

# CHAPTER 1:

## Agency Overview

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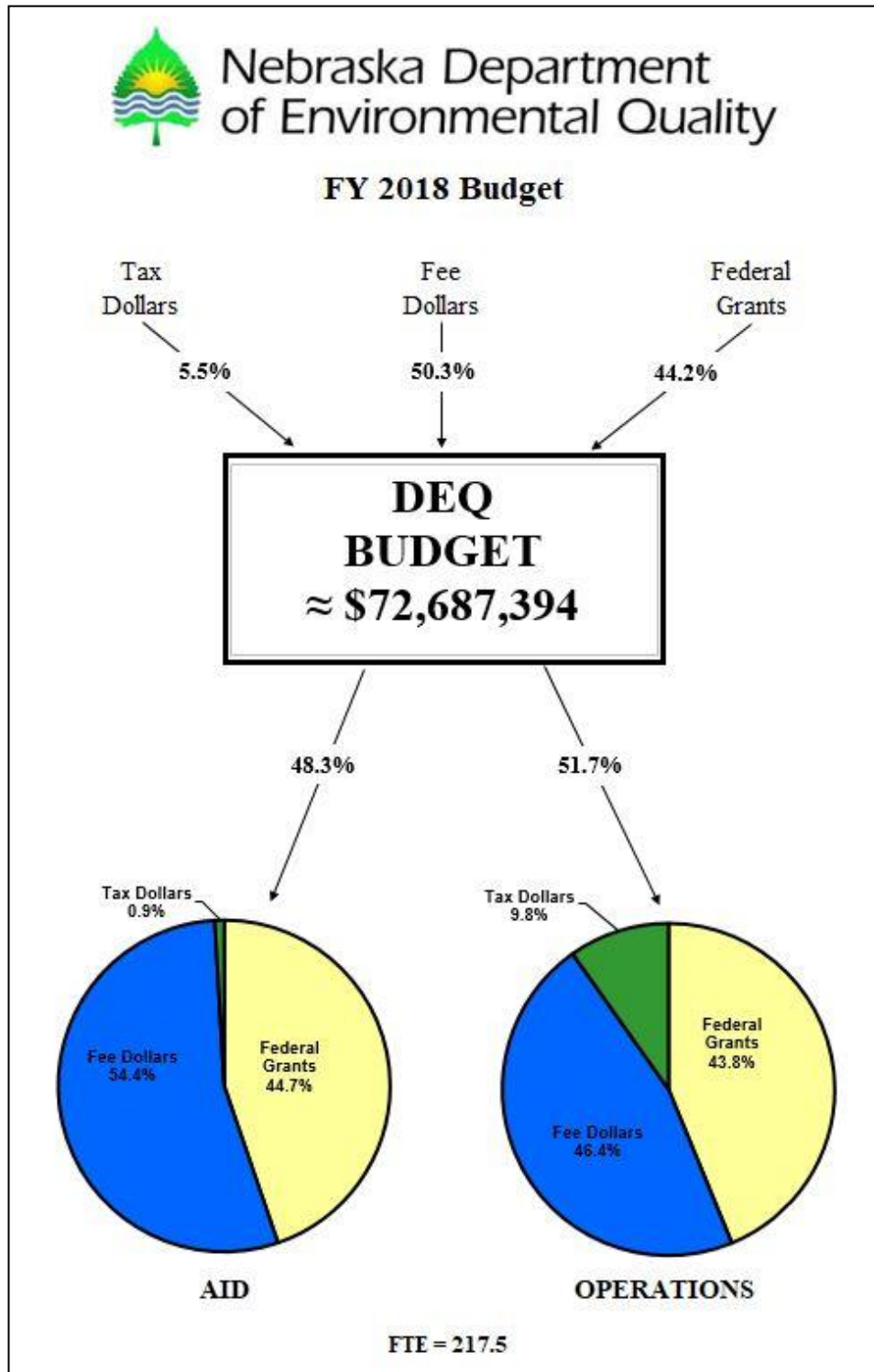
The Nebraska Department of Environmental Quality (NDEQ) was created with passage of the Nebraska Environmental Protection Act in 1971. The Department has grown and been given additional responsibilities over the years, but its mission has remained the same — the protection of Nebraska's air, land and water resources. Presently, the Agency is authorized for a staffing level of 217.50 full-time employees.

The NDEQ has an FY18 annual budget of approximately \$72.7 million. This includes money from federal grants, state taxes and fees. Of that amount, \$35.1 million is redistributed to other agencies, organizations and individuals in the form of aid (grants and loans).

The table below shows a breakdown of NDEQ funds. The columns listed as aid represent the agency's budget redistributed to other entities as grants and loans. The columns listed as operations represent amounts used for agency operation and contracts for such things as investigations and cleanups.

<b>Funding Type</b>	<b>Operations: \$ Amount</b>	<b>Percent of Operations Budget</b>	<b>Aid: \$ Amount</b>	<b>Percent of Aid Budget</b>
<b>Federal Funds</b> (Grants)	\$16.4 million	43.76%	\$15.7 million	44.75%
<b>State General Funds</b> (Tax \$)	\$3.7 million	9.78%	\$0.3 million	0.90%
<b>Cash Funds</b> (Fees)	\$17.5 million	46.46%	\$19.1 million	54.35%
<b>Total</b>	\$37.6 million		\$35.1 million	

The following graphic depicts NDEQ's FY18 budget by funding source and percent anticipated to be expended by fund type and activity (aid or operations).



## Significant Topics in 2018

The following are some of the significant topics, challenges and accomplishments that NDEQ addressed in 2018:

### Two Creeks Removed from Impaired Waters List

A variety of Best Management Practices, such as the structures and vegetation to absorb water and reduce E.coli bacteria at Antelope Creek (right), and contour farming, terracing and buffer strips that prevent runoff from entering Shell Creek (below), have led to substantial water quality improvement at the two creeks.



Pictured above, NDEQ Director Jim Macy provides comments at an Oct. 18 ceremony for the Antelope Creek delisting. Also speaking at the event were EPA Region 7 Administrator Jim Gulliford, Lincoln Mayor Chris Beutler, Lower Platte South NRD Board Chair Ray Stevens and Governor Pete Ricketts.

Water bodies are placed on the EPA’s Impaired Waters List after monitoring has demonstrated that the creek, river or lake has unacceptable levels of particular contaminants, It is rare to have a waterbody “delisted.” A creek, stream, river, pond or lake can be removed from the Impaired Waters List only if it meets water quality standards set by the NDEQ and approved by the EPA. Only 90 creeks in the nation have been removed from the list in the last 15 years. There were two creeks in Nebraska that were delisted from the Impaired Waters List in 2018.

They are:

**Antelope Creek** -- Antelope Creek runs from 84th and Highway 2 north to 14th Street and Cornhusker Highway in Lincoln. Antelope Creek was first added to the Clean Water Act List of Impaired Waters by NDEQ in 2004. At that time, levels of E.coli bacteria were more than 25

times the water-quality standard. Improving Antelope Creek and the surrounding area has been a collaborative project for more than 20 years, involving the City, Lower Platte South Natural Resources District (LPSNRD), University of Nebraska, NDEQ, Nebraska Environmental Trust and other partners and local businesses. The Antelope Valley Project -- which reduced flooding, improved traffic flow and spurred revitalization in the core of the City -- also exposed the creek water to more sunlight, which helped break down the E.coli bacteria. Since the mid-2000s, Antelope Creek has benefitted from about 15 stormwater quality improvement projects and two major flood control projects with funding from local, state and federal sources. Residents and businesses along and near Antelope Creek have installed sustainable landscaping projects, including the installation of 119 residential rain gardens. Permeable pavers and rain gardens have been installed in key locations throughout the creek area. Other projects have included Assurity Life Insurance Company's green roof and the Lincoln Children's Zoo's installation of rain gardens and special storm drain inlets designed to filter animal waste and sediment.

**Shell Creek** -- The Shell Creek watershed stretches 110 miles from Petersburg to a few miles east of Schuyler, where it empties into the Platte River. Shell Creek was first added to the Clean Water Act List of Impaired Waters in 2006 due to impairment of aquatic life caused by atrazine. Through coordinated efforts, people in the area were able to significantly reduce the pollution at Shell Creek. In 2018, EPA approved the removal of Shell Creek from the list of impaired waters due to atrazine.

This historic accomplishment took more than 12 years to complete. The Shell Creek Watershed Improvement Group (SCWIG) is a group of landowners and farmers who worked collaboratively with the Nebraska Department of Environmental Quality (NDEQ), Lower Platte North Natural Resources District (LPNDRD), USDA Natural Resources Conservation Service and other project partners in promoting no-till farming, filter and buffer strips, cover crops, and other conservation management practices to help improve the quality of water draining into Shell Creek. As a result of these conservation efforts, the atrazine level has significantly declined and the creek is now supporting aquatic life. This was the first large region in the nation to achieve atrazine delisting by implementing a watershed management plan.

### **Macy Appointed Acting Director of Energy Office**

On Aug. 1, 2018, NDEQ Director Jim Macy was appointed by Governor Pete Ricketts to also serve as the Interim Director of the Nebraska Energy Office. The former Energy Office Director, David Bracht, had concluded his service to return to his private law practice in Omaha. NDEQ and the Energy Office have subsequently been coordinating efforts regarding grant outreach and other issues related to both agencies.

### **Well Drillers' Agreement**

A Memorandum of Agreement between Health and Human Services and NDEQ became effective June 25, 2018. Under the agreement, NDEQ assumes the responsibility of administering the Water Well Standards and Contractors' Practice Act and Title 178, Chapters 10, 11, 12, and 13.

The program remains intact, but the positions in Lincoln moved from the Nebraska State Office Building to the Atrium in downtown Lincoln. The Water Well Standards and Contractors' Licensing Board and field personnel remain the same.

## Petroleum Remediation Program Eliminates Backlog

The Petroleum Remediation Program has eliminated a backlog of unresolved sites that began over two decades ago. Starting in 1991, petroleum releases were being reported at such a pace that NDEQ couldn't respond to all of them, so sites were prioritized, with highest priorities addressed first. Others of lower priority were placed on a backlog, to be addressed later. The high volume of sites in the 1990s was in large part due to a federal mandate to upgrade underground storage tanks. When old tanks were removed, petroleum releases were often discovered. Hundreds of new petroleum releases were being reported each year, and funding and staff resources were overwhelmed. In 1991, the program first started formally backlogging responsible party (RP) sites, putting them on a list to activate for work later when staff or money allowed.



Pictured above -- Excavation of fuel-contaminated soils to allow construction of a strip mall over this area in Greeley.

The total number of RP backlogged sites reached 1,000 in 1995 and then 2,000 in 1997. The peak number of RP backlogged sites occurred in December 1999 at 2,554 sites. That backlog has now been eliminated – the last sites on the list were activated for investigation and potential cleanup in November, 2018.

Since the program began in the 1980s, 6,734 petroleum release sites have been investigated, cleaned up as needed, and closed; the majority of these sites were RP sites. There is still a considerable amount work to be done on Active and Priority List sites, but the elimination of the RP backlog is a major achievement of environmental cleanup and public health protection.

## 2018 Legislative Summary

One piece of legislation passed in 2018 that impacted the agency:

**LB 1008** – This legislation, among several other features, amends the Waste Reduction and Recycling Incentive Act by extending the sunset date of the scrap tire program for five years from June 30, 2019 to June 30, 2024. LB 1008 was introduced as a wildlife violations bill, but became a vehicle for four additional pieces of legislation in the Committee's jurisdiction to include LB 762, the scrap tire sunset bill.