

## LEGISLATIVE BILL 1022

Approved by the Governor April 20, 1994

Introduced by Robak, 22

AN ACT relating to the Solid Waste Landfill Closure Assistance Fund; to amend sections 81-15,177 and 81-15,178, Revised Statutes Supplement, 1992; to define a term; to change provisions relating to the receipt of funds and state aid; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 81-15,177, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,177. (1) There is hereby established the Solid Waste Landfill Closure Assistance Fund which shall be a cash fund administered by the Department of Environmental Quality. The fund shall be used:

- (a) To receive proceeds credited pursuant to section 9-812;
- (b) To provide ~~state aid to political subdivisions~~ grants for landfill site closing assessment, closure, monitoring, and remediation costs related to landfills existing or already closed on July 15, 1992; and
- (c) To provide funds to the department for expenses incurred in carrying out its duties under sections 81-15,178 and 81-15,179.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(2) The Environmental Quality Council shall adopt and promulgate rules and regulations regarding the form and procedure for applications for grants from the fund, procedures for determining claims for payment or reimbursement, procedures for determining the amount and type of costs that are eligible for payment or reimbursement from the fund, procedures for determining priority among applicants, procedures for auditing persons who have received payments from the fund, and other provisions necessary to carry out sections 81-15,178 and 81-15,179.

Sec. 2. For purposes of sections 81-15,177 to 81-15,179, applicant shall mean any political subdivision which owns or operates or has previously owned or operated a landfill or any entity which owns or operates or has previously owned or operated a licensed landfill in the State of Nebraska.

Sec. 3. That section 81-15,178, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,178. In order for ~~political subdivisions~~ an applicant to receive funding from the Solid Waste Landfill Closure Assistance Fund, the ~~subdivisions~~ applicant shall:

- (1) Agree to use the funds for landfill site closing assessment, closure, monitoring, or remediation costs relating to landfills existing or already closed on July 15, 1992;
- (2) Provide the Department of Environmental Quality with documentation regarding the landfill closure site, including, when appropriate, information indicating that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands;
- (3) Provide a plan for the proposed project, including appropriate engineering, economic, and financial feasibility data and other data and information, including estimated costs, as may be required by the department; and
- (4) Demonstrate the anticipated environmental and ecological benefits resulting from the proposed project.

Sec. 4. That original sections 81-15,177 and 81-15,178, Revised Statutes Supplement, 1992, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.