

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 607**

Introduced by Bostar, 29.

Read first time January 22, 2025

Committee:

1 A BILL FOR AN ACT relating to solid waste; to amend sections 13-2001,  
2 13-2003, 13-2010, 13-2034, 13-2042, 81-1502, and 81-15,160, Reissue  
3 Revised Statutes of Nebraska; to adopt the Environmental Stewardship  
4 of Batteries Act, the Extended Producer Responsibility Data  
5 Collection Act, and the Minimum Recycled Content Act; to define and  
6 redefine terms and change provisions relating to regulatory  
7 authority over manufacturing facilities and disposal fees under the  
8 Integrated Solid Waste Management Act; to define, redefine, and  
9 alphabetize terms under the Environmental Protection Act; to change  
10 provisions relating to the Waste Reduction and Recycling Incentive  
11 Fund; to harmonize provisions; to provide an operative date; and to  
12 repeal the original sections.  
13 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 13-2001, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           13-2001 Sections 13-2001 to 13-2043 and sections 3, 5 to 14, 17, and  
4 18 of this act shall be known and may be cited as the Integrated Solid  
5 Waste Management Act.

6           **Sec. 2.** Section 13-2003, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8           13-2003 For purposes of the Integrated Solid Waste Management Act,  
9 the definitions found in sections 13-2004 to 13-2016.01 and sections 3  
10 and 5 to 14 of this act shall be used.

11           **Sec. 3.** Depolymerization means a manufacturing process where post-  
12 use polymers are broken into smaller molecules such as monomers and  
13 oligomers or raw, intermediate, or final products, plastic and chemical  
14 feedstocks, basic and unfinished chemicals, waxes, lubricants, and  
15 coatings.

16           **Sec. 4.** Section 13-2010, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18           13-2010 Facility shall mean any site owned and operated or utilized  
19 by any person for the collection, source separation, storage,  
20 transportation, transfer, processing, treatment, or disposal of solid  
21 waste and shall include a solid waste landfill. Facility shall not  
22 include a manufacturing facility.

23           **Sec. 5.** Gasification means a manufacturing process through which  
24 post-use polymers or recovered feedstocks are heated in an oxygen-  
25 controlled atmosphere and converted into syngas, followed by conversion  
26 into valuable raw, intermediate, and final products, including, but not  
27 limited to, plastic monomers, chemicals, waxes, lubricants, coatings, and  
28 plastic and chemical feedstocks that are returned to economic utility in  
29 the form of raw materials or products.

30           **Sec. 6.** Manufacturing facility means a facility engaging in any  
31 manufacturing process where sorted post-use polymers and recovered

1 feedstocks are purchased and then converted into basic raw materials,  
2 feedstocks, chemicals, and other products through processes including  
3 pyrolysis, gasification, depolymerization, catalytic cracking, reforming,  
4 hydrogenation, solvolysis, chemolysis, and other similar technologies.  
5 The products produced at manufacturing facilities include, but are not  
6 limited to, monomers, oligomers, plastics, plastic and chemical  
7 feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings,  
8 and adhesives, but shall not include fuels. The manufacturing process of  
9 a manufacturing facility shall be considered recycling. The manufacturing  
10 process of a manufacturing facility shall not be considered solid waste  
11 management, solid waste processing, solid waste recovery, incineration,  
12 treatment, or waste-to-energy.

13 **Sec. 7.** Mass balance attribution means a chain of custody  
14 accounting methodology with rules defined by a third-party certification  
15 system that enables the attribution of the mass of manufacturing facility  
16 feedstocks to one or more manufacturing facility products.

17 **Sec. 8.** Post-use polymer means a plastic to which all of the  
18 following apply:

19 (1) The plastic is derived from any industrial, commercial,  
20 agricultural, or domestic activities and includes plastic in pre-consumer  
21 recovered materials and post-consumer materials;

22 (2) The plastic has been sorted from solid waste and other regulated  
23 waste but may contain residual amounts of waste such as organic material  
24 and incidental contaminants or impurities such as paper labels and metal  
25 rings;

26 (3) The plastic is not mixed with solid waste or hazardous waste  
27 onsite or during processing at the manufacturing facility;

28 (4) The plastic's use or intended use is as a feedstock for the  
29 manufacturing of feedstocks, raw materials, or other intermediate  
30 products or final products using manufacturing processes of a  
31 manufacturing facility; and

1       (5) The plastic is processed at a manufacturing facility or held at  
2 such facility prior to processing.

3       **Sec. 9.** Pyrolysis means a manufacturing process through which post-  
4 use polymers or recovered feedstocks are heated in the absence of oxygen  
5 until melted and thermally decomposed, noncatalytically or catalytically,  
6 and are then cooled, condensed, and converted into valuable raw materials  
7 and intermediate and final products, including, but not limited to,  
8 plastic monomers, chemicals, naphtha, waxes, and plastic and chemical  
9 feedstocks that are returned to economic utility in the form of raw  
10 materials and products.

11       **Sec. 10.** Recovered feedstock means one or more of the following  
12 materials that has been processed so that it may be used as feedstock in  
13 a manufacturing facility:

14       (1) Post-use polymers;

15       (2) Materials for which the United States Environmental Protection  
16 Agency has made a nonwaste determination or has otherwise determined are  
17 feedstocks and not solid waste;

18       (3) Recovered feedstock that does not include unprocessed municipal  
19 solid waste; or

20       (4) Recovered feedstock that is not mixed with solid waste or  
21 hazardous waste onsite or during processing at a manufacturing facility.

22       **Sec. 11.** Recycled plastic means a product that is produced from (1)  
23 mechanical recycling of pre-consumer recovered feedstocks or plastics and  
24 post-consumer plastics or (2) the manufacturing of pre-consumer recovered  
25 feedstocks or plastics and post-consumer plastics via mass balance  
26 attribution under a third-party certification system.

27       **Sec. 12.** Recycling means the process of separating, cleaning,  
28 treating, and reconstituting waste or other discarded materials for the  
29 purpose of recovering and reusing the resources contained therein.

30       **Sec. 13.** Solvolyis means a manufacturing process through which  
31 post-use polymers are purified with the aid of solvents while heated at

1 low temperatures or pressurized to make useful products allowing  
2 additives and contaminants to be removed. The products of solvolysis  
3 include monomers, intermediates, valuable chemicals, plastic and chemical  
4 feedstocks, and raw materials. Solvolysis includes, but is not limited  
5 to, hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.

6 **Sec. 14.** Third-party certification system means an international  
7 and multinational third-party certification system which consists of a  
8 set of rules for the implementation of mass balance attribution  
9 approaches for the manufacturing process of a manufacturing facility.  
10 Third-party certification system includes, but is not limited to, the  
11 International Sustainability and Carbon Certification, Underwriter  
12 Laboratories, SCS Recycled Content, Roundtable on Sustainable  
13 Biomaterials, EcoLoop, and REDcert2.

14 **Sec. 15.** Section 13-2034, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 13-2034 (1) The council shall adopt and promulgate rules and  
17 regulations which shall include the following:

18 (a) ~~(1)~~ A permit program for facilities providing for permits to be  
19 issued to owners and operators;

20 (b) ~~(2)~~ Requirements for the collection, source separation, storage,  
21 transportation, transfer, processing, recycling, resource recovery,  
22 treatment, and disposal of solid wastes as well as developmental and  
23 operational plans for facilities. Regulations concerning operations may  
24 include waste characterization, composition, and source identification,  
25 site improvements, air and methane gas monitoring, ground water and  
26 surface water monitoring, daily cover, insect and rodent control, salvage  
27 operations, waste tire disposal, safety and restricted access, inspection  
28 of loads and any other necessary inspection or verification requirements,  
29 reporting of monitoring analysis, record-keeping requirements and other  
30 reporting requirements, handling and disposal of wastes with special  
31 characteristics, and any other operational criteria, location criteria,

1 or design criteria necessary to minimize environmental and health risks  
2 and to provide protection of the air, land, and waters of the state; and

3 (c) ~~(3)~~ Requirements for closure, postclosure care and monitoring,  
4 and investigative and corrective action with respect to landfills. Such  
5 rules and regulations shall require financial assurance for such  
6 activities after April 9, 1996. Such rules and regulations shall impose  
7 any necessary requirements upon owners or operators in order to assure  
8 proper closure, care, monitoring, and investigative and corrective action  
9 with respect to landfills to minimize the need for future maintenance and  
10 eliminate, to the extent necessary to protect humans, animals, and the  
11 environment, releases or the threat of releases of contaminants or  
12 leachate.

13 (2) Rules and regulations adopted and promulgated pursuant to this  
14 section shall not apply to manufacturing processes of manufacturing  
15 facilities.

16 **Sec. 16.** Section 13-2042, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 13-2042 (1) A disposal fee ~~of one dollar and twenty-five cents~~ is  
19 imposed for each six cubic yards of uncompacted solid waste, ~~one dollar~~  
20 ~~and twenty-five cents~~ for each three cubic yards of compacted solid  
21 waste, ~~and or one dollar and twenty-five cents~~ per ton of solid waste (a)  
22 disposed of at landfills regulated by the department or (b) transported  
23 for disposal out of state from a solid waste processing facility holding  
24 a permit under the Integrated Solid Waste Management Act. Each operator  
25 of a landfill or solid waste processing facility shall make the fee  
26 payment quarterly. The fee shall be paid quarterly to the department on  
27 or before the forty-fifth day following the end of each quarter. For  
28 purposes of this section, landfill has the same definition as municipal  
29 solid waste landfill unit in 40 C.F.R. 258.2.

30 (2) Each fee payment shall be accompanied by a form prepared and  
31 furnished by the department and completed by the permitholder. The form

1 shall state the total volume of solid waste disposed of at the landfill  
2 or transported for disposal out of state from the solid waste processing  
3 facility during the payment period and shall provide any other  
4 information deemed necessary by the department. The form shall be signed  
5 by the permitholder.

6 (3) If a permitholder fails to make a timely payment of the fee, he  
7 or she shall pay interest on the unpaid amount at the rate specified in  
8 section 45-104.02, as such rate may from time to time be adjusted.

9 (4) This section shall not apply to a site used solely for the  
10 reclamation of land through the introduction of landscaping rubble or  
11 inert material.

12 (5) Fifty percent of the total of such fees collected in each  
13 quarter shall be remitted to the State Treasurer for credit to the  
14 Integrated Solid Waste Management Cash Fund and shall be used by the  
15 department to cover the direct and indirect costs of responding to spills  
16 or other environmental emergencies, of regulating, investigating,  
17 remediating, and monitoring facilities during and after operation of  
18 facilities, or of performance of regulated activities under the  
19 Integrated Solid Waste Management Act, the Nebraska Litter Reduction and  
20 Recycling Act, and the Waste Reduction and Recycling Incentive Act. The  
21 department may seek recovery of expenses paid from the fund for  
22 responding to spills or other environmental emergencies or for  
23 investigation, remediation, and monitoring of a facility from any person  
24 who owned, operated, or used the facility in violation of the Integrated  
25 Solid Waste Management Act, the Nebraska Litter Reduction and Recycling  
26 Act, and the Waste Reduction and Recycling Incentive Act in a civil  
27 action filed in the district court of Lancaster County.

28 (6)(a) The remaining fifty percent of the total of such fees  
29 collected per quarter shall be remitted to the State Treasurer for credit  
30 to the Waste Reduction and Recycling Incentive Fund. For purposes of  
31 determining the total fees collected, any amount of fees rebated pursuant

1 to section 13-2042.01 shall be included as if the fees had not been  
2 rebated, and the amount of the fees rebated pursuant to such section  
3 shall be deducted from the amount to be credited to the Waste Reduction  
4 and Recycling Incentive Fund.

5 (b) From the fees credited to the Waste Reduction and Recycling  
6 Incentive Fund under this subsection:

7 (i) Grants shall be awarded to counties, municipalities, ~~and~~  
8 agencies, and private businesses for the purposes of planning and  
9 implementing facilities and systems to further the goals of the  
10 Integrated Solid Waste Management Act. The grant proceeds shall not be  
11 used to fund landfill closure site assessments, closure, monitoring, or  
12 investigative or corrective action costs for existing landfills or  
13 landfills already closed prior to July 15, 1992. The council shall adopt  
14 and promulgate rules and regulations to carry out this subdivision. Such  
15 rules and regulations shall base the awarding of grants on a project's  
16 reflection of the integrated solid waste management policy and hierarchy  
17 established in section 13-2018, the proposed amount of local matching  
18 funds, and community need; and

19 (ii) The department may disburse amounts to political subdivisions  
20 for costs incurred in response to and remediation of any solid waste  
21 disposed of or abandoned at dump sites or discrete locations along public  
22 roadways or ditches and on any contiguous area affected by such disposal  
23 or abandonment. Such reimbursement shall be by application to the  
24 department on forms prescribed by the department. The department shall  
25 prepare and make available a schedule of eligible costs and application  
26 procedures which may include a requirement of a demonstration of  
27 preventive measures to be taken to discourage future dumping. The  
28 department may not disburse to political subdivisions an amount which in  
29 the aggregate exceeds five percent of total revenue from the disposal  
30 fees collected pursuant to this section in the preceding fiscal year.  
31 These disbursements shall be made on a fiscal-year basis, and



1 applications received after funds for this purpose have been exhausted  
2 may be eligible during the next fiscal year but are not an obligation of  
3 the state. Any eligible costs incurred by a political subdivision which  
4 are not funded due to a lack of funds shall not be considered an  
5 obligation of the state. In disbursing funds under this subdivision, the  
6 director shall make efforts to ensure equal geographical distribution  
7 throughout the state and may deny reimbursements in order to accomplish  
8 this goal.

9 (7) The disposal fee shall be:

10 (a) Beginning January 1, 2026, and on or before December 31, 2026,  
11 two dollars and twenty-five cents;

12 (b) Beginning January 1, 2027, and on or before December 31, 2027,  
13 three dollars and twenty-five cents; and

14 (c) Beginning January 1, 2028, four dollars and twenty-five cents.

15 **Sec. 17.** The owner or operator of a manufacturing facility shall be  
16 responsible for the proper disposal of all post-use polymers or recovered  
17 feedstocks stored on the premises of such manufacturing facility within  
18 sixty days after ceasing manufacturing operations.

19 **Sec. 18.** Manufacturing facilities are subject to applicable  
20 Department of Environment and Energy manufacturing rules and regulations  
21 for air, water, waste, and land use.

22 **Sec. 19.** Sections 19 to 37 of this act shall be known and may be  
23 cited as the Environmental Stewardship of Batteries Act.

