

December 15, 2022



Pete Ricketts, Governor

Governor Pete Ricketts  
State Capitol, 2<sup>nd</sup> Floor  
Lincoln, NE 68509-4848

**RE: Small Business Compliance Advisory Panel Annual Report, 2022**

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 2022.**

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. The Nebraska Department of Environment and Energy (NDEE) continues to offer multi-media support under all agency programs, not just Air.

The Small Business Compliance Advisory Panel is still actively engaged after more than 25 years. The group consists of four representatives from 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.

The SBCAP and NDEE partnership is valuable to receive recommendations toward how we can best serve the small business and regulated community. Past focus areas have been on growing Nebraska, compliance, permitting, improving our assistance tools, services, education, and outreach. While we have accomplished much, the group agreed there is still much to do in these areas.

In September 2022, the SBCAP met in-person at the NDEE Fallbrook building. This meeting provided information about future air quality regulations from EPA, the drinking water program, energy program, automated credentialing for water professionals, All About NDEE communications tool, and assistance activities. The group then spent some time discussing how the panel can assist the agency to reach target audiences and small business sectors. We also provided highlights of compliance assistance completed during the year that supported small business, Nebraska's economy, and the regulated community.

We continue to be appreciative of Nebraska's Small Business Compliance Advisory Panel's ongoing commitment, and involvement. The work we do is making a difference for our environment, our economy, and our future. We look forward to seeing what we can accomplish together in the coming year.

Sincerely,

Jim Macy, Director  
Nebraska Department of Environment and Energy

**2022**

**Nebraska Small Business  
Compliance Advisory Panel  
Annual Report**

**Submitted to Governor Pete Ricketts**

**December 15, 2022**

**Required submission date January 1, 2023**

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## Message from the Small Business Compliance Advisory Panel

Since 2000, the Small Business Compliance Advisory Panel (SBCAP) has worked closely with 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. 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. We will continue to work on these as primary goals in 2023.

In September 2022, NDEE met with members of the panel for the regularly scheduled annual meeting.

NDEE's Compliance Assistance Visits demonstrate the ongoing need and value of continued outreach, education, and partnership for small business to engage with NDEE. Small business in Nebraska is always challenging but was especially so in 2022 as the pandemic's labor force and supply chain issues of 2021 continued into 2022.

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 share regulatory changes or requirements using methods non-experts can understand. Small business is personal and requires sacrifice to make it work, often with limited resources, whether we are amid a pandemic or not.

Director Macy and I collaborated to conduct an informative gathering in Columbus to help small business understand how the agency operates in order to help compliance.

The turnout was smaller than I wanted but it was actually better because it promoted great conversation.

Sincerely,



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. In the department’s plan, an ombudsman role and multi-programmatic assistance activities were outlined for environmental programs of water quality, waste management, and air as required by the Clean Air Act.

The agency’s Environmental Assistance Coordinators serve as the link between NDEE, the SBCAP and small business in Nebraska. Since the 2019 merger with the Nebraska Energy Office, and the 2021 absorption of DHHS drinking water programs, compliance assistance outreach has expanded to include energy and drinking water programs.

NDEE’s Environmental Assistance Coordinators transitioned to the Public Information Office due to the agency’s functional reorganization in October 2020. The reorganization strategically centralizes and aligns these positions to support NDEE assistance, compliance, and outreach activities.

Each year, NDEE provides the Panel a review of its efforts to engage the small business community across the state. The department offers a suite of compliance, outreach, education, and assistance services for supporting the regulated community toward their environmental permitting and compliance goals. Compliance assistance services and activities are labeled in various ways across sections, programs, and divisions within NDEE; however, all are designed to help educate the public and the regulated community on issues related to permitting, regulatory compliance, access to resources, and obtaining answers to general questions.

## **Small Business Compliance Advisory Panel**

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.

After more than 25 years, Nebraska’s Small Business Compliance Advisory Panel is still actively engaged. The group consists of four representatives from 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. Boyd Dingman of Dingman’s Collision Center in Omaha was newly appointed to the panel in January 2022.

The Director of NDEE appoints one voting member as department representative to the Panel. In 2021, the director appointed NDEE's Division Administrator for Permitting & Engineering to fill the position.

## **Panel Members**

### **Legislative Appointees**

- Jim Hellbusch - Panel Chair/Owner of Duo-Lift Mfg., Columbus
- Rick Bettger - Owner of Omaha Car Care, Omaha
- Boyd Dingman – Owner of Dingman's Collision Center, Omaha
- Jack Schreiner - Owner of Bruckman Rubber, Hastings

### **Governor Appointees**

- Sharon Hueffle - Executive Director, South Central Economic Development District
- Starr Lehl - Economic Development Director, City of Scottsbluff.

### **NDEE Appointee**

- Shelley Schneider P.E. - Division Administrator, Permitting and Engineering Division (Appointed August 2021)

## **SBCAP and NDEE Engagement**

Past reports show that the SBCAP and NDEE have made progress in breaking down barriers, increasing trust and providing relevant regulatory information to assist businesses and communities. This was evident in 2022 as the COVID-19 pandemic continued to require significant flexibility and adaptations on the part of NDEE, small businesses, communities, groups, and individuals continuing to engage in economic development and environmental compliance.

