

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

Permitting and Operating Compost Sites

A “solid waste compost site” is defined in [Title 132 – Integrated Solid Waste Management Regulations](#) as a tract of land, location, area or premises used for composting solid waste. Depending on the amount and type of materials composted, responsible persons may be exempt from permitting requirements, may be required to follow certain operational criteria, or may need a permit. If a permit is required, the applicant must submit to the department documentation addressing the satisfactory completion of the local siting process along with the compost permit application. (Please refer to the guidance document entitled “Local Siting Approval for Solid Waste Management Facilities.”)

A permit is required for:

- Sites receiving more than 100,000 cubic yards per year (cy/y) of yard waste;
- Sites receiving material other than yard waste or livestock waste in quantities greater than 1,000 cy/y; or
- Sites receiving more than 20,000 cy/y of livestock waste other than that generated by the property owner.

Partial exception facilities:

- Sites receiving yard waste in quantities between 20,000 and 100,000 cy/y;
- Sites receiving livestock waste other than that generated by the property owner in quantities between 1,000 and 20,000 cy/y;
- Sites that receive under 1,000 cy/y of material other than yard waste; and
- Sites receiving between 20,000 cy/y and 100,000 cy/y of yard waste in combination with less than 1,000 cy/y of other materials.

Partial exception compost facilities must be operated according to requirements found in Chapter 2, [§003.02](#) of Title 132. A permit is not required for these facilities, but the following criteria must be met:

- Operations must not constitute a hazard or a threat to human health or the environment;
- Operations must implement effective litter and disease vector control programs;
- Operations must comply with applicable air quality standards developed under [Title 129 – Nebraska Air Quality Regulations](#);
- Operations must prevent discharges of surface water runoff to waters of the State; and
- Operations must comply with storage capacity and designated storage area restrictions.

Permit exception facilities:

The following facilities do not require a permit and are not required to operate under specific operational criteria as long as these facilities are operated in a manner that is protective of human health and the environment.

- Sites receiving yard waste in quantities less than 20,000 cy/y;
- Sites receiving less than 20,000 cy/y yard waste in combination with under 1,000 cy/y of other materials; and
- Livestock waste generated and composted at the owner's operation when that operation is in compliance with [Title 130 –Livestock Waste Control Regulations](#).

PERMIT REQUIREMENTS

The following criteria must be considered and addressed when permitting a solid waste compost facility.

Locational Criteria (Title 132, Chapter 6, [§002](#))

Locational criteria that must be considered include:

- Impact upon waters of the State;
- Distance from existing right-of-way of any state, interstate or federal highway must be more than 1,000 feet;
- Floodplains; and
- Wetlands.

Construction/Design Criteria (Title 132, Chapter 6, [§003](#))

The construction and design of the facility must:

- Be protective of human health and the environment;
- Be protective of waters of the State; and
- Provide a system designed for collection, containment, treatment, monitoring and/or use of all waters within the site confines.

Operational Criteria (Title 132, Chapter 6, [§004](#))

- Operations must not constitute a hazard or a threat to human health or the environment;
- Operations must implement effective litter and disease vector control programs;
- Operations must comply with applicable air quality standards developed under [Title 129 – Nebraska Air Quality Regulations](#);
- Operations must prevent discharges of surface water runoff to waters of the State; and
- Operations must comply with storage capacity and designated storage area restrictions.
- Procedures for excluding the receipt of hazardous waste or Toxic Substances Control Act-regulated PCB wastes must be implemented;
- Public access to the site must be controlled;
- Operations must provide a plan that describes the methods of operations at the facility;
- Operations must provide analytical data of the site soils for leachate detection; and
- Operations must provide analytical data of material to be composted and/or land applied.

Closure Criteria (Title 132, Chapter 6, [§005](#))

Operations must provide:

- A description of the activities required to close the site in a manner protective of human health and the environment;
- A description of the post-closure plans for the inactive site;
- Methods or means for notifying facility users of the closure of the operation; and
- A description of the location where all materials remaining at the site will be disposed, when applicable.

