

# CHAPTER 7:

## Field Services and Assistance Division

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The purpose of the Field Services and Assistance Division is to provide information and assistance to the public and the regulated community, as well as to conduct inspections, maintain monitoring programs, and manage specific projects. With regard to performing inspections, operating monitoring programs, and managing projects, Field Services staff coordinates all activities with the Agency's Air Quality, Waste Management, and Water Quality Divisions. Many of the agency's field activities occur out of the department offices located in Omaha, Norfolk, Chadron, Scottsbluff, North Platte, and Holdrege.

In addition to Field Services, the Division consists of the following programs: Small Business and Public Assistance, Community Right-To-Know, Emergency Response, Homeland Security, and Quality Assurance.

Over the last year, the programs within the Field Services and Assistance Division have devoted efforts to a number of significant projects. A short summary of some of those efforts follow.

- The Department played an active role in the response to the devastating tornadoes that hit Pilger and Beaver Crossing. The tornadoes also impacted large rural areas around the towns. The Norfolk Field Office responded and under the direction of the Nebraska Emergency Management Agency assisted in debris management and the identification of hazardous materials.
- The Field Services and Assistance Division devotes significant resources to the coordination of the review and response to submissions pursuant to the National Environmental Protection Act (NEPA). The environmental assessments are conducted by five NDEQ programs: Air Quality, Waste Compliance, Storm Water, Wastewater, and Water Quality. The purpose of the assessments is to ensure related projects are conducted in an environmentally responsible manner and to give the project sponsors an early awareness of any potential permits that will be needed for a successful project. During FY2014, NDEQ received 57 new project notifications for NEPA review.
- The Community Right-to-Know Program continues to work with Local Emergency Planning Committees in planning efforts, such as planning and participating in emergency response exercises. The program also participates in educational activities. The Program participated in 15 local emergency management agency meetings over the last year and participated on the State Emergency Response Commission Education/Outreach Committee.
- The Division continues to coordinate environmental partnership efforts with different organizations. With regard to one such organization, the Nebraska Public Power District (NPPD), both NDEQ and NPPD have been able to utilize the strengths of the other organization to better the understanding of power generation in Nebraska and its interaction with the local and regional environment. One of the principal efforts of the Partnership has been to organize an annual workshop, the "Power Summit," which brings those responsible for generating electricity together with environmental regulators for the purposes of examining topics of mutual interest. The Partnership also coordinated a meeting of the Nebraska Methane Workgroup. This meeting was held to learn of advancements made in technologies

associated with the capture and use of methane from livestock operations.

- The Emergency Response Program continues to enhance the Department's ability to respond to releases into the environment by securing equipment and coordinating and providing additional training for the Department's Emergency Response Team. Additionally, the Emergency Response Coordinator serves as the Department's Complaint Coordinator. The Complaint Coordinator implements the Department-wide notification system. The system is designed to increase the effectiveness and bring consistency to the Department's response to notifications and complaints.
- The Division, primarily through the efforts of the Small Business and Public Assistance Coordinator, is responsible for the planning of the Department's annual Environmental Update – a one-day conference held for the regulated community and environmental consultants to provide an opportunity for NDEQ programs to present updates and explain new developments.
- The Division, through the Small Business and Public Assistance Coordinator, arranges "One Stop Permit Meetings" with businesses, city representatives, or the Nebraska Department of Economic Development, to help facilitate any environmental regulatory permitting requirements an incoming business may have.
- The Environmental Assistance Division provides assistance to the Waste Management Division in the conduct of the federal Brownfields program. The Brownfields program's purpose is to restore blighted and contaminated areas of the country to productive use. The Field Service and Assistance Division has been reviewing and providing comments on grant applications to those organizations applying for federal Brownfields grants. In 2014, EPA selected the City of Gering to receive a \$200,000 grant to conduct 14 Phase I and six Phase II environmental site assessments. Grant funds also will be used for cleanup planning at four sites and community outreach activities.
- The Field Office Section Supervisor has continued one-on-one informal visits with small community Municipal Clerks. Clerks often receive requests for information associated with the Department's various programs and providing them with knowledge of the Department's programs, and letting the Clerks know who to contact in given situations, benefits the citizens of the state.

