



December 28, 2019

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

RE: Small Business Compliance Advisory Panel Annual Report, 2019

Dear Governor Ricketts,

In accordance with the provisions of the Nebraska Environmental Protection Act (81-1505.03(2)), enclosed is the *Nebraska Small Business Compliance Advisory Panel Annual Report to the Governor for 2019*.

The federal Clean Air Act (CAA) Amendments of 1990 required all states to establish a Small Business Assistance Program and Small Business Compliance Advisory Panel (SBCAP) to assist small businesses in complying with provisions of the Clean Air Act. From the inception of the program the Nebraska Department of Environment and Energy (NDEE) has offered multi-media support under all agency programs, not just Air.

The SBCAP meets annually, and consists of four representatives of small businesses selected by the state legislature; two individuals from the general-public selected by the Governor; and one member from the Department, resulting in a panel of seven standing members.

The panel has provided our Department with recommendations on how we can Grow Nebraska. They have offered valuable insight on project initiatives such as our permit matrix and online permitting. Furthermore, the panel has supported and promoted our outreach efforts to better and more effectively serve and educate the regulated community and small businesses across the state.

In fall 2019, the SBCAP met to discuss year-to-date milestones and accomplishments. SBCAP members commended the Department's activities related to spring and summer flood response, process improvement, outreach planning, and webinar training. The group discussed new programs related to energy, reviewed Brownfield programs toward community revitalization, shared thoughts and ideas on "return to compliance" initiatives, and explored options for strategic outreach.

NDEE is fortunate to have SBCAP's active involvement as we continue implementing the best compliance and assistance tools possible. We look forward to meeting again in the spring of 2020.

Sincerely,

Jim Macy
NDEE Director

2019

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

Submitted December 31, 2019



NEBRASKA

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DEPT. OF ENVIRONMENT AND ENERGY



Message from the Small Business Compliance Advisory Panel

Since 2000, the Small Business Compliance Advisory Panel (SBCAP) has worked closely with Nebraska Department of Environmental Quality (NDEQ), and as of July 1, 2019 the Nebraska Department of Environment and Energy (NDEE), to support Small Businesses across the State of Nebraska.

This partnership has been and continues to be valuable by providing a voice for businesses through statewide representation and collaborative efforts of both the panel and the agency. The Nebraska SBCAP is a leader in our region, as many neighboring states do not have an active or participating panel. We appreciate the ongoing opportunity.

We believe the SBCAP and NDEE have made continuous progress in breaking down barriers, increasing trust and providing relevant regulatory information to assist business owners and members of the regulated community. This is an ongoing challenge, but together and through the following report, we believe we are making significant advancements.

The SBCAP met at NDEE offices on August 22, 2019 with Director Macy and his team. We applaud his ongoing commitment to participate and support our partnership. Furthermore, the SBCAP would like to recognize the DEE staff for their work to help and assist individuals, home and business owners as well as other agencies during the catastrophic floods this past spring.

During our annual Small Business Panel meeting, we reviewed the agency's first formal outreach plan and Lean-Six Sigma process improvement steps toward new business development. We never imagined governmental programs and process improvements would mirror those found in our own manufacturing environments. We were provided with updates on Air, Land, Energy, and Assistance program activities, informed of actions toward regulatory reform, and discussed opportunities to increase environmental and educational outreach that will continue to make compliance easy. On behalf of the panel, we are pleased with the continued efforts of the agency to engage, inform, and support small businesses and communities, including new potential opportunities related to energy programs.

Together, the panel and the agency want to convey their ongoing dedication to grow communities through providing support to small and new businesses, to alleviate concerns of business owners or their representatives contacting the department for help, and to find ways to disseminate information that has a propensity to change frequently. Small Business is personal and requires sacrifice to make it work, often with limited resources. We are excited at the progress and look forward to continued advancements and improvements well into the future.

Sincerely,

A handwritten signature in black ink that reads "Jim Hellbusch".