24 **Sec. 20.** The Legislature finds that:

25 (1) It is in the public interest of the residents of Nebraska to  
26 encourage the recovery and reuse of materials, such as metals, that  
27 replace the output of mining and other extractive industries;

28 (2) Without a dedicated battery stewardship program, battery user  
29 confusion regarding proper disposal options will continue to persist;

30 (3) Ensuring the proper handling, recycling, and end-of-life  
31 management of used batteries prevents the release of toxic materials into

1 the environment and removes materials from the waste stream that, if  
2 mishandled, may present safety concerns to workers, such as by igniting  
3 fires at solid waste handling facilities. For this reason, batteries  
4 should not be placed into commingled recycling containers or disposed of  
5 via traditional garbage collection containers; and

6 (4) Jurisdictions around the world have successfully implemented  
7 battery stewardship laws that have helped address the challenges posed by  
8 the end-of-life management of batteries. Because it is difficult for  
9 customers to differentiate between types and chemistries of batteries, it  
10 is the best practice for battery stewardship programs to collect all  
11 battery types and chemistries. Furthermore, it is appropriate for larger  
12 batteries used in emerging market sectors such as electric vehicles,  
13 solar power arrays, and data centers, to be managed to ensure  
14 environmentally positive outcomes similar to those achieved by a battery  
15 stewardship program, both because of the potential economic value of  
16 large batteries used for these purposes and the anticipated profusion of  
17 these larger batteries as these market sectors mature.

18 **Sec. 21.** For purposes of the Environmental Stewardship of Batteries  
19 Act, unless the context otherwise requires:

20 (1) Battery-containing product means a product that contains or is  
21 packaged with rechargeable or primary batteries that are covered  
22 batteries;

23 (2) Battery management hierarchy means a management system of  
24 covered batteries prioritized in descending order as follows:

25 (a) Waste prevention and reduction;

26 (b) Reuse, when reuse is appropriate;

27 (c) Recycling; and

28 (d) Other means of end-of-life management, which may only be  
29 utilized after demonstrating to the department that it is not feasible to  
30 manage the batteries under the higher priority options in subdivisions

31 (2)(a) through (c) of this section;

1       (3) Battery stewardship organization means a producer that directly  
2 implements a battery stewardship plan required under the Environmental  
3 Stewardship of Batteries Act or a nonprofit organization designated by a  
4 producer or group of producers to implement a battery stewardship plan  
5 required under the act;

6       (4) Collection rate means a percentage, by weight, that a battery  
7 stewardship organization collects that is calculated by dividing the  
8 total weight of primary and rechargeable batteries collected during the  
9 previous calendar year by the average annual weight of primary and  
10 rechargeable batteries that were estimated to have been sold in the state  
11 by all producers participating in an approved battery stewardship plan  
12 during the previous three calendar years;

13       (5)(a) Covered battery means a portable battery or, beginning  
14 January 1, 2029, a medium format battery.

15       (b) Covered battery does not include:

16       (i) A battery contained within a medical device, as specified in 21  
17 U.S.C. 321(h), as such section existed on January 1, 2025, that is not  
18 designed and marketed for sale or resale principally to consumers for  
19 personal use;

20       (ii) A battery that contains an electrolyte as a free liquid;

21       (iii) A lead acid battery weighing greater than eleven pounds; and

22       (iv) A battery in a battery-containing product that is not intended  
23 or designed to be easily removable from the battery-containing product;

24       (6) Department means the Department of Environment and Energy;

25       (7) Easily removable means designed by the manufacturer to be  
26 removable by the user of the product with no more than commonly used  
27 household tools;

28       (8) Environmentally sound management practice means any practice  
29 that:

30       (a) Complies with all applicable laws and rules to protect workers,  
31 public health, and the environment;

1       (b) Provides for adequate recordkeeping, tracking, and documenting  
2 of the fate of materials within the state and beyond; and

3       (c) Includes comprehensive liability coverage for the battery  
4 stewardship organization, including environmental liability coverage that  
5 is commercially practicable;

6       (9) Final disposition means the final processing of a collected  
7 battery to produce usable end products, at the point where the battery  
8 has been reduced to its constituent parts, reusable portions made  
9 available for use, and any residues handled as wastes in accordance with  
10 applicable law;

11       (10) Large format battery means:

12       (a) A rechargeable battery that weighs more than twenty-five pounds  
13 or has a rating of more than two thousand watt-hours; or

14       (b) A primary battery that weighs more than twenty-five pounds;

15       (11) Medium format battery means the following primary or  
16 rechargeable covered batteries:

17       (a) For rechargeable batteries, a battery weighing more than eleven  
18 pounds or having a rating of more than three hundred watt-hours, or both,  
19 and weighing no more than twenty-five pounds and having a rating of no  
20 more than two thousand watt-hours; and

21       (b) For primary batteries, a battery weighing more than four and  
22 four-tenths pounds but not more than twenty-five pounds;

23       (12) Portable battery means the following primary or rechargeable  
24 covered batteries:

25       (a) For rechargeable batteries, a battery weighing no more than  
26 eleven pounds and having a rating of no more than three hundred watt-  
27 hours; and

28       (b) For primary batteries, a battery weighing no more than four and  
29 four-tenths pounds;

30       (13) Primary battery means a battery that is not capable of being  
31 recharged;

1       (14)(a) Producer means the following person responsible for  
2 compliance with requirements under the Environmental Stewardship of  
3 Batteries Act for a covered battery or battery-containing product sold,  
4 offered for sale, or distributed in or into this state:

5       (i) For covered batteries:

6       (A) If the battery is sold under the brand of the battery  
7 manufacturer, the producer is the person that manufactures the battery;

8       (B) If the battery is sold under a retail brand or under a brand  
9 owned by a person other than the manufacturer, the producer is the brand  
10 owner;

11       (C) If there is no person to which subdivision (14)(a)(i)(A) or (B)  
12 of this section applies, the producer is the person that is the licensee  
13 of a brand or trademark under which the battery is used in a commercial  
14 enterprise, sold, offered for sale, or distributed in or into this state,  
15 whether or not the trademark is registered in this state;

16       (D) If there is no person described in subdivisions (14)(a)(i)(A)  
17 through (C) of this section within the United States, the producer is the  
18 person who is the importer of record for the battery into the United  
19 States for use in a commercial enterprise that sells, offers for sale, or  
20 distributes the battery in this state; and

21       (E) If there is no person described in subdivisions (14)(a)(i)(A)  
22 through (D) of this section with a commercial presence within the state,  
23 the producer is the person who first sells, offers for sale, or  
24 distributes the battery in or into this state; and

25       (ii) For covered battery-containing products:

26       (A) If the battery-containing product is sold under the brand of the  
27 product manufacturer, the producer is the person that manufactures the  
28 product;

29       (B) If the battery-containing product is sold under a retail brand  
30 or under a brand owned by a person other than the manufacturer, the  
31 producer is the brand owner;

1       (C) If there is no person to which subdivision (14)(a)(ii)(A) or (B)  
2 of this section applies, the producer is the person that is the licensee  
3 of a brand or trademark under which the product is used in a commercial  
4 enterprise, sold, offered for sale, or distributed in or into this state,  
5 whether or not the trademark is registered in this state;

6       (D) If there is no person described in subdivisions (14)(a)(ii)(A)  
7 through (C) of this section within the United States, the producer is the  
8 person who is the importer of record for the product into the United  
9 States for use in a commercial enterprise that sells, offers for sale, or  
10 distributes the product in this state; and

11       (E) If there is no person described in subdivisions (14)(a)(ii)(A)  
12 through (D) of this section with a commercial presence within the state,  
13 the producer is the person who first sells, offers for sale, or  
14 distributes the product in or into this state.

15       (b) A producer does not include any person who only manufactures,  
16 sells, offers for sale, distributes, or imports into the state a battery-  
17 containing product if the only batteries used by the battery-containing  
18 product are supplied by a producer that has joined a registered battery  
19 stewardship organization as the producer for that covered battery under  
20 the Environmental Stewardship of Batteries Act. Such a producer of  
21 covered batteries that are included in a battery-containing product shall  
22 provide written certification of that membership to both the producer of  
23 the covered battery-containing product and the battery stewardship  
24 organization of which the battery producer is a member.

25       (c) A person is the producer of a covered battery or covered  
26 battery-containing product sold, offered for sale, or distributed in or  
27 into this state, as defined in subdivision (14)(a) of this section,  
28 except where another party has contractually accepted responsibility as a  
29 responsible producer and has joined a registered battery stewardship  
30 organization as the producer for that covered battery or covered battery-  
31 containing product under the Environmental Stewardship of Batteries Act;

1       (15) Program means a program implemented by a battery stewardship  
2 organization consistent with an approved battery stewardship plan;

3       (16) Rechargeable battery means a battery that contains one or more  
4 voltaic or galvanic cells, electrically connected to produce electric  
5 energy, designed to be recharged;

6       (17) Recycling means transforming or remanufacturing waste materials  
7 into usable or marketable materials for use other than:

8       (a) Combustion;

9       (b) Incineration;

10       (c) Energy generation;

11       (d) Fuel production; or

12       (e) Beneficial reuse in the construction and operation of a solid  
13 waste landfill, including use of alternative daily cover;

14       (18) Recycling efficiency rate means the ratio of the weight of  
15 covered battery components and materials recycled by a program operator  
16 from covered batteries to the weight of those covered batteries collected  
17 by the program operator;

18       (19) Retailer means a person who sells covered batteries or battery-  
19 containing products in or into this state or offers or otherwise makes  
20 available covered batteries or battery-containing products to a customer,  
21 including other businesses, for use by the customer in this state; and

22       (20) Urban area means an area delineated by the United States Bureau  
23 of the Census, based on a minimum threshold of two thousand housing units  
24 or five thousand residents, as of January 1, 2025.

25       **Sec. 22.** Beginning January 1, 2027:

26       (1) Each producer selling, making available for sale, or  
27 distributing covered batteries or battery-containing products in or into  
28 the State of Nebraska shall participate in an approved Nebraska state  
29 battery stewardship plan through participation in and appropriate funding  
30 of a battery stewardship organization; and

31       (2) A producer that does not participate in a battery stewardship

1 organization and battery stewardship plan may not sell covered batteries  
2 or battery-containing products covered by the Environmental Stewardship  
3 of Batteries Act in or into Nebraska.

4 **Sec. 23.** (1) Beginning July 1, 2027, for portable batteries, and  
5 July 1, 2029, for medium format batteries, a retailer may not sell, offer  
6 for sale, distribute, or otherwise make available for sale a covered  
7 battery or battery-containing product unless the producer of the covered  
8 battery or battery-containing product certifies to the retailer that the  
9 producer participates in a battery stewardship organization whose plan  
10 has been approved by the department.

11 (2) A retailer is in compliance with the requirements of subsection  
12 (1) of this section and is not subject to penalties under section 31 of  
13 this act as long as the website made available by the department pursuant  
14 to section 30 of this act lists, as of the date a product is made  
15 available for retail sale, a producer or brand of covered battery or  
16 battery-containing product sold by the retailer as being a participant in  
17 an approved plan or the implementer of an approved plan.

18 (3) Retailers of covered batteries or battery-containing products  
19 are not required to make retail locations available to serve as  
20 collection sites for a stewardship program operated by a battery  
21 stewardship organization. Retailers that serve as a collection site shall  
22 comply with the requirements for collection sites, consistent with  
23 section 27 of this act.

24 (4) A retailer may not sell, offer for sale, distribute, or  
25 otherwise make available for sale covered batteries, unless those  
26 batteries are marked consistent with the requirements of section 33 of  
27 this act. A producer of a battery-containing product containing a covered  
28 battery shall certify to the retailers of their product that the battery  
29 contained in the battery-containing product is marked consistent with the  
30 requirements of section 33 of this act. A retailer may rely on this  
31 certification for purposes of compliance under this subsection.



1       (5) A retailer selling or offering covered batteries or battery-  
2 containing products for sale in Nebraska may provide information,  
3 provided to the retailer by the battery stewardship organization,  
4 regarding available end-of-life management options for covered batteries  
5 collected by the battery stewardship organization. The information that a  
6 battery stewardship organization shall make available to retailers for  
7 voluntary use by retailers shall include, but is not limited to, in-store  
8 signage, written materials, and other promotional materials that  
9 retailers may use to inform customers of the available end-of-life  
10 management options for covered batteries collected by the battery  
11 stewardship organization.

12       (6) Retailers, producers, or battery stewardship organizations may  
13 not charge a specific point-of-sale fee to consumers to cover the  
14 administrative or operational costs of the battery stewardship  
15 organization or the battery stewardship program.

16       **Sec. 24.** (1) By July 1, 2026, or within six months after the  
17 adoption and promulgation of rules and regulations under section 30 of  
18 this act, whichever comes later, each battery stewardship organization  
19 shall submit a plan for covered portable batteries to the department for  
20 approval. Within twenty-four months after the date of the initial  
21 adoption and promulgation of rules and regulations under the  
22 Environmental Stewardship of Batteries Act by the department, each  
23 battery stewardship organization shall submit a plan for covered medium  
24 format batteries to the department for approval. A battery stewardship  
25 organization may submit a plan at any time to the department for review  
26 and approval. The department shall review and may approve a plan based on  
27 whether it contains and adequately addresses the following components:

28       (a) Lists and provides contact information for each producer,  
29 battery brand, and battery-containing product brand covered in the plan;

30       (b) Proposes performance goals, consistent with section 25 of this  
31 act, including establishing performance goals for each of the next three

1 upcoming calendar years of program implementation;

2 (c) Describes how the battery stewardship organization will make  
3 retailers aware of their obligation to sell only covered batteries and  
4 battery-containing products of producers participating in an approved  
5 plan;

6 (d) Describes the education and communications strategy being  
7 implemented to effectively promote participation in the approved covered  
8 battery stewardship program and provide the information necessary for  
9 effective participation of consumers, retailers, and others;

10 (e) Describes how the battery stewardship organization will make  
11 available to retailers, for voluntary use, in-store signage, written  
12 materials, and other promotional materials that retailers may use to  
13 inform customers of the available end-of-life management options for  
14 covered batteries collected by the battery stewardship organization;

15 (f) Lists promotional activities to be undertaken, and the  
16 identification of consumer awareness goals and strategies that the  
17 program will employ to achieve these goals after the program begins to be  
18 implemented;

19 (g) Includes collection site safety training procedures related to  
20 covered battery collection activities at collection sites, including  
21 appropriate protocols to reduce risks of spills or fires and response  
22 protocols in the event of a spill or fire, and a protocol for safe  
23 management of damaged batteries that are returned to collection sites;

24 (h) Describes the method to establish and administer a means for  
25 fully funding the program in a manner that equitably distributes the  
26 program's costs among the producers that are part of the battery  
27 stewardship organization. For producers that elect to meet the  
28 requirements of the Environmental Stewardship of Batteries Act  
29 individually, without joining a battery stewardship organization, the  
30 plan shall describe the proposed method to establish and administer a  
31 means for fully funding the program;

1       (i) Describes the financing methods used to implement the plan,  
2 consistent with section 26 of this act, including how producer fees and  
3 fee modulation will incorporate design for recycling and resource  
4 conservation as objectives, and a template reimbursement agreement,  
5 developed in consultation with local governments and other program  
6 stakeholders;

7       (j) Describes how the program will collect all covered battery  
8 chemistries and brands on a free, continuous, convenient, visible, and  
9 accessible basis, and consistent with the requirements of section 27 of  
10 this act, including a description of how the statewide convenience  
11 standard will be met and a list of collection sites, including the  
12 address and latitude and longitude of collection sites;

13       (k) Describes the criteria to be used in the program to determine  
14 whether an entity may serve as a collection site for discarded batteries  
15 under the program;

16       (l) Establishes collection goals for each of the first three years  
17 of implementation of the battery stewardship plan that are based on the  
18 estimated total weight of primary and rechargeable covered batteries that  
19 have been sold in the state in the previous three calendar years by the  
20 producers participating in the battery stewardship plan;

21       (m) Identifies proposed brokers, transporters, processors, and  
22 facilities to be used by the program for the final disposition of  
23 batteries and how collected batteries will be managed in:

24       (i) An environmentally sound and socially just manner at facilities  
25 operating with human health and environmental protection standards that  
26 are broadly equivalent to or better than those required in the United  
27 States and other countries that are members of the battery stewardship  
28 organization for economic cooperation and development; and

29       (ii) A manner consistent with the battery management hierarchy,  
30 including how each proposed facility used for the final disposition of  
31 batteries will recycle or otherwise manage batteries;

1       (n) Details how the program will achieve a recycling efficiency  
2 rate, calculated consistent with section 29 of this act, of at least  
3 sixty percent for rechargeable batteries and at least seventy percent for  
4 primary batteries;

5       (o) Proposes goals for increasing public awareness of the program,  
6 including subgoals applicable to public awareness of the program in  
7 vulnerable populations and overburdened communities identified by the  
8 department, and describes how the public education and outreach  
9 components of the program under section 28 of this act will be  
10 implemented; and

11       (p) Specifies procedures to be employed by a local government  
12 seeking to coordinate with a battery stewardship organization pursuant to  
13 subdivision (4)(c) of section 27 of this act.

