

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 908

Introduced by Baker, 30.

Read first time January 08, 2018

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act;
- 2 to amend section 13-2039, Reissue Revised Statutes of Nebraska; to
- 3 provide a disposal exception for tires used in a building system as
- 4 prescribed; to eliminate obsolete provisions; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2039, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-2039 (1)(a) A landfill may accept yard waste without condition
4 from December 1 through March 31 of each year.

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

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

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

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

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

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

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

26 (c) Tires are not considered disposed if they are (i) processed into
27 crumb rubber form and reused or recycled in manufactured products such
28 as, but not limited to, products used for schools, playgrounds, and
29 residential, lawn, and garden applications, (ii) used as safety barriers
30 for race courses for motorized vehicles, on the condition that the tires
31 are bolted together and properly wrapped, and not in loose, compressed,

1 or baled form, (iii) used as tire-derived fuel, (iv) retreaded, (v)
2 processed into chip or shred form and used as drainage media in landfill
3 construction or septic drain fields, (vi) used as a raw material in
4 steelmaking, ~~or (vii) used in a building system and filled with earth as~~
5 ~~permanent forms for walls in a single family dwelling and prior approval~~
6 ~~for such system is obtained from the department by the builder, or (viii)~~
7 processed into shred form and used as an alternative daily cover in a
8 landfill or for a civil engineering project if such project is designed
9 and constructed in compliance with the Engineers and Architects
10 Regulation Act and prior approval for such project is obtained from the
11 department by the tire shredder and the end user, except that
12 departmental approval is not necessary for a tire project involving three
13 thousand five hundred or fewer passenger tire equivalents of waste tires
14 if the department receives notification of the project not later than
15 thirty days prior to any construction on such project. The notification
16 shall contain the name and address of the tire shredder and end user, the
17 location of the project, a description of the type of project, the number
18 of passenger tire equivalents of waste tires to be used, and any
19 additional information the council determines is necessary to accomplish
20 the purposes of the Integrated Solid Waste Management Act.

21 ~~A race sponsor using tires as safety barriers pursuant to~~
22 ~~subdivision (3)(c)(ii) of this section prior to October 1, 2006, shall~~
23 ~~file an approved tire disposal plan with the department on or before~~
24 ~~January 1, 2007. A race sponsor using tires as safety barriers ~~on or~~~~
25 ~~after October 1, 2006, shall file an approved tire disposal plan with the~~
26 department prior to the sponsor's first such use of tires. An approved
27 tire disposal plan shall provide for the disposal of tires which cease to
28 be used as safety barriers in accordance with subsection (3) of section
29 13-2033, and any such race sponsor who ceases to use tires as safety
30 barriers or whose facility ceases operation shall dispose of such tires
31 in accordance with his or her approved tire disposal plan. Any

1 modification to an approved tire disposal plan shall be submitted to and
2 approved by the department prior to implementation of such modified plan.
3 An approved tire disposal plan shall continue in effect as long as such
4 sponsor uses tires as safety barriers.

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

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

10 (6) For purposes of this section, land disposal shall include, but
11 not be limited to, incineration at a landfill.

12 Sec. 2. Original section 13-2039, Reissue Revised Statutes of
13 Nebraska, is repealed.