Jim Hellbusch, Small Business Compliance Advisory Panel Chair &
Owner of Duo-Lift Manufacturing, Columbus, NE



Background

The Clean Air Act Amendments of 1990 require each State to prepare a plan for helping small business comply with the provisions of the Act through the creation of compliance assistance programs. Section 507 of the Act requires states to prepare a small business compliance assistance program, establish an "ombudsman" to act as a liaison between small businesses and associated regulatory programs, and to form a Small Business Compliance Advisory Panel (SBCAP) of not less than seven individuals.

In 1992, Nebraska adopted enabling legislation codified as Nebraska Revised Statute §81-1505.03 requiring the creation of the Small Business Compliance Advisory Panel while outlining its responsibilities. The plan developed by the Nebraska Department of Environmental Quality (NDEQ) provided water quality and waste management assistance in addition to the required assistance with air quality issues. In the agency's plan, the ombudsman's responsibilities are fulfilled by the agency's Environmental Assistance Coordinator in the Energy and Assistance Division (EAD).

With the enactment of LB 302 on July 1st, 2019, the Nebraska Energy Office (NEO) and NDEQ merged to form the Department of Environment and Energy (NDEE). The responsibilities for the obligations of the previous NEO were assumed by Energy and Assistance Division (EAD) which is also responsible for coordination of NDEE assistance and outreach activities.

The Legislature selects four members to serve on the panel. These representatives are owners of small businesses having 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
Omaha Car Care
Omaha, NE

The Governor selects two panel members to represent the general-public and who are not small business owners or representatives of small business stationary sources of air emissions. Currently, these members include:

Sharon Hueftle-Director
South Central Economic Development District
Holdrege, NE

Starr Lehl-Director
Scottsbluff Economic Development District
Scottsbluff, NE

The Director of NDEE appoints one member as Department Representative to the Panel. In 2019, Kevin J. Stoner, NDEE's Air Division Administrator was appointed by Director Macy to serve on the panel.

The current non-voting board Secretary responsible for setting Panel Meetings and acting as liaison between the Panel and NDEE is Belinda Fowler, the Department's Environmental Assistance Coordinator. She began fulfilling the responsibilities of this position in April 2018.

Highlights from Small Business Compliance Advisory Panel Annual Meeting

Past reports show that the SBCAP and NDEQ/NDEE have made progress in breaking down barriers, increasing trust and providing relevant regulatory information to assist businesses and communities. The annual meeting occurred on August 22nd, 2019 at the DEE offices in Lincoln, NE.

Highlights of the 2019 Annual meeting included discussions on:

- The Open Meeting Act stipulations for in-person meetings and viable videoconferencing options.
- The Brownfields Redevelopment and Community Revitalization and the associated Voluntary Cleanup Program. This program provides funding for environmental assessments that remove environmental uncertainty that may hinder economic redevelopment of a site.
- The spring 2019 flood response and recovery. Highlights included actions toward multi-agency coordination, the new NDEE Incident Command Structure and flood response resources (i.e. flood dashboard, QR code sheets). Meeting attendees shared information on how to continue to assist impacted communities in restoring infrastructure, with a focus on resource availability (e.g. State Revolving Funds), and further statewide programs/policies.
- A status update on Regulatory Reform Activities and planned future actions.
- Air permitting timeframe reductions for municipalities on permit renewals, online permit renewal options and outreach for future electronic reporting-all saving time and dollars, reducing steps, and expediting the business processes for compliance.
- Energy Programs such as the Dollar Energy Savings & Loan, Weatherization, and special flood-related, low-interest loans.
- Targeted outreach to communities, groups, agencies and organizations working toward economic development initiatives, flood recovery, infrastructure development, and growing Nebraska, among others.
- Outreach Efforts including results from the Spring 2019 Public Outreach and Program Participation Survey, planned webinars, online tutorial videos, recent social media pages, Listserv distribution plans, as well as Permit and Compliance Assistance/Return to Compliance initiatives.





