

NEBRASKA ADMINISTRATIVE CODE

Title 132 - NEBRASKA DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENTAL QUALITY

Chapter 6 - CRITERIA FOR SOLID WASTE PROCESSING FACILITIES

001 Applicability. The requirements of this chapter apply to all solid waste transfer stations, materials recovery facilities, solid waste compost sites, and other solid waste processing facilities required to obtain a permit pursuant to Chapter 2, 001.

002 Locational criteria. New solid waste processing facilities and lateral expansions of existing solid waste processing facilities shall be located in accordance with the standards as described in this section. The application shall include documentation verifying that the solid waste processing facility complies with the following.

002.01 The application for a solid waste processing facility shall include a description of the:

002.01A Name of and distance to nearby surface waters; and

002.01B Land use and population density of the proposed facility and of the area surrounding the facility within one mile of the facility boundaries.

002.02 Wetlands. A new solid waste processing facility or lateral expansion shall not be located in wetlands.

002.03 The following locational criteria shall apply only to solid waste compost sites.

002.03A No person shall locate a solid waste compost site within one thousand (1,000) feet from the nearest edge of an existing right-of-way of any state, interstate or federal highway unless the active area is screened by natural objects, plantings, fences, or other appropriate means so as to not be visible from such highway.

002.03B Floodplains. A new solid waste compost site or a lateral expansion of these facilities, shall not be located in a 100-year flood plain.

002.03C A solid waste composting site shall not be located in an area where the Department finds that the solid waste activities will have a detrimental effect on the waters of the state based on the following criteria:

002.03C1 Current and projected use of water resources in the potential zone of influence of the site;

002.03C2 Ground-water elevation and proposed separation between the lowest point of the lowest cell and the predicted maximum water table elevation;

002.03C3 Potential interrelationship of the local aquifers, and surface waters based on historical records or other sources of information; and

002.03C4 Background and initial quality of water resources in the potential zone of influence of the site.

002.03D The application shall also include a description of the:

002.03D1 Soil and bedrock to a depth adequate to allow evaluation of the water quality protection provided by the soil and bedrock;

002.03D2 Potential for leachate generation, and of pollution of the waters of the state; and

002.03D3 Ground-water condition, including ground-water flow below and adjacent to the proposed facility, with an appraisal of the effect of the facility on ground-water and surface waters.

003 Design criteria. The construction and design of all solid waste processing facilities shall:

003.01 Be protective of human health and the environment;

003.02 Not result in pollution of the waters of the state; and

003.03 In the case of new or lateral expansions of existing solid waste processing facilities, the construction and design plans shall include the following documentation:

003.03A A description of the sequence of earth materials at the proposed facility to a depth sufficient to assure the reliability of the facility design;

003.03B A schedule of construction and a construction quality assurance plan;

003.03C Data obtained from soil samples taken from the proposed facility site which describe the soil classification, grain size distribution, permeability, compatibility, and ion-exchange properties of the subsurface materials for those strata which are essential to the design of the facility; and

003.03D If exploration holes are drilled to obtain data, information showing the manner of plugging and sealing such holes.

003.04 In the case of a solid waste compost site the construction and design plans shall also include the following:

003.04A Measures taken to protect the ground-water;

003.04B A description of the system for collection, containment, treatment and/or use of all waters within the site confines, which shall include:

003.04B1 A monitoring program for surface run-off from the site shall be developed and implemented to determine the need and extent of containment facilities; or

003.04B2 A containment facility shall be designed to contain all site run-off from a twenty-four (24) hour twenty-five (25) year storm.

004 Operational criteria. Operations of all solid waste processing facilities shall be in accordance with the approved operational plan and Chapter 2 requirements.

004.01 A solid waste processing facility shall be designed and operated at all times so as to not constitute a hazard, or a threat to human health or the environment.

004.02 Litter shall be controlled at solid waste processing facilities.

004.03 Disease vector control. An owner or operator of a solid waste processing facility shall prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment.

004.04 Air Criteria. Measures shall be taken to control fugitive dust in accordance with Title 129 - Nebraska Air Quality Regulations during processing of solid waste.

004.05 Procedures for Excluding the Receipt of Regulated Hazardous Waste or TSCA Regulated PCB Wastes.

004.05A Owners or operators of a solid waste processing facility shall implement a program for detecting and preventing the acceptance or disposal of regulated hazardous wastes and TSCA regulated polychlorinated biphenyl (PCB) wastes. This program shall include, at a minimum:

004.05A1 Random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain regulated hazardous wastes or PCB wastes. Random inspections must be conducted on a minimum of one percent (1.0%) of the incoming loads per week or at least one (1) load per week if less than one hundred (100) loads per week are received and processed;

004.05A2 Records of any inspections;

004.05A3 Training of facility personnel to recognize regulated hazardous wastes and PCB wastes; and

004.05A4 Notification to the Department if a regulated hazardous waste or PCB waste is discovered at the facility.

004.05B Any regulated hazardous or PCB waste identified must be removed and handled in accordance with procedures of the approved operating plan.

004.06 Access Requirements.

004.06A An owner or operator of a solid waste processing facility shall control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate, to protect human health and the environment.

004.06B Access roads to the site shall be maintained so as to be negotiable by vehicles.

004.06C Necessary measures shall be taken (supervision, placarding, fencing) to reduce trespassing.