14       (2)(a) If required by the department, a battery stewardship  
15 organization shall submit a new plan to the department for approval:

16       (i) If there are significant changes to the methods of collection,  
17 transport, or end-of-life management of covered batteries under section  
18 28 of this act that are not provided for in the plan. The department may,  
19 by rule and regulation, identify the types of significant changes that  
20 require a new plan to be submitted to the department for approval;

21       (ii) To address the novel inclusion of medium format batteries or  
22 large format batteries as covered batteries under the plan; and

23       (iii) No less than every five years.

24       (b) For purposes of this subsection, adding or removing a processor  
25 or transporter under the plan is not considered a significant change that  
26 requires a plan resubmittal.

27       (3) If required by the department, a battery stewardship  
28 organization shall provide plan amendments to the department for  
29 approval:

30       (a) When proposing changes to the performance goals under section 26  
31 of this act based on the up-to-date experience of the program;

1       (b) When there is a change to the method of financing plan  
2 implementation under section 26 of this act. This does not include  
3 changes to the fees or fee structure established in the plan; or

4       (c) When adding or removing a processor or transporter, as part of a  
5 quarterly update submitted to the department.

6       (4) As part of a quarterly update, a battery stewardship  
7 organization shall notify the department after a producer begins or  
8 ceases to participate in a battery stewardship organization. The  
9 quarterly update submitted to the department shall also include a current  
10 list of the producers and brands participating in the plan.

11       (5) No earlier than five years after the initial approval of a plan,  
12 the department may require a battery stewardship organization to submit a  
13 revised plan, which may include improvements to the collection site  
14 network or increased expenditures dedicated to education and outreach if  
15 the approved plan has not met the performance goals under section 25 of  
16 this act.

17       **Sec. 25.**     (1) Each battery stewardship plan shall include  
18 performance goals that measure, on an annual basis, the achievements of  
19 the program. Performance goals shall take into consideration technical  
20 feasibility and economic practicality in achieving continuous, meaningful  
21 progress in improving:

22       (a) The rate of battery collection for recycling in Nebraska;

23       (b) The recycling efficiency of the program; and

24       (c) Public awareness of the program.

25       (2) The performance goals established in each battery stewardship  
26 plan shall include, but are not limited to:

27       (a) Target collection rates;

28       (b) Target recycling efficiency rates of at least sixty percent for  
29 rechargeable batteries and at least seventy percent for primary  
30 batteries; and

31       (c) Goals for public awareness, convenience, and accessibility that

1 meet or exceed the minimum requirements established in section 27 of this  
2 act.

3 **Sec. 26.** (1) Each battery stewardship organization shall ensure  
4 adequate funding is available to fully implement approved battery  
5 stewardship plans, including the implementation of aspects of the plan  
6 addressing:

7 (a) Battery collection, transporting, and processing;

8 (b) Education and outreach;

9 (c) Program evaluation; and

10 (d) Payment of the administrative fees to the department under  
11 section 30 of this act.

12 (2) A battery stewardship organization implementing a battery  
13 stewardship plan on behalf of producers shall develop, and continually  
14 improve over the years of program implementation, a system to collect  
15 charges from participating producers to cover the costs of plan  
16 implementation in an environmentally sound and socially just manner that  
17 encourages the use of design attributes that reduce the environmental  
18 impacts of covered batteries, such as through the use of eco-modulated  
19 fees. Examples of fee structures that meet the requirements of this  
20 subsection include using eco-modulated fees to:

21 (a) Encourage designs intended to facilitate reuse and recycling;

22 (b) Encourage the use of recycled content;

23 (c) Discourage the use of problematic materials that increase system  
24 costs of managing covered batteries; and

25 (d) Encourage other design attributes that reduce the environmental  
26 impacts of covered batteries.

27 (3)(a) Except for costs incurred by a local government or local  
28 government facility exercising the authority specified in subdivision (4)  
29 (c) of section 27 of this act, each battery stewardship organization is  
30 responsible for all costs of participating covered battery collection,  
31 transportation, processing, education, administration, agency

1 reimbursement, recycling, and end-of-life management in accordance with  
2 the battery management hierarchy and environmentally sound management  
3 practices.

4 (b) Each battery stewardship organization shall meet the collection  
5 goals as specified in section 24 of this act.

6 (c) A battery stewardship organization is not authorized to reduce  
7 or cease collection, education and outreach, or other activities  
8 implemented under an approved plan based on achievement of program  
9 performance goals.

10 (4)(a) Except for costs incurred by a local government or local  
11 government facility exercising the authority granted by subdivision (4)  
12 (c) of section 27 of this act, a battery stewardship organization shall  
13 reimburse local governments for demonstrable costs, as defined by rules  
14 adopted by the department, incurred as a result of a local government  
15 facility or solid waste handling facility serving as a collection site  
16 for a program including, but not limited to, associated labor costs and  
17 other costs associated with accessibility and collection site standards  
18 such as storage.

19 (b) Except as to the costs of containers and other materials and  
20 services requirements addressed by a local government or local government  
21 facility exercising the authority granted by subdivision (4)(c) of  
22 section 27 of this act, a battery stewardship organization shall at a  
23 minimum provide collection sites with appropriate containers for covered  
24 batteries subject to its program, training, signage, safety guidance, and  
25 educational materials, at no cost to the collection sites.

26 (c) A battery stewardship organization shall include in its battery  
27 stewardship plan a template of the service agreement and any other forms,  
28 contracts, or other documents for use in distribution of reimbursements.  
29 The service agreement template shall be developed with local government  
30 input. The entities seeking or receiving reimbursement from the battery  
31 stewardship organization are not required to use the template agreement

1 included in the program plan and are not limited to the terms of the  
2 template agreement included in the program plan.

3 **Sec. 27.** (1) Battery stewardship organizations implementing a  
4 battery stewardship plan shall provide for the collection of all covered  
5 batteries, including all chemistries and brands of covered batteries, on  
6 a free, continuous, convenient, visible, and accessible basis to any  
7 person, business, government agency, or nonprofit organization. Except as  
8 provided in subdivision (2)(b) of this section, each battery stewardship  
9 plan shall allow any person, business, government agency, or nonprofit  
10 organization to discard each chemistry and brand of covered battery at  
11 each collection site that counts towards the satisfaction of the  
12 collection site criteria in subsection (3) of this section.

13 (2)(a) Except for local government collection described in  
14 subdivision (4)(c) of this section, for each collection site utilized by  
15 the program, each battery stewardship organization shall provide suitable  
16 collection containers for covered batteries that are segregated from  
17 other solid waste or make mutually agreeable alternative arrangements for  
18 the collection of batteries at the site. The location of collection  
19 containers at each collection site used by the program shall be within  
20 view of a responsible person and shall be accompanied by signage made  
21 available to the collection site by the battery stewardship organization  
22 that informs customers regarding the end-of-life management options for  
23 batteries provided by the collection site under the Environmental  
24 Stewardship of Batteries Act. Each collection site shall adhere to the  
25 operations manual and other safety information provided to the collection  
26 site by the battery stewardship organization.

27 (b) Medium format batteries may only be collected at household  
28 hazardous waste collection sites or other sites that are staffed by  
29 persons who are certified to handle and ship hazardous materials under  
30 federal regulations adopted by the United States Department of  
31 Transportation Pipeline and Hazardous Materials Safety Administration.



1       (c)(i) Damaged and defective batteries are intended to be collected  
2 at collection sites staffed by persons trained to handle and ship those  
3 batteries.

4       (ii) Each battery stewardship organization shall provide for  
5 collection of damaged and defective batteries in each county of the  
6 state, either through collection sites or collection events with  
7 qualified staff as specified in subdivision (2)(c)(i) of this section.  
8 Collection events should be provided periodically throughout the year  
9 where practicable, but shall be provided at least once per year at a  
10 minimum, in each county in which there are not permanent collection sites  
11 providing for the collection of damaged and defective batteries.

12       (d) For purposes of this subsection, damaged and defective battery  
13 means any battery that has been damaged or identified by the manufacturer  
14 as being defective for safety reasons or that has the potential of  
15 producing a dangerous evolution of heat, fire, or short circuit, as  
16 referred to in 49 C.F.R. 173.185(f), as such regulation existed on  
17 January 1, 2025, or as updated by the department by rule and regulation  
18 to maintain consistency with federal standards.

19       (3)(a) Each battery stewardship organization implementing a battery  
20 stewardship plan shall ensure statewide collection opportunities for all  
21 covered batteries. Battery stewardship organizations shall coordinate  
22 activities with other program operators, including covered battery  
23 collection and recycle programs and electronic waste recyclers, with  
24 regard to the proper management or recycling of collected covered  
25 batteries, for purposes of providing the efficient delivery of services  
26 and avoiding unnecessary duplication of effort and expense. Statewide  
27 collection opportunities shall be determined by geographic information  
28 modeling that considers permanent collection sites. A program may rely,  
29 in part, on collection events to supplement the permanent collection  
30 services required in subdivisions (3)(b) and (c) of this section.  
31 However, only permanent collection services specified in subdivisions (3)

1 (b) and (c) of this section qualify towards the satisfaction of the  
2 requirements of this subsection.

3 (b) For portable batteries, each battery stewardship organization  
4 shall provide statewide collection opportunities that include, but are  
5 not limited to, the provision of:

6 (i) At least one permanent collection site for portable batteries  
7 within a fifteen-mile radius for at least ninety percent of Nebraska  
8 residents;

9 (ii) The establishment of collection sites that are accessible and  
10 convenient to overburdened communities identified by the department, in  
11 an amount that is roughly proportional to the number and population of  
12 overburdened communities identified by the department relative to the  
13 population or size of the state as a whole;

14 (iii) At least one permanent collection site for portable batteries  
15 in addition to those required in subdivision (3)(b)(i) of this section  
16 for every thirty thousand residents of each urban area in this state. For  
17 the purposes of compliance with this subdivision (3)(b)(iii), a battery  
18 stewardship organization and the department may rely upon new or updated  
19 designations of urban locations by the United States Bureau of the Census  
20 that are determined by the department to be similar to the definition of  
21 urban area;

22 (iv) Collection opportunities for portable batteries at special  
23 locations where batteries are often spent and replaced, such as  
24 supervised locations at parks with stores and campgrounds; and

25 (v) Service to areas without a permanent collection site, including  
26 service to island and geographically isolated communities without a  
27 permanent collection site.

28 (c) For medium format batteries, a battery stewardship organization  
29 shall provide statewide collection opportunities that include, but are  
30 not limited to, the provision of:

31 (i) At least twenty-five permanent collection sites in Nebraska;

1        (ii) Reasonable geographic dispersion of collection sites throughout  
2 the state;

3        (iii) A collection site in each county of at least two hundred  
4 thousand residents, as determined by the most recent population estimate;

5        (iv) The establishment of collection sites that are accessible to  
6 public transit and that are convenient to overburdened communities  
7 identified by the department; and

8        (v) Service to areas without a permanent collection site, including  
9 service to geographically isolated communities.

10       (d) A battery stewardship organization shall ensure that there is a  
11 collection site or annual collection event in each county of the state.  
12 Collection events should be provided periodically throughout the year  
13 where practicable, but shall be provided at least once per year at a  
14 minimum in each county in which there are not permanent collection sites  
15 providing for the collection of damaged and defective batteries.

16       (4)(a) Battery stewardship programs shall use existing public and  
17 private waste collection services and facilities, including battery  
18 collection sites that are established through other battery collection  
19 services, transporters, consolidators, processors, and retailers, where  
20 cost-effective, mutually agreeable, and otherwise practicable.

21       (b)(i) Battery stewardship programs shall use as a collection site  
22 for covered batteries any retailer, wholesaler, municipality, solid waste  
23 management facility, or other entity that meets the criteria for  
24 collection sites in the approved plan, upon the submission of a request  
25 by the entity to the battery stewardship organization to serve as a  
26 collection site.

27       (ii) Battery stewardship programs shall use as a site for a  
28 collection event for covered batteries any retailer, wholesaler,  
29 municipality, solid waste management facility, or other entity that meets  
30 the criteria for collection events in the approved plan, upon the  
31 submission of a request by the entity to the battery stewardship

1 organization to serve as a site for a collection event. A signed  
2 agreement between a battery stewardship organization and the entity  
3 requesting to hold a collection event shall be established at least sixty  
4 days prior to any collection of covered batteries under a stewardship  
5 program. All costs associated with collection events initiated by an  
6 entity other than a battery stewardship organization are the sole  
7 responsibility of the entity unless otherwise agreed upon by a battery  
8 stewardship organization. A collection event under this subdivision (4)  
9 (b)(ii) shall allow any person to discard each chemistry and brand of  
10 covered battery at the collection event.