Small Business Compliance Assistance Services and Activities

NDEE offers a suite of compliance and assistance services. Compliance assistance services and activities are labeled in various ways across units, programs and divisions; however, all are designed to help the public and the regulated community on issues related to permitting, regulatory compliance, gaining access to resources, and obtaining answers to general questions. The Grow Nebraska Team is working to consistently define these metrics for future reports.

Following are summaries of primary compliance assistance activities:

- **Compliance Assistance Visit (CAV):** An on-site service offered by NDEE in response to a request by a business or regulated party to receive support for one or multiple environmental programmatic areas to which they are currently subject or considering under proposed operations. Compliance Assistance activities (see individual Site Assistance/Training below) may be provided during an inspection, however, a CAV cannot be requested after an inspection that may result in enforcement until that issue is resolved. A CAV does not absolve an entity from receiving an enforcement action if egregious violations are found, but rather focuses on supporting efforts to achieve voluntary compliance.
- **Permit Assistance Visit (PAV):** An on-site service (or meeting) offered by NDEE in response to a request by a business or regulated party to receive support under a new, modified or existing permit to address permit related questions.
- **One-Stop Meeting:** A One-Stop Meeting allows for a newly proposed or expanding business and their selected representatives to engage with applicable NDEE permitting programs and other regulatory agencies. The goal of each meeting is to provide the permittee an opportunity to ask questions and receive direction toward attainment of the necessary permits to achieve environmental regulatory compliance.
- **Scoping Meeting:** A meeting within or outside of NDEQ to introduce a new or proposed business to involved staff, programs and agencies. The meeting may include a review of processes or technologies, tools, resources, and strategic partnerships to assist the business in making the appropriate contacts for applicable regulatory requirements or business needs.
- **Individual Site Assistance/Training:** An on-site services offered by NDEQ in response to a request or during or after a Compliance Inspection.

In Calendar year 2019, from January 1st through December 13th, NDEE staff:

- Conducted 10 One-Stop and Scoping Meetings
- Provided 453 on-site assistance, inspection or training visits; including 30 Compliance Assistance Visits
- Provided 23 Permit Assistance Visits
- Participated in 139 public outreach events, speaking engagements or presentations at various conferences, meetings or workshops
- Hosted or played a key role in 244 partnership, training or targeted assistance meetings
- Responded to over 1,000 direct phones calls for compliance assistance



Compliance Assistance Activities and Outreach

The agency offers many other services for compliance assistance that are specific to individual programs within each division. One example are Pre-Application Meetings offered by Air Construction and Operating Permitting Programs. When an applicant has worked through an application and has specific questions, the Air Division will offer to meet and answer remaining questions prior to a formal application submittal. In 2019, the Air permitting section hosted 14 pre-application meetings under direct assistance to businesses in Nebraska. In 2019, the Air Permitting Section issued 110 total permits across both programs.

While routine compliance inspections are conducted for the purpose of determining regulatory compliance, NDEE takes the opportunity to include elements of training and education to regulated facilities. These activities are difficult to quantify but result in some of the most useful compliance assistance NDEE provides. NDEE's Grow Nebraska Team (GNT) is assessing how to quantify these activities.

2019 NDEE Grow Nebraska Team

In 2018, initiatives to "Make Compliance Easy" were launched and supported with creation of the NDEE GNT. The multi-divisional team meets quarterly or more often if needed. The team meets to discuss recommendations and to advance projects devoted to outreach, process improvement and assistance.

In 2019, the team held ten meetings to discuss compliance assistance metrics, to develop the Public Outreach and Program Participation survey, to develop the Department's 2019 Outreach Plan, and begin setting outreach and educational goals for 2020. The NDEE GNT is comprised of members from the Air, Water, Land, Waste, and Public Information Divisions. The Nebraska Department of Economic Development is also a member invited to attend regular quarterly meetings.