COVID-19 challenges for small business have included supply chain and product distribution interruptions, applications to grants supporting continued employment, increased employee illness and absenteeism, resignations, and changes to manufacturing lines to allow for social distancing along with many others.

Many businesses have closed their doors due to the pandemic, affecting local sales receipts and jobs for rural Nebraskans. Communities and economic development groups are finding new ways to promote and encourage prospective businesses to select their local areas. NDEE partners with outside agencies (DED) and internally supports these efforts through one-stop meetings, zero or low-cost permitting fees, assistance in navigating permit requirements, providing dedicated support staff and teams focused on permitting, compliance, assistance, water infrastructure funding, waste reduction grants and low-cost energy loans.

## **Compliance Assistance Services**

The following summarizes NDEE's primary compliance assistance services:

**Compliance Assistance Visit (CAV):** An on-site service (or meeting) offered by NDEE in response to a voluntary request by a business or regulated party to receive support for one or multiple environmental program areas to which they are currently subject or considering under proposed operations.

A CAV focuses on supporting the efforts of an entity to achieve voluntary compliance; however, it does not provide an enforcement shield if egregious violations are found during the visit.

**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.

**Scoping Meeting:** A meeting within or outside of NDEE to introduce a new or proposed business to involved staff, programs, and agencies. The meeting may include interview questions, 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.

**One-Stop Meeting:** A One-Stop Meeting typically follows a scoping meeting with more detail. 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 detailed information and direction toward attainment of the necessary permits to achieve environmental regulatory compliance.

**Individual Site Assistance/Training:** An on-site service offered by NDEE in response to a request or during or after a Compliance Inspection.

**Inspections:** Small businesses are subject to routine compliance assurance inspections, as well as field, fiscal and equipment audits to determine accounting and regulatory compliance. During these audits and inspections, NDEE takes the opportunity to include elements of training and education. These activities result in some of the most useful compliance assistance NDEE provides.

## ***2022 NDEE Assistance Activities Completed***

### **Assistance Visits and Contacts**

Staff provide assistance through Compliance Assistance Visits, Permit Assistance Visits, phone and email contacts:

- Conducted two multi-program Compliance Assistance Visits (CAVs) for requesting facilities in the manufacturing sector
- Conducted one air program related Permit Assistance Visit (PAV) to a manufacturer

- Conducted 28 NPDES PAVs and seven CAVs for permitted facilities
- Provided NPDES Program assistance to three permittees on stormwater pollution prevention plans, industrial storm water permits and sand and gravel pit permitting requirements.
- Conducted a brownfield assistance visit in a northwest Nebraska community to discuss reuse options and strategies to secure cleanup funding for a former power plant
- Conducted two Solid and Hazardous Waste assistance visits to NDOT yards in York and Omaha
- Brownfields Program Assistance via phone, email, and Zoom to discuss resources and grant funding to promote economic development of vacant and blighted properties - 267
- Solid and Hazardous Waste Compliance Assistance contacts via phone – 427
- Solid and Hazardous Waste Compliance Assistance contacts via email – 448
- Small Business Assistance program contacts via phone and email – 38

### One Stop Meetings

Meetings were held with entities involved in:

- Municipal utilities in central Nebraska
- Health product manufacture
- Diesel manufacture
- Motels and campgrounds

### Scoping Meetings

Staff held meetings/calls with the following businesses/industries:

- Wood Pelletizer firm
- Landfill in south central Nebraska

### Engagement, Outreach and Training

NDEE supplies hundreds of [website guidance documents](#), handouts, and brochures to assist business and industry understand the state’s environmental permitting requirements. In partnership with the Nebraska Department of Economic Development (DED), NDEE developed a business development packet of materials to support DED in its business and industry recruiting efforts. One of the packet materials (Figure 1) includes initial project questions for prospective businesses to use in preparation of a NDEE scoping or one-stop meeting.

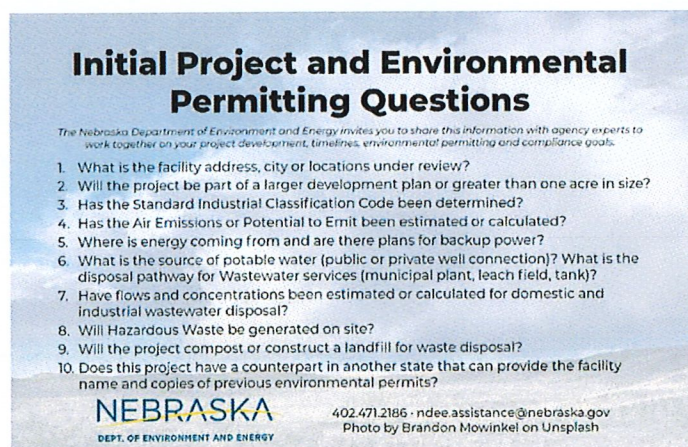


Figure 1. Initial Project and Environmental Permitting Questions for new or expanding business ventures.