Financial Assurance Criteria (Title 132, Chapter 8)

Financial assurance is required and is applicable to the owners or operators of all permitted solid waste compost sites except owners or operators who are:

- State or federal government entities whose debts and liabilities are debts and liabilities of a state or the United States; or
- A municipality, county or solid waste agency.

A detailed written estimate of the cost of hiring a third party to close the facility and properly dispose of all materials or wastes left at the site must be provided. This estimate must include the cost of disposing of the maximum amount of accumulated waste or materials that would ever be stored at the facility at any one time. The financial assurance mechanism must be obtained prior to the initial receipt of waste.

Recordkeeping Requirements (Title 132, Chapter 2, §007)

An owner or operator of a permitted solid waste compost facility must maintain an operating record near the facility, which includes:

- All applicable permits;
- Locational criteria;
- Construction/Design criteria;
- Operational criteria;
- Closure and Post-Closure criteria, and
- Financial Assurance criteria.

Permit Application Fees (Title 132, Chapter 9)

Permits to operate solid waste compost sites are issued for five-year terms. Non-refundable fees in the following amounts must be paid in full at the time of application for a permit to operate a facility, for renewal of a permit, or for a major modification to any permitted facility.

	Initial	Major Modification	Renewal	Initial Application Existing Facility
Solid Waste Compost Site	\$3,100	\$1,500	\$350	\$310

If more than one type of permitted facility is located on the same premises, refer to Title 132, Chapter 9, §003 for fee information.

Annual Operating Fees (Title 132, Chapter 10)

Annual operating fees for permitted solid waste compost facilities must be submitted to the Department by October 1 of each year following the first full year of operation. The annual operating fee for a solid waste compost facility is \$2,100. If more than one type of solid waste facility is located on the same premises, refer to Title 132, Chapter 10, §005 for fee information.

Permit Exception	Partial Exception	Permit Required
<p>1. Livestock Waste Compost Sites</p> <p>A. Uses only livestock waste generated by property owner and is in compliance with <u>Title 130-Livestock Waste Control Regulations</u></p> <p>2. Solid Waste Compost Sites</p> <p>A. Under 20,000 cy/y* of yard waste only</p> <p>B. Under 20,000 cy/y of yard waste in combination with under 1,000 cy/y of other material</p> <p>*cy/y = cubic yards per year</p>	<p>1. Livestock Waste Compost Sites</p> <p>A. Receives between 1000 cy/y* and 20,000 cy/y of livestock waste other than generated by the property owner</p> <p>2. Solid Waste Compost Sites</p> <p>A. Between 20,000 cy/y and 100,000 cy/y of yard waste only</p> <p>B. Between 20,000 cy/y and 100,000 cy/y yard waste in combination with under 1,000 cy/y of other material</p> <p>C. Under 1,000 cy/y of material other than yard waste</p>	<p>1. Livestock Waste Compost Sites</p> <p>A. Receives over 20,000 cy/y* of livestock waste other than generated by the property owner</p> <p>2. Solid Waste Compost Sites</p> <p>A. Over 100,000 cy/y yard waste only</p> <p>B. Over 1,000 cy/y of material other than yard waste</p>

RESOURCES:

- NDEE Home Page <http://DEE.ne.gov/>

Contacts:

- NDEE Waste Management Section (402) 471-4210
- NDEE Toll Free Number (877) 253-2603
- NDEE Hazardous Waste Compliance Assistant (402) 471-8308
- Email questions to: NDEE.moreinfo@nebraska.gov

NDEE Publications:

- [Title 129 – Nebraska Air Quality Regulations](#)
 - [Title 130 –Livestock Waste Control Regulations](#)
 - [Title 132 – Integrated Solid Waste Management Regulations](#)
- Titles are available on the NDEE Home Page under “Laws/Regs & EQC”, “Rules & Regulations”*