In addition to internal meetings as outlined in the paragraph above, the Grow Nebraska Team members host One-Stop meetings (see definitions above), responds daily to direct requests for assistance forwarded through Environmental Assistance Coordinators or any NDEE staff.

NDEE GNT activities have resulted in more divisions reporting on outreach and assistance efforts, increased communications and new internal opportunities for employee training and development. The GNT was critical in initiating NDEE-University – an effort focused on expanding NDEE staff knowledge of Department programs they are not directly involved with. This "in-reach" effort focuses on supporting employee development, training and awareness of agency programs. In 2019, there were 14 NDEE-University sessions. Field office staff and others were able to attend training sessions remotely or at their desktop via Webinar technology. Employees having an awareness of the programs across the agency can assist with the agency's customer service, efficiency, and effectiveness when working with the regulated community.



Facebook Followers



Figure 1. NDEE 2019 Social media followers on the agency's Facebook account.

Other key accomplishments of the Grow Nebraska Team included development and distribution of a Public Outreach and Program Participation Survey followed by the Agency's first formal outreach plan. As part of the Outreach Plan, the NDEE GNT worked across divisions within the agency to identify partnership agencies and organizations where we regularly engage and when (i.e. quarterly, bi-annually, etc.). This effort was in response to survey respondents' statements that said they try to go to events where NDEE staff is attending or presenting.

In May, webinar training and software installations occurred. A social media team was formed after benefits from flood response efforts were observed and noted by local officials.

By June, trials of the webinar software and equipment were complete, and the Flood Debris Waste Management Webinar was held in July.

Seven other webinars were hosted by the agency throughout 2019.

Promotion of webinars and program announcements occurred with the assistance of the Public Information Office (PIO). PIO initiated announcements of the webinars through the NDEE website, in 54 press releases and through the newly launched social media channels. Follower counts and referrals to the website are trending upward, along with an awareness of audience demographics, allowing for targeted audience outreach efforts into the future.

LinkedIn Followers - Job Function



Figure 2. NDEE 2019 Social media followers by profession on the agency's LinkedIn account.

Twitter Engagement

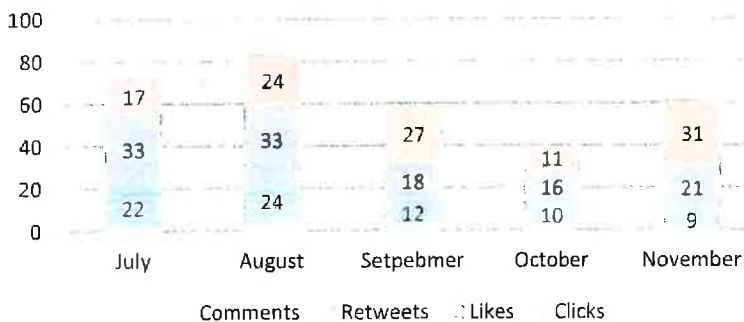


Figure 3. NDEE 2019 Social media metrics and engagement on the agency's Twitter account.

The NDEE Twitter account has approximately 465 followers. Twitter engagement metrics appear more robust than what is provided through other social media accounts at the current time, however all options have diversified communication and promoted outreach and assistance efforts toward grants, energy programs, brownfields, public health concerns (i.e. harmful algal bloom and provided notifications of upcoming webinars, list-serves and more.



Brownfields Programs and Services

Brownfields were a large component of the 2019 SBCAP meeting and the assistance is directly related to economic support of small business. The activities of the NDEE Brownfield programs are showcased below.

- Reviewed eight (8) environmental assessment documents for the Nebraska Panhandle Area Development District as part of their 104(k) Brownfields Assessment Grant
- Completed technical review of 24 environmental assessments or similar documents for 16 Nebraska properties
- Drafted nine (9) Data Gap Review letters
- Drafted two (2) Letters of Support for SENDD to apply for a 104(k) Brownfields Assessment Grant and an RLF Grant and reviewed the draft proposals
- Completed 12 Environmental Site Assessments
- Assisted with asbestos removal and disposal at two (2) properties
- Issued a No Further Action Letter to one (1) property.