11 (c)(i) A local government facility may collect batteries at its own  
12 expense through a collection site or temporary collection event that is  
13 not a collection site or event under the program implemented by a battery  
14 stewardship organization. A local government facility that collects  
15 covered batteries under this subsection shall, in accordance with  
16 procedures set forth in battery stewardship organization plans approved  
17 by the department:

18 (A) Notify battery stewardship organizations of the local government  
19 facility's decision to operate a collection site that is not a collection  
20 site under a program established under the Environmental Stewardship of  
21 Batteries Act;

22 (B) Collect each chemistry and brand of covered battery at its  
23 collection site or sites;

24 (C) Collect, sort, and package collected materials in a manner that  
25 meets the standards established in a battery stewardship organization  
26 plan approved by the department;

27 (D) Either provide the collected batteries to the battery  
28 stewardship organization in lawful transportation containers for it to  
29 transfer the collected batteries at a processing facility the battery  
30 stewardship organization has approved, or transport to or arrange for the  
31 transportation of collected batteries for processing at a facility that a

1 battery stewardship organization has approved under a plan approved by  
2 the department.

3 (ii) A local government facility that collects materials at a  
4 collection site or temporary collection event operating outside of a  
5 battery stewardship program shall also report, to a battery stewardship  
6 organization, information necessary for the battery stewardship  
7 organization to fulfill its reporting obligations under section 29 of  
8 this act. A battery stewardship organization may count materials  
9 collected by a local government facility under this subdivision (4)(c) of  
10 this section towards the achievement of performance requirements  
11 established in section 25 of this act.

12 (d) A battery stewardship organization may suspend or terminate a  
13 collection site or service that does not adhere to the collection site  
14 criteria in the approved plan or that poses an immediate health and  
15 safety concern.

16 (5)(a) Stewardship programs are not required to provide for the  
17 collection of battery-containing products.

18 (b) Stewardship programs are not required to provide for the  
19 collection of batteries that:

20 (i) Are not easily removable from the product other than by the  
21 manufacturer; and

22 (ii) Remain contained in a battery-containing product at the time of  
23 delivery to a collection site.

24 (c) Stewardship programs are required to provide for the collection  
25 of loose batteries.

26 (6) Batteries collected by the program shall be managed consistent  
27 with the battery management hierarchy. Lower priority end-of-life battery  
28 management options on the battery management hierarchy may be used by a  
29 program only when a battery stewardship organization documents to the  
30 department that all higher priority battery management options on the  
31 battery management hierarchy are not technologically feasible or

1 economically practical.

2 **Sec. 28.** (1) Each battery stewardship organization shall carry out  
3 promotional activities in support of plan implementation including, but  
4 not limited to, the development:

5 (a) And maintenance of a website;

6 (b) And distribution of periodic press releases and articles;

7 (c) And placement of advertisements for use on social media or other  
8 relevant media platforms;

9 (d) Of promotional materials about the program and the restriction  
10 on the disposal of covered batteries in section 34 of this act to be used  
11 by retailers, government agencies, and nonprofit organizations;

12 (e) And distribution of collection site safety training procedures  
13 that are in compliance with state law to collection sites to help ensure  
14 proper management of covered batteries at collection sites; and

15 (f) And implementation of outreach and educational resources  
16 targeted to overburdened communities and vulnerable populations  
17 identified by the department that are conceptually, linguistically, and  
18 culturally accurate for the communities served and reach the state's  
19 diverse ethnic populations, including through meaningful consultation  
20 with communities that bear disproportionately higher levels of adverse  
21 environmental and social justice impacts.

22 (2) Each battery stewardship organization shall provide:

23 (a) Consumer-focused educational promotional materials to each  
24 collection site used by the program and accessible by customers of  
25 retailers that sell covered batteries or battery-containing products; and

26 (b) Safety information related to covered battery collection  
27 activities to the operator of each collection site, including appropriate  
28 protocols to reduce risks of spills or fires and response protocols in  
29 the event of a spill or fire.

30 (3)(a) Each battery stewardship organization shall provide  
31 educational materials to the operator of each collection site for the

1 management of recalled batteries, which are not intended to be part of  
2 collection as provided under section 27 of this act, to help facilitate  
3 transportation and processing of recalled batteries.

4 (b) A battery stewardship organization may seek reimbursement from  
5 the producer of the recalled battery for expenses incurred in the  
6 collection, transportation, or processing of those batteries.

7 (4) Upon request by a retailer, the battery stewardship organization  
8 shall provide the retailer educational materials describing collection  
9 opportunities for batteries.

10 (5) If multiple battery stewardship organizations are implementing  
11 plans approved by the department, the battery stewardship organizations  
12 shall coordinate in carrying out their education and outreach  
13 responsibilities under this section and shall include in their annual  
14 reports to the department under section 29 of this act a summary of their  
15 coordinated education and outreach efforts.

16 (6) During the first year of program implementation and every five  
17 years thereafter, each battery stewardship organization shall carry out a  
18 survey of public awareness regarding the requirements of the program  
19 established under the Environmental Stewardship of Batteries Act. Each  
20 battery stewardship organization shall share the results of the public  
21 awareness surveys with the department.

22 **Sec. 29.** (1) By June 1, 2028, and each June 1 thereafter, each  
23 battery stewardship organization shall submit an annual report to the  
24 department covering the preceding calendar year of battery stewardship  
25 plan implementation. The report shall include:

26 (a) An independent financial assessment of a program implemented by  
27 the battery stewardship organization, including a breakdown of the  
28 program's expenses, such as collection, recycling, education, and  
29 overhead, when required by the department;

30 (b) A summary financial statement documenting the financing of a  
31 battery stewardship organization's program and an analysis of program

1 costs and expenditures, including an analysis of the program's expenses,  
2 such as collection, transportation, recycling, education, and  
3 administrative overhead. The summary financial statement shall be  
4 sufficiently detailed to provide transparency that funds collected from  
5 producers as a result of their activities in Nebraska are spent on  
6 program implementation in Nebraska. Battery stewardship organizations  
7 implementing similar battery stewardship programs in multiple states may  
8 submit a financial statement including all covered states, as long as the  
9 statement breaks out financial information pertinent to Nebraska;

10 (c) The weight, by chemistry, of covered batteries collected under  
11 the program;

12 (d) The weight of materials recycled from covered batteries  
13 collected under the program, in total, and by method of battery  
14 recycling;

15 (e) A calculation of the recycling efficiency rates, as measured  
16 consistent with subsection (2) of this section;

17 (f) For each facility used for the final disposition of batteries, a  
18 description of how the facility recycled or otherwise disposed of  
19 batteries and battery components;

20 (g) The weight and chemistry of batteries sent to each facility used  
21 for the final disposition of batteries. The information in this  
22 subdivision (1)(g) may be approximated for program operations in Nebraska  
23 based on extrapolations of national or regional data for programs in  
24 operation in multiple states;

25 (h) The collection rate achieved under the program, including a  
26 description of how this collection rate was calculated;

27 (i) The estimated aggregate sales, by weight and chemistry, of  
28 batteries and batteries contained in or with battery-containing products  
29 sold in Nebraska by participating producers for each of the previous  
30 three calendar years;

31 (j) A description of the manner in which the collected batteries



1 were managed and recycled, including a discussion of best available  
2 technologies and the recycling efficiency rate;

3 (k) A description of education and outreach efforts supporting plan  
4 implementation including, but not limited to, a summary of education and  
5 outreach provided to consumers, collection sites, manufacturers,  
6 distributors, and retailers by the program operator for the purpose of  
7 promoting the collection and recycling of covered batteries, a  
8 description of how that education and outreach met the requirements of  
9 section 28 of this act, samples of education and outreach materials, a  
10 summary of coordinated education and outreach efforts with any other  
11 battery stewardship organizations implementing a plan approved by the  
12 department, and a summary of any changes made during the previous  
13 calendar year to education and outreach activities;

14 (l) A list of all collection sites and accompanying latitude and  
15 longitude data and an address for each listed site, and an up-to-date map  
16 indicating the location of all collection sites used to implement the  
17 program, with links to appropriate websites where there are existing  
18 websites associated with a site;

19 (m) A description of methods used to collect, transport, and recycle  
20 covered batteries by the battery stewardship organization;

21 (n) A summary on progress made towards the program performance goals  
22 established under section 25 of this act, and an explanation of why  
23 performance goals were not met, if applicable; and

24 (o) An evaluation of the effectiveness of education and outreach  
25 activities.

26 (2) The weight of batteries or recovered resources from those  
27 batteries shall only be counted once and may not be counted by more than  
28 one battery stewardship organization.

29 (3) In addition to the requirements of subsection (1) of this  
30 section, with respect to each facility used in the processing or  
31 disposition of batteries collected under the program, the battery

1 stewardship organization shall report:

2 (a) Whether the facility is located domestically, in an organization  
3 for economic cooperation and development country, or in a country that  
4 meets organization for economic cooperation and development operating  
5 standards; and

6 (b) What facilities processed the batteries, including a summary of  
7 any violations of environmental or labor laws and regulations over the  
8 previous three years at each facility.

9 (4) If a battery stewardship organization has disposed of covered  
10 batteries through energy recovery, incineration, or landfilling during the  
11 preceding calendar year of program implementation, the annual report  
12 shall specify the steps that the battery stewardship organization will  
13 take to make the recycling of covered batteries cost-effective, where  
14 possible, or to otherwise increase battery recycling rates achieved by  
15 the battery stewardship organization.

16 (5) A producer or battery stewardship organization that submits  
17 information or records to the department under the Environmental  
18 Stewardship of Batteries Act may request that the information or records  
19 be made available only for the confidential use of the department, the  
20 Director of Environment and Energy, or the appropriate division of the  
21 department. The director shall consider the request and if this action is  
22 not detrimental to the public interest, the director shall grant the  
23 request for the information to remain confidential.

24 **Sec. 30.** (1) The department shall adopt and promulgate rules and  
25 regulations as necessary for the purpose of implementing, administering,  
26 and enforcing the Environmental Stewardship of Batteries Act. The  
27 department shall by rule and regulation establish fees, to be paid  
28 annually by a battery stewardship organization, that are adequate to  
29 cover the department's full costs of implementing, administering, and  
30 enforcing the act and allocates costs between battery stewardship  
31 organizations, if applicable. All fees shall be based on costs related to

1 implementing, administering, and enforcing the act, not to exceed  
2 expenses incurred by the department for these activities.

3 (2) The responsibilities of the department in implementing,  
4 administering, and enforcing the Environmental Stewardship of Batteries  
5 Act include, but are not limited to:

6 (a)(i) Reviewing submitted stewardship plans and plan amendments and  
7 making determinations as to whether to approve the plan or plan  
8 amendment.

9 (ii) The department shall provide a letter of approval for the plan  
10 or plan amendment if it provides for the establishment of a stewardship  
11 program that meets the requirements of sections 22 to 28 of this act.

12 (iii) If a plan or plan amendment is rejected, the department shall  
13 provide the reasons for rejecting the plan to the battery stewardship  
14 organization. The battery stewardship organization shall submit a new  
15 plan within sixty days after receipt of the letter of disapproval.

16 (iv) When a plan or an amendment to an approved plan is submitted  
17 under this section, the department shall make the proposed plan or  
18 amendment available for public review and comment for at least thirty  
19 days;

20 (b) Reviewing annual reports submitted under section 29 of this act  
21 within ninety days after submission to ensure compliance with such  
22 section;

23 (c)(i) Maintaining a website that lists producers and their brands  
24 that are participating in an approved plan, and that makes available to  
25 the public each plan, plan amendment, and annual report received by the  
26 department under the Environmental Stewardship of Batteries Act.

27 (ii) Upon the date the first plan is approved, the department shall  
28 post on its website a list of producers and their brands for which the  
29 department has approved a plan. The department shall update the list of  
30 producers and brands participating under an approved program plan based  
31 on information provided to the department from battery stewardship

1 organizations; and

2 (d) Providing technical assistance to producers and retailers  
3 related to the requirements of the Environmental Stewardship of Batteries  
4 Act and issuing orders or imposing civil penalties authorized under  
5 section 31 of this act if the technical assistance efforts do not lead to  
6 compliance by a producer or retailer.

7 (3) Beginning January 1, 2032, and every five years thereafter,  
8 after consultation with battery stewardship organizations, the department  
9 may by rule and regulation increase the minimum recycling efficiency  
10 rates established in section 25 of this act based on the most  
11 economically and technically feasible processes and methodology  
12 available.

13 **Sec. 31.** (1)(a) A battery stewardship organization implementing an  
14 approved plan may bring a civil action or actions to recover costs,  
15 damages, and fees, as specified in this section, from a producer who  
16 sells or otherwise makes available in Nebraska covered batteries or  
17 battery-containing products not included in an approved plan in violation  
18 of the requirements of the Environmental Stewardship of Batteries Act. An  
19 action under this section may be brought against one or more defendants.  
20 An action may only be brought against a defendant producer when the  
21 stewardship program incurs costs in Nebraska, including reasonable  
22 incremental administrative and program promotional costs, in excess of  
23 one thousand dollars to collect, transport, and recycle or otherwise  
24 dispose of the covered batteries or battery-containing products of a  
25 nonparticipating producer.

26 (b) A battery stewardship organization may bring a civil action  
27 against a producer of a recalled battery to recover costs associated with  
28 handling a recalled battery.

29 (c) A battery stewardship organization implementing an approved  
30 stewardship plan may bring a civil action against another battery  
31 stewardship organization that under-performs on its battery collection

1 obligations under the Environmental Stewardship of Batteries Act by  
2 failing to collect and provide for the end-of-life management of  
3 batteries in an amount roughly equivalent to costs imposed on the  
4 plaintiff battery stewardship organization by virtue of the failures of  
5 the defendants, plus attorney's fees and expenses.

6 (d) The remedies provided in this subsection are in addition to the  
7 enforcement authority of the department and do not limit and are not  
8 limited by a decision by the department to impose a civil penalty or  
9 issue an order under subsection (2) of this section. The department is  
10 not required to audit, participate in, or provide assistance to a battery  
11 stewardship organization pursuing a civil action authorized under this  
12 subsection.

13 (2)(a) The department may administratively impose a civil penalty on  
14 a person who violates the Environmental Stewardship of Batteries Act in  
15 an amount of up to one thousand dollars per violation per day.

16 (b) The department may administratively impose a civil penalty of up  
17 to ten thousand dollars per violation per day on a person for repeated  
18 violations of the Environmental Stewardship of Batteries Act or failure  
19 to comply with an order issued under subdivision (c) of this subsection.

