



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY
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December 19, 2014

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 (81-1505.03(2)), enclosed is the *Nebraska Small Business Compliance Advisory Panel Annual Report to the Governor of Nebraska for 2014*.

The federal Clean Air Act Amendments of 1990 required all states to establish a Small Business Assistance Program to assist small businesses in complying with provisions of the Clean Air Act. From the beginning, the Nebraska Department of Environmental Quality (NDEQ) designed the program to provide assistance to businesses affected by Waste Management Division and Water Quality Division regulations as well as the required Air Quality assistance.

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. The Panel is engaged in compliance assistance and outreach to companies and citizens of the state and provides feedback on the effectiveness of the Department's outreach program, as well as providing suggestions for additional ways NDEQ can engage the regulated community in a proactive manner.

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,

Pat Rice
Acting Director

Nebraska Small Business Compliance Advisory Panel Annual Report to the Governor of Nebraska for 2014

January 1, 2015



**Nebraska Department of
Environmental Quality**



Serving Small Businesses and the Environment

Message from the Nebraska Small Business Compliance Advisory Panel

The complexity of environmental regulations makes it challenging for small businesses to stay on top of these requirements. While large businesses have the resources to devote personnel solely to cover these tasks, many small business owners are not able to do so and often find themselves trying to keep up-to-date on changing environmental regulations, worker safety requirements and other state and federal requirements simultaneously. Regrettably, it may be during an inspection that a business finds out it did not understand all of its environment permit obligations.

The members of the Nebraska Small Business Compliance Advisory Panel (SBCAP or Panel) recognize that small business owners may be hesitant to contact the Nebraska Department of Environmental Quality (NDEQ) for assistance in understanding and complying with their permit requirements; hence the reason for the Panel – to provide a means of an open and straightforward discussion with NDEQ about issues that are of concern to the small business community.

Many Panel members, some whom have been active since the SBCAP's inception in the 1990's, have seen NDEQ's compliance assistance efforts – some successful, some which still need improvement. From the "day-to-day" interactions the Department has with the regulated community, to focused efforts the Department provides during natural disasters and working with communities to help redevelopment and revitalization efforts – the Panel appreciates the efforts NDEQ personnel make. Challenges still remain and there will always be hesitancy for some to contact the NDEQ for assistance; however, we see the need for the Department's outreach and assistance efforts; and encourage NDEQ, in partnership with the Panel and other organizations, to continue engaging Nebraskans in a proactive, helpful way.



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 provided water quality and waste management assistance, in addition to the required 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 appoints one member to represent the Department 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

SBCAP Goals for 2014

Panel members outlined the following goals for the Department's Small Business and Public Assistance program in 2014.

- When appropriate, provide input concerning any new or changing environmental regulations;
- Provide Panel services in the members' communities;
- Gauge the regulated community's satisfaction with the Department's assistance initiatives;
- Meet annually with the Department regarding interaction of NDEQ and small businesses; and
- Continue to advise NDEQ regarding the clarity of produced guidance documents.

SBCAP Activities for 2014

On Thursday, October 9, 2014, the Panel held its annual meeting via teleconference, with Jim Hellbusch hosting the meeting out of his business in Columbus, Nebraska. Members present at the meeting included Jim Hellbusch, Starr Lehl, Jack Schreiner, Sharon Hueftle, Rick Bettger, and Terry Johnson. A summary of items discussed at the meeting follows.

Joe Francis explained the procedure for selecting a new NDEQ Director. The Environmental Quality Council provides a list of names to the Governor, who then appoints the Director.

The response of NDEQ to tornados in Beaver Crossing and Pilger was discussed. The Department and a number of state agencies, under the direction of the Nebraska Emergency Management Agency, were involved with response and recovery activities. NDEQ's primary role was assisting the local Incident Commander, Emergency Manager and the Municipal Clerk with debris management. Personnel from Duo Lift Mfg. also volunteered and spent an entire day assisting in clean-up efforts.

Regarding regulatory updates – Air Quality – EPA is proposing changes to 111d of the Clean Air Act regarding carbon emissions from existing coal-fired power plants. Additionally, the EPA is revising the National Ambient Air Quality Standard for ozone; if this standard is below 66 or 67 ppm, the Omaha metropolitan areas may go into non-attainment. Waste Management – NDEQ Waste Management Division proposed changes to Title 128 – Nebraska Hazardous Waste Regulations to the EQC in October 2014. The amendments created a conditional exclusion for solvent contaminated wipes, bringing it in line with recent federal regulatory changes.