## Field Offices

The NDEQ Field Office Section is responsible for conducting compliance inspections, complaint investigations, environmental sampling, project management, and local compliance assistance for the agency's Air Quality, Waste Management and Water Quality Divisions. The number of inspections and other duties performed by field office staff is incorporated in the charts and graphs provided by other divisions in the previous chapters. There are 15 employees in six field offices around the state. The field offices enable the agency to provide the public with greater access to NDEQ staff, to provide more timely responses to citizens. Additionally, field offices help the entire Department develop a better understanding of local issues because NDEQ staff live and work in the local community.

One of NDEQ's goals is to have a strong community presence and build relationships with the public and with local entities. This is accomplished in a number of different ways in the field offices. One way is by making personal one-on-one contacts with local governmental agencies that have

mutual needs or responsibilities. Another way to establish a local presence is to participate on local task forces, boards of directors and emergency planning organizations. The feedback that the agency receives is that the NDEQ representatives who participate in these local organizations add depth and insight which is highly valued. Another way a local presence is established is by participating in environmental education events in their regions. Building a strong community presence helps NDEQ carry out the work of preserving the state's natural resources and serving the citizens of Nebraska.

### **Small Business and Public Assistance Program**

The Small Business and Public Assistance program was created as a result of the Clean Air Act Amendments of 1990. Congress saw the need to create programs to assist small businesses comply with ever more complex air quality regulations. Similar to many state's environmental agencies, NDEQ expanded its scope to encompass all environmental media: air, waste management, and water.

Nebraska's Program is divided into four major components: the Small Business and Public Assistance (SBPA) program, the One-Stop Permit Assistance program, the Public Advocate, and the Small Business Compliance Advisory Panel. The Program Coordinator is involved with all four functions, as well as coordinating with other NDEQ personnel within the Department's Air Quality, Water Quality and Waste Management Divisions involved in compliance assistance activities on the NDEQ Compliance Assistance Team.

The Program includes site visits, development of outreach materials, workshops, and helping the regulated community to understand their obligations under state and federal law. The Program Coordinator answered questions from over 50 individuals regarding air, waste water, or solid and hazardous waste issues. The Program Coordinator is also responsible for the Department's annual Environmental Update held in Lincoln on May 15, 2014, with 150 individuals attending the workshop.

The One-Stop Permit Assistance Program was established to offer information and permit assistance related to the Department's various divisions, providing the customer with one initial point of contact in the environmental permitting process. This program's objectives are to ensure businesses are aware of the permits they are required to apply for, know information they will need to provide in the application process, and ensure that inquiries receive a timely response. The Program Coordinator conducted meetings with eight potential facilities between July 1, 2013 and June 30, 2014.

The Public Advocate serves as the ombudsman for purposes of the Clean Air Act requirements, receiving requests for regulatory information or environmental complaints from the public and ensuring the Department is accessible and responsive to public concerns. In this role, the Program Coordinator provided outreach to individuals to address specific questions or concerns they had.

The Small Business Compliance Advisory Panel resulted from the Clean Air Act Amendments of 1990 and amendments to the Nebraska Environmental Protection Act of 1992. The Panel is composed of seven members: two representatives from the general public selected by the Governor, four representatives from small businesses selected by the Legislature, and one representative selected by the Director. The panel evaluates the effectiveness of the Program, providing feedback on outreach and education methods and identifying program obstacles. The Panel members met with NDEQ staff to discuss several issues during a meeting in October 2013, and provided their annual report to the Governor regarding the SBPA Program.

### **Community Right-To-Know Program**

The Community Right-to-Know Program provides assistance to those subject to the Nebraska Emergency Planning and Community Right-To-Know Act and the related federal Emergency Planning and Community Right-To-Know Act. These acts are designed to: 1) increase the public's access to information concerning the presence and release of hazardous chemicals in their communities; 2) provide emergency planning and response information; and 3) provide information on toxic chemical releases to the environment. Compliance assistance is available to any persons or facilities requesting it through the division. The EPA enforces this program.

