

Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Acting Director ~~Rice~~

December 30, 2013

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Honorable Dave Heineman
Governor
State Capitol
2nd Floor N.E.
Lincoln, NE 68509-4848

Dear Governor Heineman,

In accordance with the provisions of the Nebraska Environmental Protection Act, the attached 2013 Small Business and Public Assistance Program annual report, *Nebraska Small Business Compliance Advisory Panel Annual Report to the Governor for 2013*, is submitted for your review.



The federal Clean Air Act Amendments of 1990 required all states establish a Small Business Assistance Program to assist small businesses in complying with provisions of the Clean Air Act. In Nebraska, the program is multi-media; assisting the regulated community with air, waste, and water-related regulatory and permitting issues. As part of the Small Business Assistance Program, each state had to establish a Small Business Compliance Advisory Panel (Panel) consisting of representatives of small business and the general public.

A primary function of the Panel is to provide input on the effectiveness of the Nebraska Department of Environmental Quality's (NDEQ) assistance and outreach programs. The open and honest exchanges Panel members have with NDEQ staff provides an opportunity to create a more effective working environment between small businesses and NDEQ. I am pleased to say that Nebraska has a fully-staffed and active panel; engaged in compliance assistance outreach to companies and citizens of the state, and a great asset for the Department.

If you have any questions or comments, please call me, Joe Francis, Associate Director, (402) 471-6087, or Ryan Green, Small Business and Public Assistance Program Coordinator, (402) 471-8697.

We appreciate your support.

Sincerely,


for 
Pat Rice
Acting Director

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Nebraska Small Business Compliance Advisory Panel Annual Report to the Governor of Nebraska for 2013

January 1, 2014



Nebraska Department of
Environmental Quality



Message from the Nebraska Small Business Compliance Advisory Panel

With the multitude of environmental regulations that may impact small businesses, it is difficult for small business owners to be aware of all the regulatory changes that may impact their companies. Unfortunately, it is often more costly to address an environmental violation after the fact, rather than understanding what one's environmental regulatory requirements are ahead of time.

The members of the Nebraska Small Business Compliance Advisory Panel (Panel) feel that the Nebraska Department of Environmental Quality (NDEQ) desires to assist Nebraska businesses understand and comply with various environmental requirements. However, a great amount of resistance remains about contacting the Department with questions for fear of future prospects of an inspection. As such, the Panel is a valuable entity for Nebraska's small businesses as a resource for guidance.

The honest exchanges Panel members have with individuals in our communities and NDEQ personnel, provides the Panel with an opportunity to address issues that help to create a more effective working environment between small businesses and NDEQ.

Many of the members of the Panel, some whom have been around since its inception, have seen NDEQ expand its compliance assistance efforts to Nebraska's regulated community, for which the Department should be commended and encouraged to continue. Equally impressive is the knowledge that NDEQ does not simply apply the environmental regulatory standards it is responsible for "in a vacuum," independent of the realities Nebraska's businesses and rural communities face. One such example of this is the Department's efforts regarding the Assessing Wastewater Infrastructure Needs (AWIN) program. In addition, we were impressed by the Department's efforts regarding reuse of petroleum remediation equipment and stewardship of taxpayer dollars.

All in all, while there are still challenges to fully engage the regulated community in proactive ways so businesses feel comfortable asking for assistance from NDEQ, we feel NDEQ should be commended on actions it has taken. The Department should continue to make efforts, in partnership with the Panel, to engage Nebraska's businesses and communities in an active, positive manner.

A handwritten signature in black ink that reads "Jim Hellbusch". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the left.

Jim Hellbusch, Nebraska Small Business Compliance Advisory Panel Chair

Background Information

The Clean Air Act Amendments of 1990 require each State to prepare a plan for helping small businesses to comply with provisions of the Act through the creation of compliance assistance programs. Section 507 of the Act requires states to prepare a small business environmental compliance assistance program; establish an “ombudsman” to act as a liaison between small businesses and the associated regulatory programs; and to form a Small Business Compliance Advisory Panel of not less than seven individuals. In 1992, Nebraska adopted enabling legislation codified as Nebraska Revised Statute §81-1505.03 calling for the creation of the Small Business Compliance Advisory Panel and outlining its responsibilities. The plan developed by NDEQ called for water quality and waste management assistance, in addition to regulatory assistance with air quality issues. In NDEQ’s plan, the ombudsman responsibilities are fulfilled by the Small Business and Public Assistance Coordinator.

Four members of the Panel are selected by the Legislature and are owners or representatives of small business stationary sources of air emissions. Currently, these members include:

Jim Hellbusch (Chair)
Duo Lift Mfg. Company, Inc
Columbus, NE

Steve Rexroth
Miracle Workers Auto Collision
Lincoln, NE

Jack Schreiner
Bruckman Rubber
Hastings, NE

Rick Bettger
House of Muffler and Brakes
Omaha, NE

Two members are selected by the Governor to represent the general public who are not small business owners or representatives of small business stationary sources of air emissions. Currently, these members include:

Sharon Hueftle
South Central Economic
Development District
Holdrege, NE

Starr Lehl
Nebraska Department of Economic Development
Development Consultant – Western Region
Scottsbluff, NE

The Director of NDEQ selects one member. During 2013, Tim Doyle retired from the Department, and Terry Johnson was selected as the new NDEQ representative on the Panel.