Cindy Miesbach, NDEQ Field Services and Assistance Division, summarized some of the Department's Brownfield efforts. Gering, Nebraska successfully competed for a \$200,000 EPA grant this year to assess properties in Gering, Scottsbluff, and Terrytown along the Scottsbluff-Gering highway corridor. The city and NDEQ worked closely with the Technical Assistance to Brownfields program through Kansas State University to review the application. Starr Lehl reported that the towns were excited to have been successful, and will update the Panel about future happenings.

Sharon Hueftle stated she often hears members of the regulated community say that they are hesitant to contact NDEQ. Jim Hellbusch suggested trying to hold Town Hall meetings in facilities, maybe including a luncheon, to help emphasize that while NDEQ is a regulatory entity, they are there to help.

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; and the three duties outlined below.

- *Coordinator for NDEQ's One-Stop Permitting Assistance program.* The One-Stop program is designed to help businesses understand 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 entities. This year, 10 business entities or individuals took advantage of this service.
- *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. The Coordinator worked with one business in 2014 regarding a question about necessary air permits for incinerators.
- *Coordinator for the NDEQ's Compliance Assistance Team.* The Department's Compliance Assistance Team is composed of department staff from within the Department's various Divisions. Its function is to ensure effective help to the regulated community. Current NDEQ personnel who are part of the team include Erik Waiss, Waste Management Division; Carrie McCaleb, Waste Management Division; Mike McBride, Water Quality Division; and Ryan Green, Field Services and Assistance Division. The employee position for the Air Quality Division is presently vacant. This year's activities have included outreach efforts to communities and businesses regarding economic revitalization in Nebraska communities, with Ms. McCaleb acting as a department liaison for several of the events.

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 visits 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 2014, from January 1 through November 30, Department staff:

- Provided 397 on-site assistance visits;
- Provided 24 pre-application assistance meetings; and
- Made 140 appearances at various conferences, workshops and meetings; presenting 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 continues to operate its Permit Hotline, which assists air permit applicants in completing their applications. Staff answer questions related to permit forms, fees, emission calculations, and the permitting process. Staff also had a number of pre-permit application meetings with entities regarding required air permits or air-related compliance issues. Division personnel continue updating existing online guidance documents, including the Air Toxics Notebook and New Source Performance Standards Notebook.

Waste Management Division

The NDEQ Brownfields and Voluntary Cleanup Program continues coordinating with the Kansas State Technical Assistance to Brownfields program, EPA Region 7, the South Central Economic Development District, and Southeast Nebraska Resource Network, to assist local community representatives in revitalization efforts of potential Brownfield sites. Assistance personnel in the Waste Management Division also wrote or updated 12 guidance documents.

Water Quality Division

The Water Quality Division conducted outreach efforts regarding proposed revisions for Title 117 – Nebraska Surface Water Quality Standards, including preparing articles for different publications, such as the Nebraska Water Environment Association (NWEA) Effluent Line and League of Nebraska Municipalities’ newsletters; meetings; and conference presentations. The Environmental Quality Council passed these changes in October 2014.

Division personnel attended meetings regarding the EPA and U.S. Corps of Engineers “Waters of the United States” rule.

The Water Quality Division’s Onsite Wastewater unit contracted with the Nebraska Onsite Wastewater Association (NOWWA) to develop and present training at four locations around the state in 2014, and to develop and present training at the Association’s February 2015 convention. The onsite program also continued voluntary compliance inspections at random facilities around the state in 2014. The NDEQ Operator Certification Program staff participated in wastewater treatment facility inspections for the NWEA Scott Wilbur Awards for the 2014 Fall Conference, developed several articles for the NWEA newsletter, and developed and presented operator training in conjunction with the Midwest Assistance Program.

Field Services and Assistance Division

The Field Services and Assistance Division hosted the Department’s annual *Environmental Update* workshop on May 15th in Lincoln, Nebraska; over 150 members from the regulated community and public attended. Based upon attendee feedback, the Department is planning on hosting two workshops in 2015 – one in Lincoln and one in North Platte. Division personnel also partnered with the Nebraska Public Power District to host the 2014 *Power Summit* on November 19th; 68 were in attendance. The workshop provides an opportunity for NDEQ and the state’s electric power producers to discuss issues of mutual interest. Division personnel assisted businesses with required annual Tier II reporting – with over 870 calls coming into the Department from January through March, the majority of which came from small businesses needing assistance. The Community Right-to-Know program also continued its work with Local Emergency Planning Committees in the state, assisting with emergency planning efforts.

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

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