The Community Right-To-Know Program distributes outreach materials, responds to public requests for information, and receives and stores information required under this act. The information that facilities are required to provide the department includes: 1) a one-time report of an extremely hazardous substance at a facility that triggers the emergency planning process; 2) notification of any significant changes to a facility's emergency plans; 3) notification of the sudden release of a hazardous substance; 4) an annual report listing the hazardous chemicals present at 10,000 pounds or above the threshold planning quantity at the facility; 5) an annual quantitative report of the listed chemicals; and 6) an annual facility inventory report of toxic chemicals manufactured, stored or used, and the amounts released to the environment by the specific media.

A facility in Nebraska is required to submit a Tier II report if listed hazardous substances are present at any one time during the preceding calendar year at the facility in amounts either equal to or greater than amounts established by the EPA. In 2014, 2,780 Nebraska facilities reported Tier II information on regulated chemicals above EPA-established thresholds. This was slightly down from the previous year. This information has been used to assist the Nebraska Hazardous Incident Team (NHIT) in responding to the aftermath of the Pilger, Nebraska tornado.

Facilities required to report information pursuant to the Community Right-to-Know Program are able to access, view, change and report their chemical information online. Approximately 96% of the facilities reported online in Nebraska in 2014. The information stored electronically is much more usable and enhances the ability of Local Emergency Planning Committees to access the data for use in their local emergency plans.

Additionally, the Community Right-To-Know Coordinator has been active in establishing relationships with the Local Emergency Planning Committees by attending their local meetings and making presentations at related conferences. In 2014, the Community Right-to-Know Coordinator attended 15 local meetings, assisted with local emergency exercises, and provided information regarding chemicals at facilities in their communities. In 2014 the Community Right-to-Know Coordinator assisted with the planning of the 2015 Regional LEPC Conference in Nebraska City, NE. These events provided information and training to over 200 First Responders and Local Emergency Planning Committee members.

### **Emergency Response Program**

Through the Emergency Response Program, NDEQ personnel provide technical and regulatory assistance to those responsible for spills, leaks, and accidents that pose a hazard to the environment or public health. Assistance is also provided to those at the local level who are the first on the scene at these releases; typically this is the local fire department.

The Emergency Response Program Coordinator is responsible for training, equipping and coordinating a group of personnel who, in addition to their responsibilities to other departmental programs, provide initial documentation, assistance and response to spills. These individuals have the responsibility of maintaining an emergency response system, which is on call 24 hours a day. The Emergency Response Program assists in arranging for the disposal of harmful and potentially hazardous materials. The Program represents the environmental interests of the state at the scene of a petroleum/chemical spill or other environmental emergency. All personnel are members of the Nebraska Hazardous Incident Team (NHIT) and coordinate closely with the local, state and federal agencies involved in emergency response situations. Over the past year the Emergency Response Program responded to 4 incidents and conducted 6 on-site visits to these incidents.

### **Homeland Security**

The Department has been actively involved in the state's Homeland Security efforts, which are directed by the Lieutenant Governor. The Department's Deputy Director of Programs represents the Department on the Lieutenant Governor's Homeland Security Leadership Group. The Field Services and Assistance Division has been active in planning for the annual Nebraska Infrastructure Protection Council Conference sponsored by the Lieutenant Governor. As has been the case in the past, Department staff, specifically the Community Right to Know Coordinator, have participated in a number of Local Emergency Response Committee exercises. Most significantly those exercises included incidents related to releases of anhydrous ammonia, pipeline releases, and responding to and mitigating spills of materials into the surface waters of our state.

### **Quality Assurance Program**

The function of the Quality Assurance Program is to ensure that environmental data used by the Department in regulatory and decision-making activities is properly documented and sufficiently reliable to meet Department needs. NDEQ is committed to ensuring that environmental data used by the Department are sufficiently precise, accurate, and complete to carry out NDEQ's responsibilities. In the last year, the Department's Quality Assurance Manager and Quality Assurance team members have reviewed 22 project plans to ensure adequate planning for environmental data collection. Additionally, the Quality Assurance Manager was successful in coordinating Department-wide Quality Assurance training, provided locally, for all DEQ staff. This training had not been available locally since 2009, and was attended by almost one-quarter of DEQ's staff. The cost savings for the Department for providing training locally, rather than at EPA's Region 7's offices in Kansas City, was over \$15,000.