Terry Johnson
NDEQ Norfolk Field Office
Norfolk, NE

The current non-voting board Secretariat responsible for setting Panel meetings and acting as liaison between the Panel and NDEQ is:

Ryan Green
NDEQ Small Business and Public Assistance Coordinator
Lincoln, NE

Panel Activities for 2013

Panel members are kept informed of NDEQ outreach and assistance activities through regular e-mail, telephone, and face-to-face meetings. This year, one Panel meeting was held in Lincoln, with NDEQ hosting the meeting. A summary of that meeting follows.

Small Business Compliance Advisory Panel Meeting – October 9, 2013

On Wednesday, October 9, 2013, the Panel held the annual meeting at the NDEQ Van Dorn Complex, Lincoln, Nebraska. Members present at the meeting included Jim Hellbusch, Jack Schreiner, Sharon Hueftle, Rick Bettger, and Terry Johnson.

Panel members received regulatory updates from Department personnel. Jay Ringenberg, Deputy Director, updated the members on the federal government shutdown and its effects on Department activities; Brownfield redevelopment in the Lincoln Haymarket; and Department responses to three state emergencies – the South Platte flood waters, the Wayne tornado, and the livestock loss due to the western panhandle blizzard.

Shelley Schneider and Brian Kozisek, Air Quality Division, updated the Panel on several air regulatory issues, including National Ambient Air Quality Standard reviews for ozone and sulfur dioxide, biogenic carbon dioxide emissions, the status of the Cross-State Air Pollution Rule, and revisions to Title 129 – *Nebraska Air Quality Regulations*.

Dave Haldeman, Waste Management Division, spoke about legislative or regulatory updates and other activities that the Waste Management Division has been involved with, including the Lincoln Haymarket Voluntary Cleanup Program efforts, and changes to the Department's waste reduction grants program.

Pat Rice and Steve Goans, Water Quality Division, discussed the status of the Department's efforts regarding petroleum remediation sites, revisions being made to Title 119 – *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*, the tri-annual review of Title 117 – *Nebraska Surface Water Standards*, and the Assessment of Wastewater Infrastructure Needs program.

Joe Francis, Kevin Stoner, and Ryan Green, Field Services and Assistance Division, updated the Panel on Division efforts to conduct outreach to city clerks; and partnering with NPPD to sponsor an intern to look at energy efficiency options at wastewater facilities in Snyder and Scribner. Mr. Green also handed out a draft of a new guidance document, "*Taking Your Business from Being Reactive to Environmentally Proactive*," and asked Panel members to review and provide feedback at their convenience.

The Panel was impressed with the Department's efforts regarding the AWIN project, and surprised by the efforts regarding reuse of petroleum remediation equipment and stewardship of taxpayer dollars. While understanding the Department conducts varied assistance activities, they stated there is still a great amount of hesitation in the regulated community to contact NDEQ with questions and want to brainstorm other ways the Department may try to reach out.

Panel Goals for 2014

Panel members outlined the following goals for the Department's Small Business and Public Assistance program in 2013. The Panel felt these are good goals to continue into 2014:

- When appropriate, provide input concerning any new or changing environmental regulations;
- Focus on providing the services of the Panel and NDEQ assistance programs in the members' communities;
- Reach out to the regulated community to gauge the satisfaction or dissatisfaction with the Department's assistance initiatives;
- Meet annually with Department management related to the interaction of NDEQ and small businesses;
- Assist the Department to implement lean techniques in compliance and permitting; and
- Continue to advise NDEQ regarding the clarity of produced guidance documents.

NDEQ Assistance Activities – The Small Business and Public Assistance Program

The Small Business and Public Assistance Coordinator duties are divided into four major components: working with the Panel, as discussed above; managing the One-Stop Permitting program; serving as the Department's Public Advocate; and organizing meetings for the Department's Compliance Assistance Team.

- *Coordinator for NDEQ's One-Stop Permitting Assistance program.* The One-Stop program is available to the business community and is designed to help them meet their regulatory obligations by providing comprehensive guidance regarding all state environmental permits or compliance conditions they must meet. The Coordinator acts as a single point of contact at NDEQ for regulated or potentially regulated entities. This year, six unique business entities or individuals took advantage of this service by requesting face-to-face or teleconference meetings with NDEQ staff.
- *Public Advocate for the NDEQ.* The Coordinator, at the discretion of the NDEQ Director, is responsible for investigating situations when the public or regulated community believes the Department's response to particular situations involving environmental issues is not appropriate. The Public Advocate serves as the ombudsman for purposes of the Clean Air Act 507 program.
- *Coordinator for the NDEQ's Compliance Assistance Team.* The Department's Compliance Assistance Team is composed of department staff from within the Department's Air Quality, Water Quality, Waste Management, and Field Services and Assistance Divisions. Its function is to ensure effective help to the regulated community. Meetings, which occur bimonthly, facilitate communication regarding outreach activities occurring Department-wide. Knowledge, experiences, activities, or contacts one program has may be beneficial to the efforts in another. Current NDEQ personnel who are part of the team include: Yvonne Austin, Air Quality Division; Erik Waiss, Waste Management Division; Dawn Martin, John Danforth, and Mike McBride, Water Quality Division; Kevin Stoner and Ryan Green; Field Services and Assistance Division.