20 (c) Whenever, on the basis of any information, the department  
21 determines that a person has violated or is in violation of the  
22 Environmental Stewardship of Batteries Act, the department may issue an  
23 order requiring compliance. A person who fails to take corrective action  
24 as specified in a compliance order is liable for a civil penalty as  
25 provided in subdivision (b) of this subsection, without receiving a  
26 written warning prescribed in subdivision (e) of this subsection.

27 (d) A person who is issued an order or incurs a penalty under this  
28 section may appeal the order or penalty to the department.

29 (e) Prior to imposing penalties under this section, the department  
30 shall provide a producer, retailer, or battery stewardship organization  
31 with a written warning for the first violation by the producer, retailer,

1 or battery stewardship organization of the requirements of the  
2 Environmental Stewardship of Batteries Act. The written warning shall  
3 inform a producer, retailer, or battery stewardship organization that it  
4 shall participate in an approved plan or otherwise come into compliance  
5 with the requirements of the act within thirty days after the notice. A  
6 producer, retailer, or battery stewardship organization that violates the  
7 act after the initial written warning may be assessed a penalty as  
8 provided in this subsection.

9 (3) No penalty may be assessed on an individual or resident for the  
10 improper disposal of covered batteries as described in section 34 of this  
11 act in a noncommercial or residential setting.

12 (4) Civil penalties collected under this section shall be remitted  
13 to the State Treasurer for distribution in accordance with Article VII,  
14 section 5, of the Constitution of Nebraska.

15 **Sec. 32.** The Responsible Battery Management Fund is created. The  
16 fund shall consist of all receipts from fees paid under the Environmental  
17 Stewardship of Batteries Act. Only the Director of Environment and Energy  
18 or the director's designee may authorize expenditures from the fund.  
19 Money in the fund may be used solely by the department for administering,  
20 implementing, and enforcing the requirements of the act. Any money in the  
21 fund may not be diverted for any purpose or activity other than those  
22 specified in this section. Any money in the fund available for investment  
23 shall be invested by the state investment officer pursuant to the  
24 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
25 Act.

26 **Sec. 33.** (1) Beginning January 1, 2028, a producer or retailer may  
27 only sell, distribute, or offer for sale in or into Nebraska a large  
28 format battery, covered battery, or battery-containing product that  
29 contains a battery that is designed or intended to be easily removable  
30 from the product, if the battery is:

31 (a) Marked with an identification of the producer of the battery,

1 unless the battery is less than one-half inch in diameter or does not  
2 contain a surface whose length exceeds one-half inch; and

3 (b) Beginning January 1, 2030, marked with proper labeling to ensure  
4 proper collection and recycling, by identifying the chemistry of the  
5 battery and including an indication that the battery should not be  
6 disposed of as household waste.

7 (2) A producer shall certify to its customers, or to the retailer if  
8 the retailer is not the customer, that the requirements of this section  
9 have been met, as provided in section 23 of this act.

10 (3) The department may amend, by rule and regulation, the  
11 requirements of subsection (1) of this section to maintain consistency  
12 with the labeling requirements or voluntary standards for batteries  
13 established in federal law.

14 **Sec. 34.** (1) Beginning on July 1, 2027, for portable batteries, and  
15 on July 1, 2029, for medium format batteries, or beginning on the first  
16 date on which an approved plan begins to be implemented under the  
17 Environmental Stewardship of Batteries Act by a battery stewardship  
18 organization, whichever comes first, all persons shall dispose of  
19 unwanted covered batteries through one of the following disposal options:

20 (a) Disposal using the collection sites established by or included  
21 in the programs created by the act;

22 (b) For covered batteries generated by persons that are regulated  
23 generators of covered batteries under federal or state hazardous or solid  
24 waste laws, disposal in a manner consistent with the requirements of  
25 those laws; or

26 (c) Disposal using local government collection facilities that  
27 collect batteries consistent with subdivision (4)(c) of section 27 of  
28 this act.

29 (2)(a) A fee may not be charged at the time unwanted covered  
30 batteries are delivered or collected for management.

31 (b) All covered batteries may only be collected, transported, and

1 processed in a manner that meets the standards established for a battery  
2 stewardship organization in a plan approved by the department, unless the  
3 batteries are being managed as described in subdivision (1)(b) of this  
4 section.

5 (3) A person may not place covered batteries in waste containers for  
6 disposal at incinerators, waste-to-energy facilities, or landfills.

7 (4) A person may not place covered batteries in or on a container  
8 for mixed recyclables unless there is a separate location or compartment  
9 for the covered battery that complies with local government collection  
10 standards or guidelines.

11 (5) An owner or operator of a solid waste facility may not be found  
12 in violation of this section if the facility has posted in a conspicuous  
13 location a sign stating that covered batteries shall be managed through  
14 collection sites established by a battery stewardship organization and  
15 are not accepted for disposal.

16 (6) A solid waste collector may not be found in violation of this  
17 section for a covered battery placed in a disposal container by the  
18 generator of the covered battery.

19 **Sec. 35.** (1) By July 1, 2027, the department shall complete an  
20 assessment of the opportunities and challenges associated with the end-  
21 of-life management of batteries that are not covered batteries,  
22 including:

23 (a) Large format batteries;

24 (b) Lead acid batteries that weigh greater than eleven pounds;

25 (c) Batteries contained in medical devices, as specified in 21  
26 U.S.C. 360c, as such section existed on January 1, 2025, that are not  
27 designed and marketed for sale or resale principally to consumers for  
28 personal use; and

29 (d) Batteries not intended or designed to be easily removed by a  
30 customer that are contained in battery-containing products, including  
31 medical devices.



1       (2) The department shall consult with interested stakeholders in  
2 completing the assessment, including consultation with overburdened  
3 communities and vulnerable populations identified by the department. The  
4 assessment shall identify any needed adjustments to the stewardship  
5 program requirements established in the Environmental Stewardship of  
6 Batteries Act that are necessary to maximize public health, safety, and  
7 environmental benefits, such as battery reuse.

8       (3) The assessment shall consider:

9       (a) The different categories and uses of batteries and battery-  
10 containing products listed in subsection (1) of this section;

11       (b) The current economic value and reuse or recycling potential of  
12 large format batteries or large format battery components and a summary  
13 of studies examining the environmental and equity implications of  
14 displacing demand for new rare earth materials, critical materials, and  
15 other conflict materials through the reuse and recycling of batteries;

16       (c) The current methods by which unwanted batteries and battery-  
17 containing products listed in subsection (1) of this section are managed  
18 in Nebraska and nearby states;

19       (d) Challenges posed by the potential collection, management, and  
20 transport of batteries and battery-containing products listed in  
21 subsection (1) of this section, including challenges associated with  
22 removing batteries that were not intended or designed to be easily  
23 removable from products, other than by the manufacturer; and

24       (e) Which criteria of the act should apply to batteries and battery-  
25 containing products listed in subsection (1) of this section in a manner  
26 that is identical or analogous to the requirements applicable to covered  
27 batteries.

28       (4) By October 1, 2027, the department shall submit a report  
29 electronically to the Legislature containing the findings of the  
30 assessment required in this section.

31       **Sec. 36.** Producers or battery stewardship organizations acting on

1 behalf of producers that prepare, submit, and implement a battery  
2 stewardship program plan pursuant to the Environmental Stewardship of  
3 Batteries Act and who are thereby subject to regulation by the department  
4 are granted immunity from state laws relating to antitrust, restraint of  
5 trade, unfair trade practices, and other regulation of trade and  
6 commerce, for the limited purpose of planning, reporting, and operating a  
7 battery stewardship program, including:

8 (1) The creation, implementation, or management of a battery  
9 stewardship organization and any battery stewardship plan regardless of  
10 whether it is submitted, denied, or approved;

11 (2) The determination of the cost and structure of a battery  
12 stewardship plan; and

13 (3) The types or quantities of batteries being recycled or otherwise  
14 managed pursuant to the act.

15 **Sec. 37.** Nothing in the Environmental Stewardship of Batteries Act  
16 changes or limits the authority of a city or village to provide for the  
17 collection of solid waste, including curbside collection of residential  
18 recyclable materials.

19 **Sec. 38.** Sections 38 to 41 of this act shall be known and may be  
20 cited as the Extended Producer Responsibility Data Collection Act.

21 **Sec. 39.** For purposes of the Extended Producer Responsibility Data  
22 Collection Act:

23 (1) Covered product means packaging and paper products sold or  
24 supplied to consumers for personal, noncommercial use and disposed of  
25 through residential curbside or drop-off site collection systems;

26 (2) Department means the Department of Environment and Energy; and

27 (3)(a) Producer means the following person responsible for  
28 compliance with requirements under the act for a covered material  
29 introduced:

30 (i) For items sold in or with packaging at a physical retail  
31 location in this state:

1       (A) If the item is sold in or with packaging under the brand of the  
2 item manufacturer or is sold in packaging that lacks identification of a  
3 brand, the producer is the person that manufactures the item;

4       (B) If there is no person to which subdivision (3)(a)(i)(A) of this  
5 section applies, the producer is the person that is licensed to  
6 manufacture and sell or offer for sale to consumers in this state an item  
7 with packaging under the brand or trademark of another manufacturer or  
8 person;

9       (C) If there is no person to which subdivision (3)(a)(i)(A) or (B)  
10 of this section applies, the producer is the brand owner of the item;

11       (D) If there is no person described in subdivision (3)(a)(i)(A),  
12 (B), or (C) of this section within the United States, the producer is the  
13 person who is the importer of record for the item into the United States  
14 for use in a commercial enterprise that sells, offers for sale, or  
15 distributes the item in this state; or

16       (E) If there is no person described in subdivisions (3)(a)(i)(A)  
17 through (D) of this section, the producer is the person that first  
18 distributes the item in or into this state;

19       (ii) For items sold or distributed in packaging in or into this  
20 state via e-commerce, remote sale, or distribution:

21       (A) For packaging used to directly protect or contain the item, the  
22 producer of the packaging is the same as the producer identified under  
23 subdivision (3)(a)(i) of this section; and

24       (B) For packaging used to ship the item to a consumer, the producer  
25 of the packaging is the person that packages the item to be shipped to  
26 the consumer;

27       (iii) For packaging that is a covered material and is not included  
28 in subdivisions (3)(a)(i) and (ii) of this section, the producer of the  
29 packaging is the person that first distributes the item in or into this  
30 state;

31       (iv) For paper products that are magazines, catalogs, telephone

1 directories, or similar publications, the producer is the publisher;

2 (v) For paper products not described in subdivision (3)(a)(iv) of  
3 this section:

4 (A) If the paper product is sold under the manufacturer's own brand,  
5 the producer is the person that manufactures the paper product;

6 (B) If there is no person to which subdivision (3)(a)(v)(A) of this  
7 section applies, the producer is the person that is the owner or licensee  
8 of a brand or trademark under which the paper product is used in a  
9 commercial enterprise, sold, offered for sale, or distributed in or into  
10 this state, whether or not the trademark is registered in this state;

11 (C) If there is no person to which subdivision (3)(a)(v)(A) or (B)  
12 of this section applies, the producer is the brand owner of the paper  
13 product;

14 (D) If there is no person described in subdivision (3)(a)(v)(A),  
15 (B), or (C) of this section within the United States, the producer is the  
16 person that imports the paper product into the United States for use in a  
17 commercial enterprise that sells, offers for sale, or distributes the  
18 paper product in this state; or

19 (E) If there is no person described in subdivisions (3)(a)(v)(A)  
20 through (D) of this section, the producer is the person that first  
21 distributes the paper product in or into this state; and

22 (vi) A person is the producer of a covered material sold, offered  
23 for sale, or distributed in or into this state, as defined in  
24 subdivisions (3)(a)(i) through (v) of this section, except:

25 (A) Where another person has mutually signed an agreement with a  
26 producer as defined in subdivisions (3)(a)(i) through (v) of this section  
27 that contractually assigns responsibility to the person as the producer,  
28 and the person has joined a registered producer responsibility  
29 organization as the responsible producer for that covered material under  
30 the Extended Producer Responsibility Data Collection Act. In the event  
31 that another person is assigned responsibility as the producer under this

1 subdivision (3)(a)(vi), the producer under subdivisions (3)(a)(i) through  
2 (v) of this section shall provide written certification of that  
3 contractual agreement to the producer responsibility organization; and

4 (B) If the producer described in subdivisions (3)(a)(i) through (v)  
5 of this section is a business operated wholly or in part as a franchise,  
6 the producer is the franchisor if that franchisor has franchisees that  
7 have a commercial presence within the state.

8 (b) Producer does not include:

9 (i) Government agencies, municipalities, or other political  
10 subdivisions of the state;

11 (ii) Charitable organizations described in section 501(c)(3) of the  
12 Internal Revenue Code as defined in section 49-801.01 and social welfare  
13 organizations described in section 501(c)(4) of the Internal Revenue Code  
14 as defined in section 49-801.01; or

15 (iii) De minimis producers that:

16 (A) Annually sell, offer for sale, distribute, or import in or into  
17 the country for sale in Nebraska less than one ton of covered products  
18 each year; or

19 (B) Have a global gross revenue of less than five million dollars  
20 for the most recent fiscal year of the organization. The department shall  
21 calculate an adjusted rate to maintain the de minimis exemption by the  
22 rate of inflation. The adjusted rate shall be calculated to the nearest  
23 cent using the Consumer Price Index for All Urban Wage Earners. Each  
24 adjusted rate calculated under this subdivision takes effect on the  
25 following January 1.

26 **Sec. 40.** (1) Beginning January 1, 2026, a producer that offers for  
27 sale, sells, or distributes in or into Nebraska covered products shall  
28 register with the department individually or through a third-party  
29 representative registering on behalf of a group of producers.

30 (2) The registration information submitted to the department under  
31 this section shall include a list of the producers of covered products

1 and the brand names of the covered products represented in the  
2 registration submittal. Beginning in 2027, a producer may submit  
3 registration information at the same time as the information submitted  
4 through the annual reporting in subsection (3) of this section.

5 (3)(a) Beginning April 1, 2027, each producer of covered products,  
6 individually or through a third party representing a group of producers,  
7 shall provide an annual report to the department that includes, by  
8 material category, the volume in pounds of covered products sold, offered  
9 for sale, or distributed in or into Nebraska during the preceding  
10 calendar year.

11 (b) The report shall be submitted in a format and manner prescribed  
12 by the department. A manufacturer may submit national data allocated on a  
13 per capita basis for Nebraska to approximate the information required in  
14 this subsection if the producer or third-party representative  
15 demonstrates to the department that state-level data is not available or  
16 feasible to generate.

17 (c) The department shall post the information reported under this  
18 subsection on its website, except as provided in subdivision (d) of this  
19 subsection.

20 (d) A producer that submits information or records to the department  
21 under the Extended Producer Responsibility Data Collection Act may  
22 request that the information or records be made available only for the  
23 confidential use of the department, the Director of Environment and  
24 Energy, or the appropriate division of the department. The director shall  
25 give consideration to the request, and if this action is not detrimental  
26 to the public interest, the director shall grant the request for the  
27 information.