## **Speaking Engagements and Presentations**

NDEE staff regularly give presentations and trainings to groups in a wide array of fields including:

- Solid Waste Association of North America (SWANA) Spring and Fall Conferences – current waste topics and regulatory info
- Air & Waste Management Association Conference– Agency roundtable
- Nebraska Fire School – Requirements for Burning
- Brownfields Resources Roadshow – one day workshops on brownfield redevelopments in Lincoln, Minden, Chadron for local governments, non-profits, economic development districts and community members
- Omaha Sedimentation and Erosion Control Conference
- Scottsbluff – Tri City Storm Water – Training and Info Sharing on Stormwater Pollution Prevention Plans (SWPPP)
- Nebraska Associated General Contractors Outreach
- Hastings City Council meeting
- Hastings MS4 Outreach
- Nebraska Floodplain and Stormwater Managers Association conference
- NDEE Petroleum Remediation Program Consultants' Day
- International Erosion Control Association Conference
- Nebraska Floodplain and Stormwater Managers Association conference
- REGFORM - Air Construction Permit and Operating Permit Overview webinar provided for regulated community/consultants
- South Central Economic Development District's monthly HomeNE webinar - Yes, A Home Can Be a Brownfield
- US EPA and KSU TAB webinar on Community Revitalization Through Brownfields Redevelopment partners, Tools & Resources for Nebraska Communities
- Nebraska Rural Water Association and Midwest Assistance Program – Presentations on Discharge Monitoring Reports and general NPDES compliance issues
- Nebraska Industrial Council on the Environment (NICE) – provide regular updates on agency regulatory activities

## **Activities Coordinated with Other Agencies**

NDEE staff also regularly coordinate activities with other agencies both in-state and out-of-state including:

- NDEE/DED partnered cross-training about each agency's programs to enhance the state's business recruiting activities
- Coordinated the annual Power Summit meeting between public utilities and NDEE
- Hosted NDOT/NDEE air annual MOU meeting

- Partnered with US EPA and its contractor on reuse visioning projects in Beatrice, and Blair
- Federal Partners Grant Writing Workshop with EPA and KSU TAB program

### **NDEE Training Webinars and Virtual Outreach Events**

In 2022, NDEE hosted a total of five webinars and three virtual outreach events. In total, NDEE provided training to 518 online attendees. For training webinars, retention averaged 84%. The table below breaks down the webinar events and attendance numbers.

#### **NDEE Webinar Topics, Registration and Retention Metrics**

<b>Event Dates</b>	<b>2022 Webinar Titles</b>	<b>Registered</b>	<b>Attended</b>	<b>% Attendance</b>
1/19/2022	Understanding Air Permitting Thresholds	111	107	96%
2/8/2022	Let's Talk Construction Stormwater	137	114	83%
3/25/2022	Association of General Contractors-CSW meeting	47	37	79%
6/28/2022	Proposed Changes to Title 119 - NPDES	179	136	76%
11/29/2022	Updates to MSW Landfill Air Regulations	44	40	91%
	<b><i>Current Totals/Average retention</i></b>	518	434	84%

NDEE’s SRF Program initiated three virtual outreach meetings to discuss federal IJJA funding with consulting engineering and lead service line/public water system groups.

### **Training Library**

As in past years, 2022 webinar recordings are posted to the NDEE Video Events webpage along with the associated slide decks. These and other assistance resources are promoted through SBCAP, the website and through social media channels before and following each event.

### **SBCAP Annual Meeting Highlights**

During the September 2022 meeting, NDEE staff gave presentations and provided updates on the following topics:

- Future air quality regulations from EPA
- NDEE’s Drinking water program
- NDEE’s Energy program
- New online credentialing for water professionals
- All About NDEE communications tool
- Assistance activities.

## **Panelist Comments and Suggestions for NDEE**

Panelists urged NDEE to continue to make compliance easy, be responsive, helpful and transparent. The panel expressed appreciation for the explanations about several regulations and programs and for the opportunity to discuss them, provide feedback and make suggestions. They suggested NDEE work with the Chamber of Commerce, the Manufacturing Coalition, the Hastings Manufacturing Partnership, the Central Nebraska Manufacturing Partnership, Nebraska Manufacturing Extension Partnership at UNL, and the eight economic development districts. The group revisited options for conducting in-person outreach training or luncheons with these partners across the state in 2023.

Panel members appreciate NDEE's continued efforts to work with them, and expand outreach efforts through Compliance Assistance Visits, and other outreach and assistance tools.

### **The Future**

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.

Over 99 percent of Nebraska businesses fall into the small category according to the Small Business Administration. The panel and NDEE both will advance protection of the environment and human health while maintaining a balance with small business growth. We appreciate your support and consideration of our achievements in 2022 and look forward to even more accomplishments in 2023.

### **Please direct any questions regarding this report to:**

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