004.06D Solid waste processing facilities shall be supervised to satisfy requirements of these rules and regulations; placarding or posting instructions shall be used as a supplement to on-site supervision.

004.06E Access to the site shall be permitted only during the hours when operating personnel are on the site.

004.06F All vehicular access points shall be equipped with gates that can be locked or a Department-approved alternative. Operating procedures shall be clearly listed on signs posted at the site entrance.

004.07 Surface Water Requirements. A solid waste processing facility shall not:

004.07A Cause a discharge of pollutants into waters of the state, including wetlands, that violate any requirements of Title 119 - Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System.

004.07B Cause the discharge of a non-point source of pollution to waters of the State that violate any requirement of an area-wide or state-wide water quality management plan that has been approved under section 208 or 319 of the Clean Water Act, as amended.

004.08 An owner or operator shall not accept solid waste at the facility if the storage capacity has been reached. Solid waste shall only be stored in areas designated for storage.

004.09 Modifications to facility equipment or operations shall be submitted to the Department for approval and placed into the current permit application, and entered into the operating record.

004.10 Unloading of solid waste at a facility shall be confined to designated areas. Solid waste shall be confined to unloading, loading, and handling areas only.

004.11 The operational plan for a solid waste processing facility shall include a description of the methods of operations which comply with the requirements of 004.01 to 004.10. The operational plan shall also include:

004.11A A description of the days and hours of operations;

004.11B A description of the number and duties of employees;

004.11C A listing of sources and types of waste to be received; and an estimate of daily quantity of wastes to be received; origin of wastes to be received; and load inspection techniques;

004.11D Numbers, type and size of equipment on site as well as provisions for obtaining back up equipment, if necessary; and

004.11E A contingency plan for addressing reasonably foreseeable events including, but not be limited to, wet weather, high winds, frozen conditions, fires, or natural disaster.

004.12 Additional operational requirements to be included in the operational plan for solid waste compost sites shall include:

004.12A Methods of operation shall be described, including windrow, static pile or other, and added to the operational plan;

004.12B If necessary, chemical analysis of the materials to be composted or land applied;

004.12C Provisions for the disposal of waste which is not part of the compost material; and

004.12D If determined necessary by the Department, provisions for at least annual laboratory analysis of underlying soils for leachate detection.

005 Closure criteria. Owners or operators of a solid waste processing facility shall close in accordance with the approved closure plan.

005.01 The owner or operator of a solid waste processing facility shall prepare a written closure plan that describes the steps necessary to close the facility at any point during

the active life of the facility. This closure plan shall be part of the permit application and any revisions shall be placed in the operating record. The closure plans shall include, but are not limited to the following:

005.01A A description of the activities required to close the site in a manner protective of human health and the environment;

005.01B A description of the post-closure plans for the inactive site;

005.01C Methods or means for notifying facility users of the closure of the facility; and

005.01D A description of the location where all materials remaining at the site will be disposed, when applicable.

005.02 The owner or operator of a permitted solid waste processing facility shall notify the Department, in writing, at least 180 days prior to the date the owner or operator expects to begin closure. The owner or operator shall place a copy of this notice in the operating record.

005.03 The owner or operator of a solid waste processing facility area shall begin implementation of the closure plan required in 005.01 of this rule within thirty (30) days after the date on which the facility receives the final volume of waste. The owner or operator shall notify the Department, in writing, of the date of the receipt of the final volume of waste, the date of the initiation of closure, and completion of closure. The owner or operator shall place copies of these notices in the operating record.

005.04 The owner or operator of a solid waste processing facility shall complete closure activities in accordance with the closure plan within 180 days after the last receipt of waste. Extensions of the closure period may be granted by the Department if the owner or operator demonstrates that closure will, due to circumstances beyond the operator's control, take longer than 180 days and the owner or operator has taken, and will continue to take, all steps to prevent threats to human health and the environment from the unclosed solid waste processing facility.

005.05 Owners or operators shall not implement modifications to the design or operation of a solid waste processing facility which results in modifications to the closure plan without prior approval of the Department.

006 Required Maps and Drawings. The permit application for a solid waste processing facility shall include the following maps. When a structure described in 006 is not present at the site, a notation shall be made on the required map or drawing.

006.01 Maps of the site, drawn to scale, indicating the location of:

006.01A Ground-water monitoring wells and gas monitoring locations, if required;

006.01B Points of entrance to and exit from the facility and to and from the operating area of the facility;

006.01C Loading, dumping and any temporary storage areas;

006.01D Interior roads and ramps;

006.01E Devices for controlling litter;

006.01F Devices for controlling unauthorized access to the facility site;

006.01G Drainage facilities, structures, walls, cribbing, surface protection devices, and any other devices as are necessary to comply with applicable water quality standards;

006.01H Fire protection facilities;

006.01I Utilities to service the site;

006.01J Gas and oil wells;

006.01K High tension power lines; and

006.01L Fuel transmission pipelines.

006.02 Maps of the area within one-quarter mile of the boundaries of the site, drawn to scale, showing the location of:

006.02A Waterways and surface drains;

006.02B Borings, wells, springs, and their surface elevations, and depths and elevations of water levels;

006.02C Field tile drains; and

006.02D Underground and surface mines, elevations of mine pools, and mine pool discharges.

Enabling Legislation: Neb. Rev. Stat. §§13-2034; 13-2036; 81-1504 (1), (2), (7), (11)-(13), (20); 81-1505; 81-1528 (7)

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