Comprehensive Assistance Provided by NDEQ

The Small Business and Public Assistance Program is only one component of NDEQ's overall assistance program; Department staff provides environmental assistance in a wide variety of forms and forums. Assistance occurs during inspections or when staff visit regulated entities to explain the requirements of newly issued permits. Businesses are also referred to assistance coordinators by NDEQ inspectors for follow-up compliance assistance.

In the calendar year 2013, from January 1 through November 30, Department staff:

- Provided 147 on-site assistance visits; and
- Made 198 presentations at various conferences, workshops and meetings; or participated in other partnering and outreach efforts.

In addition to the on-site assistance visits and presentations or training events listed above, daily telephone and email contacts with the regulated community or general public account for a significant proportion of NDEQ's assistance activities. The following summarizes a portion of this year's Air Quality, Water Quality, and Waste Management Division compliance assistance activities, as well as other Field Services and Assistance Division activities not mentioned above.

Air Quality Division

The Air Quality Division developed a page on NDEQ website, <http://deq.ne.gov> dedicated to providing the latest information on air quality (AirNews Page). Staff incorporated 33 updates to the Air Toxics Notebook and 19 updates to the New Source Performance Standards Notebook – information resources for the regulated community. Division personnel also presented at the 2013 Nebraska Municipal Power Pool Energy Annual Meeting and Conference regarding the impact of recent emission standards amendments for reciprocating internal combustion engines on the municipal energy sector. The Division coordinated with environmental health and safety officials at Chadron and Gordon community hospitals on long-term plans for their medical waste incinerators. Section staff members are working on an Asbestos Program Standard Operating Procedure since Nebraska's asbestos program is administered through multiple state and local agencies. The Air Division utilizes a Listserv to send out timely information to nearly 900 subscribers.

Waste Management Division

In 2013, the Department awarded a total of \$3,279,514 from the Waste Reduction and Recycling Grant Program. The Waste Management Division is beginning to develop an easier, online application process for these grants. The Division also administers NDEQ's Voluntary Cleanup Program; currently there are 20 active sites in the program. In addition to the Voluntary Cleanup Program, the Division offers Brownfields redevelopment assistance to communities by conducting both Phase I and Phase II environmental site assessments, and assists with redevelopment planning. During the past year, the Department conducted 11 environmental site assessments and one Brownfields inventory to help a community plan for redevelopment. The Waste Management Division continues to work with the Nebraska Department of Health and Human Services and others to ensure the proper handling and disposal of asbestos and other waste materials from demolished structures.

Water Quality Division

The Department continues its development of the program, Assessing Wastewater Infrastructure Needs, that helps NDEQ staff and consulting engineers hired by communities develop wastewater treatment systems and compliance schedules that both protect the environment and whose infrastructure requirements are financially sustainable for rural communities in the state, many of which have declining populations. The Division in coordination with other state agencies administers the Nebraska Clean Water State Revolving Loan Fund, providing low interest loans and small community matching grants to municipalities for construction of wastewater treatment facilities and sanitary sewer collection systems. It also administers the Nebraska Drinking Water State Revolving Loan Fund programs, which provides low interest loans to owners of public drinking water systems. The On-site Wastewater Section has continued its evaluation of compliance with septic installers across the state. Division On-site program personnel also wrote two newsletters for wastewater operator certification organizations, and five newsletters for on-site wastewater treatment associations.

The NDEQ National Pollutant Discharge and Elimination System Permits and Compliance Unit participate in waste and wastewater conferences held four to five times per year by different associations. The Unit also presents at other professional conferences upon request, as well as providing assistance at the request of a facility.

Field Services and Assistance Division

In 2013, the Community Right-to-Know program continued its work with Local Emergency Planning Committees in the state, assisting with emergency planning efforts. The Department continues to respond to requests for assistance with spills; there were 18 this year. Approximately half of NDEQ's Emergency Response Team on-site visits involve mercury releases. Division personnel provided assistance to communities writing proposals for EPA's Brownfield grants program; specifically, providing feedback to the communities of Gering, Terrytown, and Scottsbluff on their joint grant application. The Small Business and Public Assistance Coordinator continued the Department's informal effort to provide outreach to the State's ethanol industry – meeting with individual facilities, discussing industry concerns, and learning about initiatives underway within the industry. The Division again hosted the Department's annual *Environmental Update* workshop; over 150 members from the regulated community and public attended. Division personnel also partnered with NPPD to host the 2013 *Power Summit* on November 5th; over 80 were in attendance. The workshop provides an opportunity for NDEQ and the state's electric power producers to discuss issues of mutual interest.

Please direct any questions regarding this report, comments, or suggestions to:

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