of the department
5 and (B) at a landfill operating as a solid waste management facility
6 with a permit issued pursuant to the department's rules and
7 regulations; or

8 (ii) Has been separated at its source from other solid
9 waste and will be used for the purpose of soil conditioning or
10 composting.

11 (c) State and local governmental entities responsible for
12 the maintenance of public lands shall give preference to the use of
13 composted materials in all land maintenance activities. This section
14 does not prohibit the use of yard waste as land cover or as soil-
15 conditioning material.

16 (2) Land disposal of lead-acid batteries and waste oil is
17 prohibited.

18 (3)(a) Land disposal of waste tires in any form is
19 prohibited except tires that are nonrecyclable. For purposes of this
20 subsection, nonrecyclable tire means a press-on solid tire, a solid
21 pneumatic shaped tire, or a foam pneumatic tire.

22 (b) On and after September 1, 2003, placing or causing
23 the placement or disposal of scrap tires in any form into the waters
24 of the state is prohibited except as provided in section 13-2033.

25 (c) Tires are not considered disposed if they are (i)

1 processed into crumb rubber form and reused or recycled in
2 manufactured products such as, but not limited to, products used for
3 schools, playgrounds, and residential, lawn, and garden applications,
4 (ii) used as safety barriers for race courses for motorized vehicles,
5 on the condition that the tires are bolted together and properly
6 wrapped, and not in loose, compressed, or baled form, (iii) used as
7 tire-derived fuel, (iv) retreaded, (v) processed into chip or shred
8 form and used as drainage media in landfill construction or septic
9 drain fields, (vi) used as a raw material in steelmaking, or (vii)
10 processed into shred form and used as an alternative daily cover in a
11 landfill or for a civil engineering project if such project is
12 designed and constructed in compliance with the Engineers and
13 Architects Regulation Act and prior approval for such project is
14 obtained from the department by the tire shredder and the end user,
15 except that departmental approval is not necessary for a tire project
16 involving three thousand five hundred or fewer passenger tire
17 equivalents of waste tires if the department receives notification of
18 the project not later than thirty days prior to any construction on
19 such project. The notification shall contain the name and address of
20 the tire shredder and end user, the location of the project, a
21 description of the type of project, the number of passenger tire
22 equivalents of waste tires to be used, and any additional information
23 the council determines is necessary to accomplish the purposes of the
24 Integrated Solid Waste Management Act.

25 A race sponsor using tires as safety barriers pursuant to

1 subdivision (3)(c)(ii) of this section prior to October 1, 2006,
2 shall file an approved tire disposal plan with the department on or
3 before January 1, 2007. A race sponsor using tires as safety barriers
4 on or after October 1, 2006, shall file an approved tire disposal
5 plan with the department prior to the sponsor's first such use of
6 tires. An approved tire disposal plan shall provide for the disposal
7 of tires which cease to be used as safety barriers in accordance with
8 subsection (3) of section 13-2033, and any such race sponsor who
9 ceases to use tires as safety barriers or whose facility ceases
10 operation shall dispose of such tires in accordance with his or her
11 approved tire disposal plan. Any modification to an approved tire
12 disposal plan shall be submitted to and approved by the department
13 prior to implementation of such modified plan. An approved tire
14 disposal plan shall continue in effect as long as such sponsor uses
15 tires as safety barriers.

16 (4) Land disposal of discarded household appliances is
17 prohibited.

18 (5) Land disposal of unregulated hazardous wastes, except
19 household hazardous wastes, which are exempt from the regulations
20 under the Environmental Protection Act is prohibited unless such
21 disposal occurs at a licensed hazardous waste disposal facility.

22 (6) On and after July 1, 2019, a person may not dispose
23 of any electronic waste as defined in section 3 of this act. On or
24 before July 1, 2018, the department shall report to the Legislature
25 on the development of the electronics recycling industry in Nebraska.

1 ~~(6)~~(7) For purposes of this section, land disposal shall
2 include, but not be limited to, incineration at a landfill.

3 Sec. 16. Section 81-1504.01, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 81-1504.01 The Department of Environmental Quality shall
6 provide the following information to the Governor and to the Clerk of
7 the Legislature by December 1 of each year:

8 (1) A report by type of service or aid provided by the
9 use and distribution of federal funds received by the department. The
10 report shall also include user fees, permit fees, license fees, and
11 application fees authorized by the federal Environmental Protection
12 Agency as follows:

13 (a) Actual expenditure of each grant or authorized fees
14 for the most recently completed state fiscal year, including state
15 matching funds;

16 (b) Current budget and planned use and distribution of
17 each grant and authorized fees for the current state fiscal year,
18 including state matching funds;

19 (c) A summary of the projected funding level of each
20 grant and authorized fees and the impact of federal mandates and
21 regulations upon the future use of each grant and authorized fees;
22 and

23 (d) Program summaries including statistical summaries
24 when applicable for the most recently completed state fiscal year and
25 program activity goals for the current state fiscal year;

1 (2) A summary of regulations of the federal Environmental
2 Protection Agency which the department is required to implement and
3 which do not include federal funding assistance and the possible
4 financial impact to the state and political subdivisions;

5 (3) A report by type of service or aid provided by the
6 use and distribution of state general and cash funds, including user
7 fees, permit fees, license fees, and application fees, to carry out
8 activities that are not funded by federal grants as follows:

9 (a) Actual expenditure of state funds, by agency
10 sections, for the most recently completed state fiscal year,
11 including a breakdown of expenditures by personal services,
12 operations, travel, capital outlay, and consulting and contractual
13 services;

14 (b) Current budget and planned use and distribution of
15 state funds, by agency sections, for the current state fiscal year,
16 including a breakdown of expenditures for personal services,
17 operations, travel, capital outlay, and consulting and contractual
18 services;

19 (c) A summary of projected program funding needs based
20 upon the statutory requirements and public demand for services and
21 the department's assessment of anticipated needs statewide; and

22 (d) Program summaries including statistical summaries
23 when applicable for the most recently completed state fiscal year and
24 program activity goals for the current state fiscal year;

25 (4) A report regarding staff turnover by job class and

1 the department's assessment of its ability to hire and retain
2 qualified staff considering the state's personnel pay plan;

3 (5) A report listing the method used by each new or
4 existing licensee, permittee, or other person who is required by the
5 department to establish proof of financial responsibility; ~~and~~

6 (6) A report for the previous state fiscal year relating
7 to the purpose of the Nebraska Litter Reduction and Recycling Act and
8 of funds credited to the Nebraska Litter Reduction and Recycling
9 Fund; and -

10 (7) A report for the previous fiscal year relating to the
11 funds credited to the Waste Reduction and Recycling Incentive Fund
12 pursuant to section 12 of this act.

13 The reports and summaries submitted to the Clerk of the
14 Legislature shall be submitted electronically.

15 Sec. 17. Section 81-15,160, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 81-15,160 (1) The Waste Reduction and Recycling Incentive
18 Fund is created. The department shall deduct from the fund amounts
19 sufficient to reimburse itself for its costs of administration of the
20 fund. The fund shall be administered by the Department of
21 Environmental Quality. The fund shall consist of proceeds from the
22 fees imposed pursuant to the Waste Reduction and Recycling Incentive
23 Act and the Electronics Extended Producer Responsibility and Job
24 Creation Act.

25 (2) The fund may be used for purposes which include, but

1 are not limited to:

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

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

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

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

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

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

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

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

24 (i) Grants for reimbursement of costs to cities of the
25 second class, villages, and counties of five thousand or fewer

1 population for the deconstruction of abandoned buildings. Eligible
2 deconstruction costs will be related to the recovery and processing
3 of recyclable or reusable material from the abandoned buildings.

4 (3) Grants up to one million dollars annually shall be
5 available until June 30, 2014, for new scrap tire projects only, if
6 acceptable scrap tire project applications are received. Eligible
7 categories of disbursement under section 81-15,161 may include, but
8 are not limited to:

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

12 (b) Reimbursement for the purchase of tire-derived
13 product which utilizes a minimum of twenty-five percent recycled tire
14 content, with disbursements not to exceed twenty-five percent of the
15 product's retail cost; ~~, except that persons who applied for a grant
16 between June 1, 1999, and May 31, 2001, for the purchase of tire-
17 derived product which utilizes a minimum of twenty five percent
18 recycled tire content may apply for reimbursement on or before July
19 1, 2002. Reimbursement shall not exceed twenty five percent of the
20 product's retail cost and may be funded in fiscal years 2001-02 and
21 2002-03;~~

22 (c) Participation in the capital costs of building,
23 equipment, and other capital improvement needs or startup costs for
24 scrap tire processing or manufacturing of tire-derived product, with
25 disbursements not to exceed fifty percent of such costs or five

1 hundred thousand dollars, whichever is less;

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

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

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

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

17 (h) Disbursement to a political subdivision up to one
18 hundred percent of costs incurred in cleaning up scrap tire
19 collection and disposal sites.

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

22 (4) Priority for grants made under section 81-15,161
23 shall be given to grant proposals demonstrating a formal public/
24 private partnership except for grants awarded from fees collected
25 under subsection (6) of section 13-2042.

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

13 (6) Fees collected under the Electronics Extended
14 Producer Responsibility and Job Creation Act, after the costs to the
15 department of administering the act are paid, shall be awarded by the
16 Department of Environmental Quality for creation and retention of
17 jobs in the electronics recycling industry, education and information
18 about electronics recycling, infrastructure development, and the
19 collection, transportation, and recycling of electronic devices.

20 ~~(6)~~(7) Any person who stores waste tires in violation of
21 section 13-2033, which storage is the subject of abatement or
22 cleanup, shall be liable to the State of Nebraska for the
23 reimbursement of expenses of such abatement or cleanup paid by the
24 Department of Environmental Quality.

25 ~~(7)~~(8) The Department of Environmental Quality may

1 receive gifts, bequests, and any other contributions for deposit in
2 the Waste Reduction and Recycling Incentive Fund. Transfers may be
3 made from the fund to the General Fund at the direction of the
4 Legislature. Any money in the Waste Reduction and Recycling Incentive
5 Fund available for investment shall be invested by the state
6 investment officer pursuant to the Nebraska Capital Expansion Act and
7 the Nebraska State Funds Investment Act.

8 Sec. 18. If any section in this act or any part of any
9 section is declared invalid or unconstitutional, the declaration
10 shall not affect the validity or constitutionality of the remaining
11 portions.

12 Sec. 19. Original section 13-2039, Reissue Revised
13 Statutes of Nebraska, and sections 81-1504.01 and 81-15,160, Revised
14 Statutes Cumulative Supplement, 2012, are repealed.

15 Sec. 20. Since an emergency exists, this act takes effect
16 when passed and approved according to law.