28 **Sec. 41.** (1) The department shall adopt and promulgate rules and  
29 regulations as necessary to administer, implement, and enforce the  
30 Extended Producer Responsibility Data Collection Act.

31 (2)(a) The department may conduct audits and investigations for the

1 purpose of ensuring compliance with the act.

2 (b) The department shall annually publish a list of registered  
3 producers of covered products and associated brand names, their  
4 compliance status, and other information the department deems appropriate  
5 on the department's website.

6 (3)(a) By January 31, 2026, and every January 31 thereafter, the  
7 department shall prepare an annual workload analysis for public comment  
8 that identifies the annual costs it expects to incur to implement,  
9 administer, enforce, and carry out the Extended Producer Responsibility  
10 Data Collection Act.

11 (b) By April 1, 2026, and every April 1 thereafter, producers shall  
12 submit a fee payment of one thousand dollars. Fee payments shall be  
13 deposited in the Waste Reduction and Recycling Incentive Fund.

14 (c) The department may adjust the fee prescribed in subdivision (b)  
15 of this subsection as needed to cover its costs.

16 (d) The department may set a single fee for third-party  
17 representatives of producers to be paid on behalf of all producers which  
18 are members.

19 (e) The department shall:

20 (i) Apply any remaining annual payment funds from the current year  
21 to the annual payment for the coming year, if the collected annual  
22 payment exceeds the department's costs for a given year; and

23 (ii) Increase annual payments for the coming year to cover the  
24 department's costs, if the collected annual payment was less than the  
25 department's costs for a given year.

26 (4) For producers out of compliance with the registration or  
27 reporting requirements of the Extended Producer Responsibility Data  
28 Collection Act, the department shall provide written notification and  
29 offer information to producers. For purposes of this section, written  
30 notification serves as notice of the violation. The department shall  
31 issue at least two notices of violation by certified mail prior to

1 assessing a penalty under subsection (5) of this section.

2 (5) The department may assess a penalty in an amount not to exceed  
3 one thousand dollars for each day for a violation of the Extended  
4 Producer Responsibility Data Collection Act.

5 (6) Penalties issued under this section are appealable to the  
6 Environmental Quality Council.

7 (7) Penalties collected under this section shall be remitted to the  
8 State Treasurer for distribution in accordance with Article VII, section  
9 5, of the Constitution of Nebraska.

10 **Sec. 42.** Sections 42 to 58 of this act shall be known and may be  
11 cited as the Minimum Recycled Content Act.

12 **Sec. 43.** For purposes of the Minimum Recycled Content Act:

13 (1) Covered product means covered product as described in section 44  
14 of this act;

15 (2) De minimis manufacturer means a person that annually sells,  
16 offers for sale, distributes, or imports into the country for sale in the  
17 state;

18 (a) Less than one ton of a single category of recycled content  
19 products; or

20 (b) A single category of a covered product that, in aggregate,  
21 generates less than five million dollars each year in global revenue;

22 (3) Department means the Department of Environment and Energy;

23 (4) Food means articles used for food or drink for consumption by  
24 humans or other animals, and articles used for components of any such  
25 article;

26 (5) Hazardous waste means any solid waste defined as hazardous waste  
27 by the department;

28 (6) Licensee means a manufacturer or entity who licenses a brand and  
29 manufactures a covered product under that brand;

30 (7)(a) Manufacturer means:

31 (i) A person that produces or generates a covered product that is



1 sold or offered for sale in the state;

2 (ii) A person that is the brand owner of a covered product that is  
3 sold or offered for sale in the state unless the brand owner identifies a  
4 licensee who agrees to accept responsibility under the Minimum Recycled  
5 Content Act and the licensee informs the department in writing of the  
6 agreement; or

7 (iii) In the absence of a person meeting the criteria in subdivision  
8 (6)(a)(i) or (ii) of this section over whom the state may exercise  
9 jurisdiction, a person who imports or distributes a covered product into  
10 or within the state.

11 (b) Manufacturer does not include:

12 (i) A person who only licenses a brand or trademark for a product  
13 and does not produce, package, or sell the product in the state, except  
14 as agreed upon pursuant to subdivision (6)(a)(ii) of this section;

15 (ii) A person who, at a single physical location, produces,  
16 packages, and sells a product directly to a consumer at retail, which may  
17 include a grocery store, restaurant, bar, cafeteria, café, food truck,  
18 food cart, or similar establishment; or

19 (iii) Notwithstanding any other provision of the Minimum Recycled  
20 Content Act to the contrary, a de minimis manufacturer;

21 (8) Person means an individual, corporation, company, association,  
22 society, firm, partnership, or joint stock company;

23 (9)(a) Plastic means a synthetic material made from linking monomers  
24 through a chemical reaction to create an organic polymer chain that can  
25 be molded or extruded at high heat into various solid forms retaining  
26 their defined shapes during the life cycle and after disposal.

27 (b) Plastic does not include material that is designed to be  
28 composted in a municipal or industrial aerobic composting facility and  
29 that is certified by a recognized third-party independent verification  
30 body as meeting the standards therefore established by ASTM International  
31 publications D6400 or D6868;

1       (10) Plastic trash bag means a bag that is made of plastic, is at  
2 least 0.7 mils thick, and is designed and manufactured for use as a  
3 container to hold, store, or transport materials to be discarded,  
4 composted, or recycled, and includes, but is not limited to, a garbage  
5 bag, lawn or leaf bag, can-liner bag, kitchen bag, or compactor bag;

6       (11) Portfolio means the suite of product sub-types with the same  
7 primary resin composition that a manufacturer may produce under a single  
8 covered product type as listed in section 44 of this act;

9       (12) Portfolio standard means a standard for calculating average  
10 postconsumer recycled content across covered product sub-types provided  
11 that all covered recycled content products in a manufacturer's portfolio  
12 are accounted for in the calculation;

13       (13)(a) Postconsumer recycled content means material generated by  
14 households or by commercial, industrial, and institutional facilities in  
15 their role as end-users of the product which has been used for its  
16 intended use or can no longer be used for its intended purpose. This  
17 includes the return of material from the distribution chain.

18       (b) Postconsumer recycled content does not include secondary waste  
19 material or materials and byproducts generated from, and commonly used  
20 within, an original manufacturing and fabrication process;

21       (14) Recycled content product means all products listed under  
22 subsection (1) of section 44 of this act;

23       (15) Refillable container means a rigid plastic container that is  
24 routinely returned to and refilled by the manufacturer with the same  
25 product packaged by the container;

26       (16) Representative organization means an organization created or  
27 selected by a manufacturer or manufacturers for the purposes of complying  
28 with the annual registration and reporting requirements described in  
29 sections 48 and 51 of this act;

30       (17) Reusable container means a rigid plastic container that is  
31 routinely reused by consumers to store the original product packaged by

1 the container; and

2 (18) Rigid plastic container means a container made of plastic that  
3 has a relatively inflexible finite shape or form, has a minimum capacity  
4 of eight fluid ounces or its equivalent volume, and is capable of  
5 maintaining its shape while empty or while holding other products.

6 **Sec. 44.** (1) For purposes of the Minimum Recycled Content Act,  
7 covered product includes:

8 (a) Rigid plastic containers;

9 (b) Rigid plastic products used for:

10 (i) Plastic buckets and pails;

11 (ii) Household storage containers;

12 (iii) Indoor trash bins;

13 (iv) Nursery packaging;

14 (v) Trash and recycling carts; and

15 (vi) Secondary packaging such as crates, totes, and gaylords;

16 (c) Plastic trash bags; and

17 (d) Film plastic used as:

18 (i) Packaging overwrap;

19 (ii) Lawn and garden plastic film bags; and

20 (iii) Heavy duty industrial plastic film bags.

21 (2)(a) The department is hereby authorized to issue guidance related  
22 to covered recycled content product definitions as needed.

23 (b) Covered recycled content products shall be exempt from the  
24 Minimum Recycled Content Act if any of the following conditions apply:

25 (i) The product is a package or container that contains food;

26 (ii) The product is associated with a product produced in or brought  
27 into the state that is destined for shipment to a destination outside the  
28 state, and that remains with the product upon shipment;

29 (iii) The product contains drugs, dietary supplements, medical  
30 devices, or cosmetics as those terms are defined in the Federal Food,  
31 Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., as such act existed on

1 January 1, 2025;

2 (iv) The product contains toxic or hazardous products regulated  
3 under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C.  
4 136 et seq., as such act existed on January 1, 2025;

5 (v) The product is manufactured for use in the shipment of hazardous  
6 materials and is:

7 (A) Prohibited from being manufactured with used material by federal  
8 packaging material specifications set forth in 49 C.F.R. 178.509 and 49  
9 C.F.R. 178.522;

10 (B) Is subject to the testing standards set forth in 49 C.F.R.  
11 178.600 through 49 C.F.R. 178.609; or

12 (C) Is subject to the recommendations of the United Nations on the  
13 transport of dangerous goods; or

14 (vi) The product is a refillable container or a reusable container.

15 **Sec. 45.** (1) A manufacturer of a covered product shall meet the  
16 following annual minimum postconsumer recycled content percentages on  
17 average for the total quantity of covered recycled content products, by  
18 weight, that are sold, offered for sale, or distributed in or into the  
19 state:

20 (a) Beginning January 1, 2028, for covered recycled content  
21 products, no less than thirty percent postconsumer recycled content  
22 plastic by weight; and

23 (b) Beginning January 1, 2028, for trash and recycling carts, no  
24 less than ten percent postconsumer recycled content plastic by weight.

25 (2) This section does not apply to:

26 (a) Containers certified by the Biodegradable Products Institute as  
27 compostable;

28 (b) A bag that is designed and manufactured to hold, store, or  
29 transport hazardous waste or regulated medical waste; and

30 (c) Other items as designated by the department.

31 **Sec. 46.** (1) A manufacturer shall achieve compliance with the

1 postconsumer recycled content requirements of the Minimum Recycled  
2 Content Act based on the average amount of postconsumer recycled content,  
3 by weight, contained in its covered recycled content products. A  
4 manufacturer may calculate the average amount of postconsumer recycled  
5 content contained in its products using data specific to products sold or  
6 offered for sale in the state or nationwide. Beginning four years after  
7 the operative date of this act, a manufacturer shall calculate the  
8 average amount of postconsumer recycled content in its products using  
9 data specific to products sold or offered for sale in this state only, if  
10 such data is available. If a manufacturer demonstrates to the department  
11 that state-specific data is not available or feasible to generate, then  
12 the manufacturer may utilize national data to calculate the average  
13 amount of postconsumer recycled content contained in its products.

14 (2) The calculation of averages may be based on portfolio standards.  
15 Beginning five years after the effective date of each postconsumer  
16 content requirement described in this section, a manufacturer shall be  
17 required to calculate the amount of postconsumer recycled content in each  
18 individual covered product sold or offered for sale within the state.

19 (3) If a manufacturer relies on national data to calculate the  
20 average amount of postconsumer recycled content contained in its  
21 products, the manufacturer shall:

22 (a) Prorate the national data based on market share or population,  
23 to ensure that the percentage of postconsumer recycled content calculated  
24 for products sold in the state is the same percentage as calculated for  
25 the nation; and

26 (b) Document the methodology used to prorate the national data in  
27 the report required pursuant to this section.

28 **Sec. 47.** (1) A manufacturer may apply to the department for a  
29 temporary waiver or an extended timeline for compliance from the  
30 postconsumer recycled content requirements established pursuant to the  
31 Minimum Recycled Content Act. The department may grant a waiver pursuant

1 to this subsection if the manufacturer demonstrates, and the department  
2 finds that:

3 (a) The manufacturer cannot achieve the postconsumer recycled  
4 content requirements and remain in compliance with applicable regulations  
5 adopted by the United States Food and Drug Administration, or any other  
6 state or federal law, rule, or regulation;

7 (b) It is not technologically feasible for the manufacturer to  
8 achieve the postconsumer recycled content requirements;

9 (c) The manufacturer cannot comply with the postconsumer recycled  
10 content requirements due to supply limitations; or

11 (d) The manufacturer cannot comply for another reason as determined  
12 by the department pursuant to rules and regulations based on factors  
13 described in section 50 of this act.

14 (2) In order to qualify for a waiver from the postconsumer recycled  
15 content requirements of the Minimum Recycled Content Act, a manufacturer  
16 shall submit to the department documentation from a federal or state  
17 agency or certified third-party expert, as appropriate, demonstrating  
18 that the manufacturer cannot comply with the postconsumer recycled  
19 content requirements for one of the reasons set forth in subsection (1)  
20 of this section, and pay a waiver fee of one thousand dollars. The  
21 department may modify the amount of the waiver fee, pursuant to the  
22 Administrative Procedure Act, as necessary to reflect the department's  
23 costs to administer, monitor, and enforce this section.

24 (3) The department may grant a waiver from the postconsumer recycled  
25 content requirements for a period of not less than two years, as  
26 determined by the department. The department shall publish any  
27 determination to grant a waiver from the postconsumer recycled content  
28 requirements on its website. The department shall develop a standardized  
29 form and procedure for manufacturers to apply for a waiver pursuant to  
30 this section.

31 **Sec. 48.** (1) Beginning three years after the operative date of this

1 act, and annually thereafter, a manufacturer shall, individually or as  
2 part of a representative organization, register with the department in a  
3 form and manner as prescribed by the department, and pay an annual  
4 registration fee of one thousand dollars.

5 (2) The department may modify the amount of the annual registration  
6 fee, pursuant to the Administrative Procedure Act, as necessary to  
7 reflect the department's costs to implement, administer, monitor, and  
8 enforce the Minimum Recycled Content Act.

9 (3) Notwithstanding any other provision of this section to the  
10 contrary:

11 (a) A de minimis manufacturer shall not be required to pay the  
12 registration fee established pursuant to this section if the manufacturer  
13 demonstrates to the department and the department finds that, upon annual  
14 registration, the manufacturer is a de minimis manufacturer; or

15 (b) A manufacturer that produces or generates only products that are  
16 exempt from the Minimum Recycled Content Act shall be required to  
17 register with the department only once and shall be exempt from the  
18 registration fee.

19 (4)(a) The department shall establish an electronic registration  
20 process on its website.

21 (b) The lack of an electronic registration process shall not negate  
22 the requirement for a manufacturer to register pursuant to this section.

23 (5) The registration shall include information regarding:

24 (a) Each producer included under the registration;

25 (b) Each brand name of a covered product included under the  
26 registration;

27 (c) The total weight of covered recycled content products sold in  
28 the state in the immediately preceding calendar year, including the total  
29 weight by each category of a covered product;

30 (d) The average percentage of postconsumer recycled content for each  
31 category of a covered product sold in the state in the immediately

1 preceding calendar year;

2 (e) Proof of third-party certification in accordance with this  
3 section; and

4 (f) Any additional information required by the department by rule  
5 and regulation.

6 (6) Notwithstanding any other provision of this section to the  
7 contrary, a manufacturer that fails to register with the department  
8 pursuant to this section shall first receive a written warning. A  
9 manufacturer that receives a written warning shall register with the  
10 department no later than ninety days after receipt of the warning.

11 (7) A manufacturer that receives a written warning and that fails to  
12 register with the department within ninety days after receipt of the  
13 warning shall be subject to the penalties set forth in section 55 of this  
14 act.

15 **Sec. 49.** (1) Beginning January 1, 2028, and annually thereafter, a  
16 producer shall include proof of third-party certification of the  
17 postconsumer recycled content of each covered product included in the  
18 registration in a manner required by the department.

19 (2) The certification required under subsection (1) of this section  
20 shall be completed by an independent, accredited certifying body as  
21 required by the International Organization for Standardization.

22 **Sec. 50.** (1) Notwithstanding any other provision of the Minimum  
23 Recycled Content Act to the contrary, the department may, at any time,  
24 pursuant to the Administrative Procedure Act, review and adjust any of  
25 the postconsumer recycled content requirements established in the act.

26 (2) In making an adjustment pursuant to this section, the department  
27 shall consider:

28 (a) Changes in market conditions, including supply and demand for  
29 postconsumer recycled content, collection rates, and bale availability  
30 both domestically and globally;

31 (b) Recycling rates, as may be determined by the department;



1       (c) The availability of recycled material suitable for manufacturers  
2 to meet the postconsumer recycled content requirements, including the  
3 availability of high-quality recycled plastic and food-grade recycled  
4 plastic;

5       (d) The capacity of recycling or processing infrastructure;

6       (e) The progress made by manufacturers in meeting the postconsumer  
7 recycled content requirements; and

8       (f) Any other factors as determined by the department pursuant to  
9 rule and regulation.

10       (3) Any adjustment to the postconsumer recycled content requirements  
11 made pursuant to this section shall be only for a time period, and only  
12 under such conditions, as the department may by rule and regulation  
13 establish.

14       **Sec. 51.** (1) Beginning January 1, 2027, a manufacturer shall,  
15 individually or as part of a representative organization, provide an  
16 annual report to the department that includes the amount, in pounds, of  
17 virgin plastic by resin type, and the amount, in pounds, of postconsumer  
18 recycled content by resin type used and the source, by country of origin,  
19 for each category of covered recycled content products that are sold,  
20 offered for sale, or distributed in or into the state, including the  
21 total postconsumer recycled content resins as a percentage of total  
22 plastic weight.

23       (2) The report shall be submitted in a format and manner prescribed  
24 by the department.

25       (3) The department shall post the information reported under this  
26 section on its website, except as provided in subsection (4) of this  
27 section.

28       (4) A producer that submits information or records to the department  
29 under the Minimum Recycled Content Act may request that the information  
30 or records be made available only for the confidential use of the  
31 department, the Director of Environment and Energy, or the appropriate

1 division of the department. The director shall give consideration to the  
2 request, and if this action is not detrimental to the public interest,  
3 the director shall grant the request for the information to remain  
4 confidential.

5 **Sec. 52.** The department may participate in the establishment and  
6 implementation of a multistate clearinghouse to assist in carrying out  
7 the requirements of the Minimum Recycled Content Act, including to:

8 (1) Help coordinate the review of registrations, waiver requests,  
9 and certifications described in the act; and

10 (2) Implement education and outreach activities.

11 **Sec. 53.** (1) With respect to violations related to the amount of  
12 recycled content contained in a manufacturer's covered recycled content  
13 products, the department shall assess a civil penalty on a per-pound  
14 basis for each pound of virgin material that is used by a manufacturer in  
15 its products where recycled material is required pursuant to the Minimum  
16 Recycled Content Act. The penalty shall be set at twenty cents per pound  
17 for the first year.

18 (2) After January 1, 2029, the department may develop a formula and  
19 methodology for calculating a per-pound penalty for each resin type that  
20 is, over the average of the previous six months, greater than the market  
21 price differential between postconsumer resin and virgin resin varieties  
22 according to one or more national price indices as selected by the  
23 department.

24 (3) Civil penalties collected under this section shall be remitted  
25 to the State Treasurer for distribution in accordance with Article VII,  
26 section 5, of the Constitution of Nebraska.

27 **Sec. 54.** (1) The department may grant a reduction in the civil  
28 penalties imposed under section 53 of this act if a producer submits to  
29 the department a corrective action plan and the department approves the  
30 corrective action plan.

31 (2) A corrective action plan submitted under this section shall

1 include:

2 (a) The reasons the producer will fail to meet or failed to meet the  
3 minimum postconsumer recycled content percentage requirements; and

4 (b) The steps that the producer will take to comply with the  
5 requirements during the subsequent reporting years.

6 (3) In determining whether to grant a reduction in the civil  
7 penalties, the department shall consider:

8 (a) Anomalous market conditions;

9 (b) Disruption in supply or lack of supply of recycled plastics;

10 (c) Efforts undertaken by the producer to increase the recyclability  
11 of the producer's product and the supply of postconsumer recycled  
12 plastic;

13 (d) Efforts taken to increase the use of postconsumer recycled  
14 plastics in other applications; and

15 (e) Other factors that prevent a producer from meeting the minimum  
16 postconsumer recycled content percentage requirements.

17 **Sec. 55.** (1) For manufacturers that are out of compliance with the  
18 registration or reporting requirements of sections 48 and 51 of this act,  
19 the department shall provide written notification and offer information  
20 to producers. For purposes of this section, written notification serves  
21 as notice of the violation. The department shall issue at least two  
22 notices of violation by certified mail prior to assessing a penalty under  
23 subsection (2) of this section.

24 (2) A manufacturer out of compliance with the registration or  
25 reporting requirements of sections 48 and 51 of this act is subject to a  
26 civil penalty for each day of violation in an amount not to exceed one  
27 thousand dollars.

28 **Sec. 56.** For each pound of postconsumer resin purchased from a  
29 source in this state or in adjacent regions, as determined by the  
30 department, for use in the manufacture of covered recycled content  
31 products with recycled plastic postconsumer material in compliance with

1 the Minimum Recycled Content Act, the department shall credit the  
2 certifying manufacturer with having used one and two-tenths pounds of  
3 postconsumer resin toward compliance with the requirements of the act.

4 **Sec. 57.** Civil penalties collected under the Minimum Recycled  
5 Content Act shall be remitted to the State Treasurer for distribution in  
6 accordance with Article VII, section 5, of the Constitution of Nebraska.

7 **Sec. 58.** The department shall adopt and promulgate rules and  
8 regulations to carry out the Minimum Recycled Content Act.

9 **Sec. 59.** Section 81-1502, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 81-1502 For purposes of the Environmental Protection Act, unless the  
12 context otherwise requires:

13 (1) Air contaminant or air contamination means ~~shall mean~~ the  
14 presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor,  
15 gas, other gaseous fluid, or particulate substance differing in  
16 composition from or exceeding in concentration the natural components of  
17 the atmosphere;

18 (2) Air pollution means ~~shall mean~~ the presence in the outdoor  
19 atmosphere of one or more air contaminants or combinations thereof in  
20 such quantities and of such duration as are or may tend to be injurious  
21 to human, plant, or animal life, property, or the conduct of business;

22 (3) Chairperson means ~~shall mean~~ the chairperson of the  
23 Environmental Quality Council and council means ~~shall mean~~ the  
24 Environmental Quality Council;

25 (4) Complaint means ~~shall mean~~ any charge, however informal, to or  
26 by the council, that any person or agency, private or public, is  
27 polluting the air, land, or water or is violating the Environmental  
28 Protection Act or any rule or regulation of the department in respect  
29 thereof;

30 (5) Control and controlling includes ~~shall include~~ prohibition and  
31 prohibiting as related to air, land, or water pollution;

1           (6) Department means shall mean the Department of Environment and  
2 Energy, which department is hereby created;

3           (7) Director means shall mean the Director of Environment and  
4 Energy, which position is hereby established;

5           (8) Disposal system means shall mean a system for disposing of  
6 wastes, including hazardous wastes, either by surface or underground  
7 methods, and includes sewerage systems and treatment works, disposal  
8 wells and fields, and other systems;

9           (9) Effluent limitation means any restriction, including a schedule  
10 of compliance, established by the council on quantities, rates, and  
11 concentrations of chemical, physical, biological, and other constituents  
12 which are discharged from point sources into waters of the state;

13          (10) (9) Emissions means shall mean releases or discharges into the  
14 outdoor atmosphere of any air contaminant or combination thereof;

15          (11) Fluid means a material or substance which flows or moves  
16 whether in a semisolid, liquid, sludge, gas, or other form or state;

17          (12) Garbage means rejected food wastes, including waste  
18 accumulation of animal, fruit, or vegetable matter used or intended for  
19 food or that attend the preparation, use, cooking, dealing in, or storing  
20 of meat, fish, fowl, fruit, or vegetables, and dead animals rejected by  
21 rendering plants;

22          (13) Hazardous waste means a solid waste, or combination of solid  
23 wastes, which because of its quantity, concentration, or physical,  
24 chemical, or infectious characteristics may (a) cause or significantly  
25 contribute to an increase in mortality or an increase in serious  
26 irreversible, or incapacitating reversible, illness or (b) pose a  
27 substantial present or potential hazard to human or animal health or the  
28 environment when improperly treated, stored, transported, disposed of, or  
29 otherwise managed;

30          (14) Injection well means a well into which fluids are injected;

31          (15) Junk means old scrap, copper, brass, iron, steel, rope, rags,

1 batteries, paper, trash, rubber debris, waste, dismantled or wrecked  
2 automobiles, or parts thereof, and other old or scrap ferrous or  
3 nonferrous material;

4 (16) Land pollution means the presence upon or within the land  
5 resources of the state of one or more contaminants or combinations of  
6 contaminants, including, but not limited to, refuse, garbage, rubbish, or  
7 junk, in such quantities and of such quality as will or are likely to (a)  
8 create a nuisance, (b) be harmful, detrimental, or injurious to public  
9 health, safety, or welfare, (c) be injurious to plant and animal life and  
10 property, or (d) be detrimental to the economic and social development,  
11 the scenic beauty, or the enjoyment of the natural attractions of the  
12 state;

13 (17) Livestock waste control facility has the same meaning as in  
14 section 54-2417;

15 (18) Manifest means the form used for identifying the quantity,  
16 composition, origin, routing, and destination of hazardous waste during  
17 its transportation from the point of generation to the point of disposal,  
18 treatment, or storage;

19 (19) Manufacturing facility has the same meaning as in section 6 of  
20 this act;

21 (20) Mineral exploration hole means a hole bored, drilled, driven,  
22 or dug in the act of exploring for any mineral other than oil or gas;

23 (21) Mineral production well means a well drilled to promote  
24 extraction of mineral resources or energy, including, but not limited to,  
25 a well designed for (a) mining of sulfur by the Frasch process, (b)  
26 solution mining of sodium chloride, potash, phosphate, copper, uranium,  
27 or any other mineral which can be mined by this process, (c) in situ  
28 combustion of coal, tar sands, oil shale, or any other fossil fuel, or  
29 (d) recovery of geothermal energy for the production of electric power.  
30 Mineral production well shall not include any well designed for  
31 conventional oil or gas production, for use of fluids to promote enhanced

1 recovery of oil or natural gas, or for injection of hydrocarbons for  
2 storage purposes;

3 (22) (10) Person means shall mean any: Individual; partnership;  
4 limited liability company; association; public or private corporation;  
5 trustee; receiver; assignee; agent; municipality or other governmental  
6 subdivision; public agency; other legal entity; or any officer or  
7 governing or managing body of any public or private corporation,  
8 municipality, governmental subdivision, public agency, or other legal  
9 entity;

10 (23) Point source means any discernible confined and discrete  
11 conveyance, including, but not limited to, any pipe, ditch, channel,  
12 tunnel, conduit, well, discrete fissure, container, rolling stock, or  
13 vessel or other floating craft from which pollutants are or may be  
14 discharged;

15 (24) Post-use polymer has the same meaning as in section 8 of this  
16 act;

17 (25) Processing means to treat, detoxify, neutralize, incinerate,  
18 biodegrade, or otherwise process a hazardous waste to remove the harmful  
19 properties or characteristics of such waste for disposal in accordance  
20 with regulations established by the council;

21 (26) Recovered feedstock has the same meaning as in section 10 of  
22 this act;

23 (27) Refuse means putrescible and nonputrescible solid wastes,  
24 except body wastes, and includes garbage, rubbish, ashes, incinerator  
25 ash, incinerator residue, street cleanings, and solid market and  
26 industrial wastes;

27 (28) Rubbish means nonputrescible solid wastes, excluding ashes,  
28 consisting of both combustible and noncombustible wastes, such as paper,  
29 cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or  
30 litter of any kind that will be a detriment to the public health and  
31 safety;

1           (29) ~~(11)~~ Rule or regulation means shall mean any rule or regulation  
2 of the department;

3           (30) Schedule of compliance means a schedule of remedial measures  
4 including an enforceable sequence of actions or operations leading to  
5 compliance with an effluent limitation, other limitation, prohibition, or  
6 standard;

7           (31) ~~(12)~~ Sewerage system means shall mean pipelines, conduits,  
8 pumping stations, force mains, and all other constructions, devices,  
9 appurtenances, and facilities used for collecting or conducting wastes to  
10 an ultimate point for treatment or disposal;

11           (32) Solid waste means any garbage, refuse, or sludge from a waste  
12 treatment plant, water supply treatment plant, or air pollution control  
13 facility and other discarded material, including solid, liquid,  
14 semisolid, or contained gaseous material resulting from industrial,  
15 commercial, and mining operations and from community activities. Solid  
16 waste shall not include slag, a product that is a result of the steel  
17 manufacturing process and is managed as an item of value in a controlled  
18 manner and not as a discarded material; solid or dissolved materials in  
19 irrigation return flows or industrial discharges which are point sources  
20 subject to permits under section 402 of the Clean Water Act, 33 U.S.C.  
21 1251 et seq., as such section existed on January 1, 2025; source  
22 material, special nuclear material, or byproduct material as defined by  
23 the Atomic Energy Act of 1954, 42 U.S.C. 2014, as such section existed on  
24 January 1, 2025; or post-use polymers and recovered feedstocks converted  
25 at a manufacturing facility or held at such manufacturing facility prior  
26 to conversion through a manufacturing process;

27           (33) Solid waste management facility means a facility as defined in  
28 section 13-2010;

29           (34) Solution mining means the use of an injection well and fluids  
30 to promote the extraction of mineral resources;