2020 Small Business Goals and Planned Activities

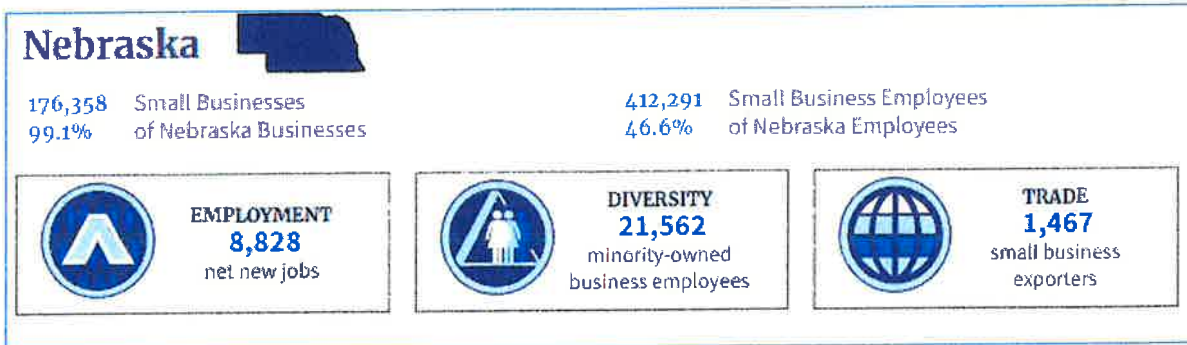
During the annual meeting between NDEE and the SBCAP, the following goals were developed for 2020.

- The Panel should continue to act as a liaison and advocate for the Department and assist by providing information on compliance assistance services to the regulated community and efforts by the NDEE.
- The Panel will subscribe to the Outreach and Assistance Listserv in order to be informed and disseminate information locally on upcoming outreach events.
- Panel members will continue to review and provide feedback for NDEE's online tools, assistance, resources and information including the agency's 2020 outreach plan. The next annual meeting is planned in April 2019 at a panel member's manufacturing facility in Hastings.
- Determine and assist with developing formal relationships with Chambers of Commerce if the team has determined doing so is warranted and/or beneficial for either or both the SBCAP or NDEE.
- Determine what projects would benefit small business and communities or impact economic development groups.

Status of Nebraska Small Business

Updates published by the Nebraska Department of Economic Development in 2019 indicate continued positive movement for Nebraska's economy with low unemployment, increased overall job growth, manufacturing job growth, and exports of livestock and agricultural products.

According to the Small Business Administration's (SBA) 2019 Small Business Profile, the number of small businesses in Nebraska continues to grow with the creation of over 8,828 new jobs (as compared to 11,221 in 2018). In 2019, the number of small businesses reported was 176,358 (up from 172,958 in 2018) and remains at 99.1% of all Nebraska Businesses. Section 507 of the Clean Air Act has adopted SBA definitions of small business as defined by Standard Industrial Classification categories and annual receipts; the most common of which are 500 employees for manufacturing and mining and \$7.5 Million in average annual receipts for many nonmanufacturing industries.



Source: <https://cdn.advocacy.sba.gov/wp-content/uploads/2019/04/23142652/2019-Small-Business-Profiles-NE.pdf>

Figure 4. United States Small Business Profile Summary Statistics for the State of Nebraska, 2019.

As Nebraska continues to attract and retain new talent in the small business sector, it is important to continue to highlight the value of maintaining and promoting the roles, achievements, and activities of the Small Business Compliance Advisory Panel in relation to its ongoing partnership with NDEE.

We appreciate your support and consideration of our achievements in 2018 and look forward to even more accomplishments in 2019.

Please direct any questions regarding this report to:

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