

# Regulations and Permitting Requirements for Compost Sites in the State of Nebraska

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# What is a compost site?

- Compost sites receive organic waste and process that waste into a new product
- May take months to natural compost
- Often actively managed with Carbon and Aeration to speed up the process
- End product is a humus-like material rich in plant nutrients
- Not used to dispose waste, only to convert
- End product must be used

# Compost Site Requirements

- Your Operations must:
  - Not constitute a hazard or threat to human health or the environment;
  - Implement effective litter and disease vector control programs;
  - comply with applicable air quality standards (see NE Title 129 – Neb Air Quality Regulations)
  - Prevent discharges of surface water runoff to Waters of the State (see NE Title 119, NPDES); and
  - Comply with storage capacity and designated storage area restrictions.



# Complete Permit Exception Criteria

- Livestock Waste Compost Sites that only use livestock waste generated by property owner (and in compliance with NE Title 130 – Livestock Waste Control Regulations)
- Solid Waste Compost Sites operating with less than 20,000 cubic yards of Yard Waste, or under 20,000 cubic yards of Yard Waste in conjunction with less than 1,000 cubic yards of Other Material
- Must still meet basic compost site operational requirements on previous slide.

# Not sure if you need a Permit?

- Does your site:
  - Receive more than 100,000 cubic yards of yard waste per year?
  - Receive more than 20,000 cubic yards of Livestock Waste per year (not your own)?
  - Receive more than 1,000 cubic yards of "Other" waste per year?
  - If you answered "yes" to any of the above, you Must Have a Permit
  - If you answered "no" to all of the above, your site may be a partial exception facility.



# How do you get a permit?

- The first step in any Solid Waste Permit application is always to obtain Local Siting.
  - NebDEE is not involved in the Local Siting process (anymore...)
  - NebDEE will not process any permit application submitted without local siting
  - Your site may need to be properly zoned Commercial/Industrial before approval
  - Things to consider:
    - Impact on Waters of State, Distance from existing right-of-way for any major roadway, floodplains, wetlands, and local ordinances
- Local siting is often a public meeting of the city council, you may have a lot of questions from your potential neighbors.

# Construction and Design Criteria

- 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 with the site confines.  
(the compost pad will be important, as will any storm water collection points, lagoons, etc.)



# Operational Criteria

- Operations Must:
  - Not constitute a hazard or threat to human health or the environment;
  - Implement effective litter and disease control vector control programs;
  - Comply with applicable air quality standards developed under Title 129 – Neb Air Quality Regulations
  - Prevent discharges of surface water runoff to Waters of the State;
  - Comply with storage capacity and designated storage area restrictions;
  - Provide a plan that describes the methods of operations at the facility;
  - Provide analytical data of the site soils for leachate detection;
  - Provide analytical data of material to be composted and/or land applied; and
  - Control public access to the site.



# Closure Criteria

- 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 of Notifying facility users of the closure operation; and
  - Description of the location where all materials remaining at the site will be disposed, when applicable

# Financial Assurance Criteria

- Financial assurance is required and it applicable to all the owners/operators of all permitted solid waste facilities
  - Unless you're literally the State or Fed. government, or a municipal/county solid waste agency.
- Provide a detailed estimate of the cost of hiring a third party to close the facility and properly dispose of all materials/wastes on the site. (since NebDEE only pulls your financial assurance if you can't do it yourself)
- You must have Financial Assurance in place before you start accepting waste.

# Records Keeping Criteria

- An Owner/Operator of a permitted solid waste compost facility must maintain an operating record near (at) the facility, which includes:
  - All applicable Permits;
  - Location Criteria;
  - Construction/Design Criteria;
  - Operational Criteria;
  - Closure and Post-Closure Criteria; and
  - Financial Assurance Criteria



# Fees

- Permit Application Fee:
  - Initial fee \$3,100.00
  - Major Modification \$1,500.00
  - Renewal fee \$350.00 (every 5 years)
- Annual Operating Fee:
  - Submitted by October 1 of each year following the first full year of operation
  - \$2,100.00
  - This may be combined with other fees if more than one type of solid waste facility at same location

# Before your Permit is Issued

- 30 days, public notice for comment
  - If there are too many, or significant comments about your facility there may be need of a Public Hearing to assess concerns, answer questions
- Once the Permit is processed and public noticed, you will need to construct the facility as permitted, that construction is then inspected against the design criteria, and *then* the permit is issued for use.
  - Existing facilities that are in operation and then exceed the volume of material allowed without permit may need to halt operations to allow for the permitting process
  - So be sure to monitor your activity and start the process ASAP to avoid stoppages!

# Final Q&A

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