

Nebraska Small Business Compliance Advisory Panel Annual Report to the Governor of Nebraska for 2016

January 1, 2017



Message from the Nebraska Small Business Compliance Advisory Panel

As you will see within the report, one of the key goals of the Small Business Compliance Advisory Panel (SBCAP) is to have a useful and positive relationship with the Nebraska Department of Environmental Quality (NDEQ). Small business owners often have to wear many hats to be competitive and grow in today's economy. These small businesses often lack the financial resources or employee time to keep on top of all the changing federal and state environmental regulations they must comply with. And while the most straight forward means for these business owners to get their questions answered is to ask the NDEQ; being small business owners ourselves, we can relate to the apprehension that some feel about contacting the Department for help.

As part of SBCAP, each of us are dedicated to assisting the businesses and entrepreneurs in our state that will help expand and strengthen our local economies and communities. Whether it be suggesting more effective means of outreach to those business owners that need to hear it the most, reassuring a business owner that they can call the NDEQ to get their questions answered and receive help to get back into compliance, or acting as a liaison between a small business and the Department; we are committed to accomplishing the Panel's goals laid out in 2016, and fulfilling the same roll in 2017.

While we were unable to hold our annual autumn meeting at a time that worked for all, we look forward to meeting in early 2017 and improving and building up our relationships with Director Macy and the staff of NDEQ in the upcoming year.



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
Omaha Car Care
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 Secretary 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 2016

Panel members outlined the following goals for 2016.

- When appropriate, provide input concerning any new or changing environmental regulations;
- Gauge the regulated community's satisfaction with the Department's assistance initiatives;
- Provide Panel services in the members' communities, including sponsoring/promoting lunchtime meetings where NDEQ staff can present on different outreach or regulatory topics;
- Continue to meet annually with the Department regarding interaction of NDEQ and small businesses; and
- Participate in the 2016 Environmental Update workshops, perhaps briefly highlighting the SBCAP and the role the Panel can play in assisting the regulated community.

Sharon Hueftle and Rick Bettger each presented at the North Platte Environmental Update, and Omaha Environmental Update, respectively, to promote the SBCAP to attendees. Their presentations focused on their opinions of the Department's outreach efforts, and the NDEQ's interactions and assistance efforts with small businesses in the state. They also discussed the role the SBCAP can play as a mediator if an individual or company does not feel comfortable contacting the Department directly for assistance. A copy of this presentation is included as an attachment. Ryan Green was invited by the Columbus Safety Council to discuss the SBCAP and the NDEQ One-Stop Permit Meeting program.

Due to scheduling difficulties, the NDEQ and SBCAP are planning to schedule their annual meeting in early 2017.

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 Permit 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, six 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. In 2016, the Public Advocate worked with several individuals concerned about the application of swine waste and/or swine byproducts at two different locations – an island sandbar in the Missouri River near Jackson, Nebraska and a pond near Odell, Nebraska. The Public Advocate and several other staff members visited with the concerned individuals; providing requested information to them, as well as Senator Fischer's office.

- *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, Air Quality Division; Aaron Boucher, Air Quality Division; Mike McBride, