

CHAPTER 7:

Field Services and Assistance Division

The purpose of the Field Services and Assistance Division is to provide information and assistance to the public and the regulated community, as well as to conduct inspections, maintain monitoring programs, and manage specific projects. With regard to performing inspections, operating monitoring programs, and managing projects, Field Services staff coordinates all activities with the Agency's Air Quality, Waste Management, and Water Quality Divisions. Many of the agency's field activities occur out of NDEQ offices located in Omaha, Norfolk, Chadron, Scottsbluff, North Platte, and Holdrege.



NDEQ Emergency Response Team members helped deploy oil containment booms to control releases associated with heavy rains at Burlington Northern's Hobson Yard in May, 2015. See page 94 for more information about NDEQ Emergency Response efforts.

In addition to Field Services, the Division consists of the following programs: Small Business and Public Assistance, Community Right-To-Know, Emergency Response, Homeland Security, and Quality Assurance.

Over the last year, the programs within the Field Services and Assistance Division have devoted efforts to a number of significant projects. A short summary of some of those efforts follow.

- Avian Influenza incidents in northeast Nebraska. The Division played a coordinating role working primarily with the Waste Management Division and the Nebraska Department of Agriculture. The Division had the lead role in the conduct of an Avian Influenza Workshop attended by environmental and agricultural agencies of the six states most impacted by the disease.
- The Division continues to coordinate environmental partnership efforts with NPPD and the Nebraska Methane Workgroup. The Partnership with NPPD began in 2000 and was created to enhance communications between our organizations and to examine ways in which our joint resources can be used effectively. One of the primary Partnership projects has been the annual Power Summit, which brings electric utilities and associated local, state, and federal regulators together to discuss issues of mutual interest.

The Nebraska Methane Workgroup is a product of the NPPD and NDEQ Environmental Partnership. NDEQ and NPPD examined the potential for capturing energy from

Nebraska's confined animal feeding operations and sought expertise from a number of additional organizations and entities. The workgroup developed a white paper documenting the energy potential Nebraska's confined animal feeding operations possess.

- The Field Services and Assistance Division devotes significant resources to the coordination of the review of and response to submissions pursuant to the National Environmental Policy Act (NEPA). The environmental assessments are conducted by five NDEQ programs: Air Quality, Waste Compliance, Storm Water, Wastewater, and Water Quality. The purpose of the assessments is to ensure related projects are conducted in an environmentally responsible manner and to give the project sponsors an early awareness of any potential permits that will be needed for a successful project. During FY2015, NDEQ received 72 new project notifications for NEPA review.
- The Community Right-to-Know Program works with Local Emergency Planning Committees in planning efforts, such as planning and participating in emergency response exercises. The program also participates in educational activities. The Program participated in 12 local emergency management agency meetings over the last year and on the State Emergency Response Commission Education/Outreach Committee.
- The Emergency Response Program enhances NDEQ's ability to respond to releases into the environment by securing equipment and coordinating and providing additional training for NDEQ's Emergency Response Team. Additionally, the Emergency Response Coordinator serves as NDEQ's Complaint Coordinator. The Complaint Coordinator implements the Department-wide notification system. The system is designed to increase the effectiveness and bring consistency to NDEQ's response to notifications and complaints.
- The Division, primarily through the efforts of the Small Business and Public Assistance Coordinator, is responsible for the planning of NDEQ's annual Environmental Update – a one-day conference held for the regulated community and environmental consultants to provide an opportunity for NDEQ programs to present updates and explain new developments. In FY2015, the Environmental Update was also held in North Platte. The additional session was well received and continued expansion of the Environmental Update will occur in FY2016.
- The Division, through the Small Business and Public Assistance Coordinator, arranges "One Stop Permit Meetings" with businesses, city representatives, or the Nebraska Department of Economic Development, to help facilitate any environmental regulatory permitting requirements an incoming business may have.
- The Field Office Section Supervisor conducts one-on-one informal visits with small community Municipal Clerks. Clerks often receive requests for information associated with NDEQ's various programs, and providing them with knowledge of NDEQ's programs, and letting the Clerks know who to contact in given situations, benefits the citizens of the state.

Field Offices

The NDEQ Field Office Section is responsible for conducting compliance inspections, complaint investigations, environmental sampling, project management, and local compliance assistance for the agency's Air Quality, Waste Management and Water Quality Divisions. The number of inspections and other duties performed by field office staff is incorporated in the charts and graphs provided by other divisions in the previous chapters. There are 15 employees in six field offices around the state. In the fiscal year of 2015-2016, another office is proposed in Grand Island. This does not add new positions to NDEQ, but moves one position from the Holdrege office to Grand Island. This will improve our efficiency and reduce travel time related to inspections. The field offices enable the agency to provide the public with greater access to NDEQ staff, provide more timely response to issues raised by the public. Additionally, because Field Office staff live and work in their respective Field Office areas, they are able to help the Lincoln Office develop a better understanding of local issues.

One of NDEQ's goals is to have a strong community presence and build relationships with the public and with local entities. This is accomplished in a number of ways in the field offices. One way is by making personal one-on-one contacts with local governmental agencies that have mutual needs or responsibilities. Another way to establish a local presence is to participate on local task forces, boards of directors and emergency planning organizations. The feedback that the agency receives is that the NDEQ representatives who participate in these local organizations add depth and insight, which is highly valued. Another way a local presence is established is by participating in environmental education events in their regions. Building a strong community presence helps NDEQ carry out the work of preserving the state's natural resources and serving the citizens of Nebraska.

Small Business and Public Assistance Program

The Small Business and Public Assistance program was created as a result of the Clean Air Act Amendments of 1990. Congress saw the need to create programs to assist small businesses comply with ever more complex air quality regulations. Similar to many states' environmental agencies, NDEQ expanded its scope to encompass all environmental media: air, waste management, and water.

Nebraska's Program is divided into four major components: the Small Business and Public Assistance (SBPA) program, the One-Stop Permit Assistance program, the Public Advocate, and the Small Business Compliance Advisory Panel. The Program Coordinator is involved with all four functions, as well as coordinating with other NDEQ personnel within NDEQ's Air Quality, Water Quality and Waste Management Divisions involved in compliance assistance activities on the NDEQ Compliance Assistance Team.

The Program includes site visits, development of outreach materials, workshops, and helping the regulated community to understand their obligations under state and federal law. The Program Coordinator answered questions from over 40 individuals regarding air, waste water, or solid and hazardous waste issues. The Program Coordinator is also responsible for NDEQ's annual Environmental Update workshops, held this year in Lincoln on April 14th and in North Platte on April 16th. This was the first year the Environmental Update workshop was held outside of Lincoln. The workshops had a combined attendance of 163 attendees.

The Program Coordinator continued to work with representatives of the Nebraska Public Power District to organize and host the annual Power Summit. Sponsored by the NDEQ and Nebraska

Public Power District Environmental Partnership, the Power Summit provides those in the power-generating industry and those responsible for the implementation of the associated environmental regulations an opportunity to exchange information related to power production, environmental policies, programs, and issues in Nebraska. A primary objective of the Summit is to enhance the dialogue that has been established between the power industry and the associated regulatory agencies. The 2014 Power Summit was held November 19th in Lincoln, and had 70 in attendance.

The One-Stop Permit Assistance Program was established to offer information and permit application assistance to the regulated community. The One-Stop Program is applicable to all programs in NDEQ. The One-Stop Program provides the customer with an initial point of contact. A primary objective of the Program is to ensure businesses are aware of the permits they are required to apply for, know information they will need to provide in the application process, and ensure that inquiries receive a timely response. The Program Coordinator conducted meetings with nine potential project sponsors between July 1, 2014 and June 30, 2015.

The Public Advocate serves as the ombudsman for purposes of the Clean Air Act requirements, receiving requests for regulatory information or environmental complaints from the public and ensuring NDEQ is accessible and responsive to public concerns. In this role, the Program Coordinator provided outreach to individuals to address specific questions and concerns. From July 2014 through June 2015, the Program Coordinator worked with two Nebraska businesses that had concerns regarding NDEQ's interpretation of environmental requirements affecting their operations.

The Small Business Compliance Advisory Panel resulted from the Clean Air Act Amendments of 1990 and amendments to the Nebraska Environmental Protection Act of 1992. The Panel is composed of seven members: two representatives from the general public selected by the Governor, four representatives from small businesses selected by the Legislature, and one representative selected by the Director. The panel evaluates the effectiveness of the Program, providing feedback on outreach and education methods and identifying program obstacles. The Panel members met with NDEQ staff to discuss several issues during their annual meeting in October 2014, and provided their annual report to the Governor in December 2014. The following is an excerpt from the 2014 report, regarding NDEQ's compliance assistance efforts: "...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."

Community Right-To-Know Program

The Community Right-to-Know Program provides assistance to those subject to the Nebraska Emergency Planning and Community Right-To-Know Act and the related federal Emergency Planning and Community Right-To-Know Act. These acts are designed to: 1) increase the public's access to information concerning the presence and release of hazardous chemicals in their communities; 2) provide emergency planning and response information; and 3) provide information on toxic chemical releases to the environment. Compliance assistance is available to any persons or facilities requesting it through the division. The EPA enforces this program.

The Community Right-To-Know Program distributes outreach materials, responds to public requests for information, and receives and stores information required under this act. The information that facilities are required to provide NDEQ, includes: 1) a one-time report of an extremely hazardous substance at a facility that triggers the emergency planning process; 2) notification of any significant changes to a facility's emergency plans; 3) notification of the sudden release of a hazardous substance; 4) an annual report listing the hazardous chemicals present at 10,000 pounds or above the threshold planning quantity at the facility; 5) an annual quantitative report of the listed

chemicals; and 6) an annual facility inventory report of toxic chemicals manufactured, stored or used, and the amounts released to the environment by the specific media.

A facility in Nebraska is required to submit a Tier II report if listed hazardous substances are present at any one time during the preceding calendar year at the facility in amounts either equal to or greater than amounts established by EPA. In 2015, a total of 2,840 Nebraska facilities reported Tier II information on regulated chemicals above EPA-established thresholds. This was consistent with previous years.

Facilities required to report information pursuant to the Community Right-to-Know Program are able to access, view, change and report their chemical information online. Approximately 97% of the facilities reported online in Nebraska in 2015. The information stored electronically is much more usable and enhances the ability of Local Emergency Planning Committees to access the data for use in their local emergency plans.

Additionally, the Community Right-To-Know Coordinator has been active in establishing relationships with Local Emergency Planning Committees by attending their meetings and making presentations at related conferences. In FY 15, the Community Right-to-Know Coordinator attended 12 local meetings, assisted with local emergency exercises and provided information regarding chemicals at facilities in their communities. The Community Right-to-Know Coordinator assisted with the planning of the 2016 Nebraska Local Emergency Planning Committee Conference in Kearney. This event will provide information and training to over 100 First Responders and Local Emergency Planning Committee members. Finally, the Community Right-to-Know Coordinator served on the planning committee for the EPA Region VII Local Emergency Planning Committee/Tribal Emergency Planning Committee Conference held at the Lied Conference Center in Nebraska City. The Regional Conference provided training and information to over 200 First Responders and Emergency Planners in EPA Region VII.

Emergency Response Program

Through the Emergency Response Program, NDEQ personnel provide technical and regulatory assistance to those responsible for spills, leaks, and accidents that pose a hazard to the environment or public health. Assistance is also provided to those at the local level who are the first on the scene at these releases; typically this is the local fire department.

The Emergency Response Program Coordinator is responsible for training, equipping and coordinating a group of personnel who, in addition to their responsibilities to other departmental programs, provide initial documentation, assistance and response to spills. These individuals have the responsibility of maintaining an emergency response system, which is on call 24 hours a day. The Emergency Response Program assists in arranging for the disposal of harmful and potentially hazardous materials. The Program represents the environmental interests of the state at the scene of a petroleum/chemical spill or other environmental emergency. All personnel are members of the Nebraska Hazardous Incident Team (NHIT) and coordinate closely with the local, state and federal agencies involved in emergency response situations. Over the past year the Emergency Response Program responded to 4 incidents and conducted 6 on-site visits to these incidents.

The Emergency Response Program Coordinator is also responsible for operations of the Department's Notification System. The Notification System is a database for receipt and filing of notifications made to NDEQ regarding spills and releases of materials into the environment as well as general complaints.

Homeland Security

NDEQ has been actively involved in the state's Homeland Security efforts, which are directed by the Lieutenant Governor. NDEQ's Deputy Director of Programs represents the Department on the Lieutenant Governor's Homeland Security Leadership Group. The Field Services and Assistance Division has been active in planning for the annual Nebraska Infrastructure Protection Council Conference sponsored by the Lieutenant Governor. The Community Right to Know Coordinator has participated in planning for the state-wide Terrex 2015 exercise. Additionally the Coordinator has participated in a number of Local Emergency Response Committee exercises. These exercises helped Local Emergency Planning Committees identify training needs for their area. Most significantly, those exercises included incidents related to releases of anhydrous ammonia, pipeline releases, and responding to and mitigating spills of materials into the surface waters of our state.

Quality Assurance Program

The function of the Quality Assurance Program is to ensure that environmental data used NDEQ in regulatory and decision-making activities is properly documented and sufficiently reliable. NDEQ is committed to ensuring that environmental data are sufficiently precise, accurate, and complete to carry out NDEQ's responsibilities. In the last year, NDEQ's Quality Assurance Manager and Quality Assurance team members have reviewed 18 Quality Assurance Project Plans to ensure adequate planning for environmental data collection. Additionally, the Quality Assurance Manager initiated the required five-year review of the Agency Quality Management Plan.