31           (35) Storage, when used in connection with hazardous waste, means



1 the containment of hazardous waste, either on a temporary basis or for a  
2 period of years, in such manner as not to constitute disposal of such  
3 hazardous waste;

4 ~~(36) (13) Treatment works means shall mean any plant or other works~~  
5 ~~used for the purpose of treating, stabilizing, or holding wastes;~~

6 ~~(37) Uranium means tri-uranium oct-oxide;~~

7 ~~(38) (14) Wastes means shall mean sewage, industrial waste, and all~~  
8 ~~other liquid, gaseous, solid, radioactive, or other substances which may~~  
9 ~~pollute or tend to pollute any air, land, or waters of the state;~~

10 ~~(39) Water pollution means the manmade or man-induced alteration of~~  
11 ~~the chemical, physical, biological, or radiological integrity of water;~~

12 ~~(40) Waters of the state means all waters within the jurisdiction of~~  
13 ~~this state, including all streams, lakes, ponds, impounding reservoirs,~~  
14 ~~marshes, wetlands, watercourses, waterways, wells, springs, irrigation~~  
15 ~~systems, drainage systems, and all other bodies or accumulations of~~  
16 ~~water, surface or underground, natural or artificial, public or private,~~  
17 ~~situated wholly or partly within or bordering upon the state; and~~

18 ~~(41) Well means a bored, drilled, or driven shaft or a dug hole, the~~  
19 ~~depth of which is greater than the largest surface dimension of such~~  
20 ~~shaft or hole.~~

21 ~~(15) Refuse shall mean putrescible and nonputrescible solid wastes,~~  
22 ~~except body wastes, and includes garbage, rubbish, ashes, incinerator~~  
23 ~~ash, incinerator residue, street cleanings, and solid market and~~  
24 ~~industrial wastes;~~

25 ~~(16) Garbage shall mean rejected food wastes, including waste~~  
26 ~~accumulation of animal, fruit, or vegetable matter used or intended for~~  
27 ~~food or that attend the preparation, use, cooking, dealing in, or storing~~  
28 ~~of meat, fish, fowl, fruit, or vegetables, and dead animals rejected by~~  
29 ~~rendering plants;~~

30 ~~(17) Rubbish shall mean nonputrescible solid wastes, excluding~~  
31 ~~ashes, consisting of both combustible and noncombustible wastes, such as~~

1 ~~paper, cardboard, tin cans, yard clippings, wood, glass, bedding,~~  
2 ~~crockery, or litter of any kind that will be a detriment to the public~~  
3 ~~health and safety;~~

4 ~~(18) Junk shall mean old scrap, copper, brass, iron, steel, rope,~~  
5 ~~rags, batteries, paper, trash, rubber debris, waste, dismantled or~~  
6 ~~wrecked automobiles, or parts thereof, and other old or scrap ferrous or~~  
7 ~~nonferrous material;~~

8 ~~(19) Land pollution shall mean the presence upon or within the land~~  
9 ~~resources of the state of one or more contaminants or combinations of~~  
10 ~~contaminants, including, but not limited to, refuse, garbage, rubbish, or~~  
11 ~~junk, in such quantities and of such quality as will or are likely to (a)~~  
12 ~~create a nuisance, (b) be harmful, detrimental, or injurious to public~~  
13 ~~health, safety, or welfare, (c) be injurious to plant and animal life and~~  
14 ~~property, or (d) be detrimental to the economic and social development,~~  
15 ~~the scenic beauty, or the enjoyment of the natural attractions of the~~  
16 ~~state;~~

17 ~~(20) Water pollution shall mean the manmade or man-induced~~  
18 ~~alteration of the chemical, physical, biological, or radiological~~  
19 ~~integrity of water;~~

20 ~~(21) Waters of the state shall mean all waters within the~~  
21 ~~jurisdiction of this state, including all streams, lakes, ponds,~~  
22 ~~impounding reservoirs, marshes, wetlands, watercourses, waterways, wells,~~  
23 ~~springs, irrigation systems, drainage systems, and all other bodies or~~  
24 ~~accumulations of water, surface or underground, natural or artificial,~~  
25 ~~public or private, situated wholly or partly within or bordering upon the~~  
26 ~~state;~~

27 ~~(22) Point source shall mean any discernible confined and discrete~~  
28 ~~conveyance, including, but not limited to, any pipe, ditch, channel,~~  
29 ~~tunnel, conduit, well, discrete fissure, container, rolling stock, or~~  
30 ~~vessel or other floating craft from which pollutants are or may be~~  
31 ~~discharged;~~

1       ~~(23) Effluent limitation shall mean any restriction, including a~~  
2 ~~schedule of compliance, established by the council on quantities, rates,~~  
3 ~~and concentrations of chemical, physical, biological, and other~~  
4 ~~constituents which are discharged from point sources into waters of the~~  
5 ~~state;~~

6       ~~(24) Schedule of compliance shall mean a schedule of remedial~~  
7 ~~measures including an enforceable sequence of actions or operations~~  
8 ~~leading to compliance with an effluent limitation, other limitation,~~  
9 ~~prohibition, or standard;~~

10       ~~(25) Hazardous waste shall mean a solid waste, or combination of~~  
11 ~~solid wastes, which because of its quantity, concentration, or physical,~~  
12 ~~chemical, or infectious characteristics may (a) cause or significantly~~  
13 ~~contribute to an increase in mortality or an increase in serious~~  
14 ~~irreversible, or incapacitating reversible, illness or (b) pose a~~  
15 ~~substantial present or potential hazard to human or animal health or the~~  
16 ~~environment when improperly treated, stored, transported, disposed of, or~~  
17 ~~otherwise managed;~~

18       ~~(26) Solid waste shall mean any garbage, refuse, or sludge from a~~  
19 ~~waste treatment plant, water supply treatment plant, or air pollution~~  
20 ~~control facility and other discarded material, including solid, liquid,~~  
21 ~~semisolid, or contained gaseous material resulting from industrial,~~  
22 ~~commercial, and mining operations and from community activities. Solid~~  
23 ~~waste shall not include slag, a product that is a result of the steel~~  
24 ~~manufacturing process and is managed as an item of value in a controlled~~  
25 ~~manner and not as a discarded material; solid or dissolved materials in~~  
26 ~~irrigation return flows or industrial discharges which are point sources~~  
27 ~~subject to permits under section 402 of the Clean Water Act, as amended,~~  
28 ~~33 U.S.C. 1251 et seq.; or source, special nuclear, or byproduct material~~  
29 ~~as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011~~  
30 ~~et seq.;~~

31       ~~(27) Storage, when used in connection with hazardous waste, shall~~

1 ~~mean the containment of hazardous waste, either on a temporary basis or~~  
2 ~~for a period of years, in such manner as not to constitute disposal of~~  
3 ~~such hazardous waste;~~

4 ~~(28) Manifest shall mean the form used for identifying the quantity,~~  
5 ~~composition, origin, routing, and destination of hazardous waste during~~  
6 ~~its transportation from the point of generation to the point of disposal,~~  
7 ~~treatment, or storage;~~

8 ~~(29) Processing shall mean to treat, detoxify, neutralize,~~  
9 ~~incinerate, biodegrade, or otherwise process a hazardous waste to remove~~  
10 ~~such waste's harmful properties or characteristics for disposal in~~  
11 ~~accordance with regulations established by the council;~~

12 ~~(30) Well shall mean a bored, drilled, or driven shaft or a dug~~  
13 ~~hole, the depth of which is greater than the largest surface dimension of~~  
14 ~~such shaft or hole;~~

15 ~~(31) Injection well shall mean a well into which fluids are~~  
16 ~~injected;~~

17 ~~(32) Fluid shall mean a material or substance which flows or moves~~  
18 ~~whether in a semisolid, liquid, sludge, gas, or other form or state;~~

19 ~~(33) Mineral production well shall mean a well drilled to promote~~  
20 ~~extraction of mineral resources or energy, including, but not limited to,~~  
21 ~~a well designed for (a) mining of sulfur by the Frasch process, (b)~~  
22 ~~solution mining of sodium chloride, potash, phosphate, copper, uranium,~~  
23 ~~or any other mineral which can be mined by this process, (c) in situ~~  
24 ~~combustion of coal, tar sands, oil shale, or any other fossil fuel, or~~  
25 ~~(d) recovery of geothermal energy for the production of electric power.~~  
26 ~~Mineral production well shall not include any well designed for~~  
27 ~~conventional oil or gas production, for use of fluids to promote enhanced~~  
28 ~~recovery of oil or natural gas, or for injection of hydrocarbons for~~  
29 ~~storage purposes;~~

30 ~~(34) Mineral exploration hole shall mean a hole bored, drilled,~~  
31 ~~driven, or dug in the act of exploring for a mineral other than oil and~~

1 gas;

2 ~~(35) Solution mining shall mean the use of an injection well and~~  
3 ~~fluids to promote the extraction of mineral resources;~~

4 ~~(36) Uranium shall mean tri-uranium oct-oxide;~~

5 ~~(37) Solid waste management facility shall mean a facility as~~  
6 ~~defined in section 13-2010; and~~

7 ~~(38) Livestock waste control facility shall have the same meaning as~~  
8 ~~in section 54-2417.~~

9 **Sec. 60.** Section 81-15,160, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is  
12 created. The department shall deduct from the fund amounts sufficient to  
13 reimburse itself for its costs of administration of the fund. The fund  
14 shall be administered by the department. The fund shall consist of  
15 proceeds from the fees imposed pursuant to the Waste Reduction and  
16 Recycling Incentive Act and the Extended Producer Responsibility Data  
17 Collection Act.

18 (2) The fund may be used for purposes which include, but are not  
19 limited to:

20 (a) Technical and financial assistance to political subdivisions for  
21 creation of recycling systems and for modification of present recycling  
22 systems;

23 (b) Recycling and waste reduction projects, including public  
24 education, planning, and technical assistance;

25 (c) Market development for recyclable materials separated by  
26 generators, including public education, planning, and technical  
27 assistance;

28 (d) Capital assistance for establishing private and public  
29 intermediate processing facilities for recyclable materials and  
30 facilities using recyclable materials in new products;

31 (e) Programs which develop and implement composting of yard waste

1 and composting with sewage sludge;

2 (f) Technical assistance for waste reduction and waste exchange for  
3 waste generators;

4 (g) Programs to assist communities and counties to develop and  
5 implement household hazardous waste management programs;

6 (h) Capital assistance for establishing private and public  
7 facilities to manufacture combustible waste products and to incinerate  
8 combustible waste to generate and recover energy resources, except that  
9 no disbursements shall be made under this section for scrap tire  
10 processing related to tire-derived fuel; and

11 (i) Grants for reimbursement of costs to cities of the first class,  
12 cities of the second class, villages, and counties of five thousand or  
13 fewer population for the deconstruction of abandoned buildings. Eligible  
14 deconstruction costs will be related to the recovery and processing of  
15 recyclable or reusable material from the abandoned buildings.

16 (3) Grants up to one million five hundred thousand dollars annually  
17 shall be available until June 30, 2029, for new scrap tire projects only,  
18 if acceptable scrap tire project applications are received. Eligible  
19 categories of disbursement under section 81-15,161 may include, but are  
20 not limited to:

21 (a) Reimbursement for the purchase of crumb rubber generated and  
22 used in Nebraska, with disbursements not to exceed fifty percent of the  
23 cost of the crumb rubber;

24 (b) Reimbursement for the purchase of tire-derived product which  
25 utilizes a minimum of twenty-five percent recycled tire content, with  
26 disbursements not to exceed twenty-five percent of the product's retail  
27 cost;

28 (c) Participation in the capital costs of building, equipment, and  
29 other capital improvement needs or startup costs for scrap tire  
30 processing or manufacturing of tire-derived product, with disbursements  
31 not to exceed fifty percent of such costs or five hundred thousand

1 dollars, whichever is less;

2 (d) Participation in the capital costs of building, equipment, or  
3 other startup costs needed to establish collection sites or to collect  
4 and transport scrap tires, with disbursements not to exceed fifty percent  
5 of such costs;

6 (e) Cost-sharing for the manufacturing of tire-derived product, with  
7 disbursements not to exceed twenty dollars per ton or two hundred fifty  
8 thousand dollars, whichever is less, to any person annually;

9 (f) Cost-sharing for the processing of scrap tires, with  
10 disbursements not to exceed twenty dollars per ton or two hundred fifty  
11 thousand dollars, whichever is less, to any person annually;

12 (g) Cost-sharing for the use of scrap tires for civil engineering  
13 applications for specified projects, with disbursements not to exceed  
14 twenty dollars per ton or two hundred fifty thousand dollars, whichever  
15 is less, to any person annually;

16 (h) Disbursement to a political subdivision up to one hundred  
17 percent of costs incurred in cleaning up scrap tire collection and  
18 disposal sites; and

19 (i) Costs related to the study provided in section 81-15,159.01.

20 The director shall give preference to projects which utilize scrap  
21 tires generated and used in Nebraska.

22 (4) Priority for grants made under section 81-15,161 shall be given  
23 to grant proposals demonstrating a formal public/private partnership  
24 except for grants awarded from fees collected under subsection (6) of  
25 section 13-2042.

26 (5) Grants awarded from fees collected under subsection (6) of  
27 section 13-2042 may be renewed for up to a five-year grant period. Such  
28 applications shall include an updated integrated solid waste management  
29 plan pursuant to section 13-2032. Annual disbursements are subject to  
30 available funds and the grantee meeting established grant conditions.  
31 Priority for such grants shall be given to grant proposals showing

1 regional participation and programs which address the first integrated  
2 solid waste management hierarchy as stated in section 13-2018 which shall  
3 include toxicity reduction. Disbursements for any one year shall not  
4 exceed fifty percent of the total fees collected after rebates under  
5 subsection (6) of section 13-2042 during that year.

6 (6) Any person who stores waste tires in violation of section  
7 13-2033, which storage is the subject of abatement or cleanup, shall be  
8 liable to the State of Nebraska for the reimbursement of expenses of such  
9 abatement or cleanup paid by the department.

10 (7) The department may receive gifts, bequests, and any other  
11 contributions for deposit in the Waste Reduction and Recycling Incentive  
12 Fund. Transfers may be made from the fund to the General Fund at the  
13 direction of the Legislature. Any money in the Waste Reduction and  
14 Recycling Incentive Fund available for investment shall be invested by  
15 the state investment officer pursuant to the Nebraska Capital Expansion  
16 Act and the Nebraska State Funds Investment Act.

17 **Sec. 61.** This act becomes operative on January 1, 2026.

18 **Sec. 62.** Original sections 13-2001, 13-2003, 13-2010, 13-2034,  
19 13-2042, 81-1502, and 81-15,160, Reissue Revised Statutes of Nebraska,  
20 are repealed.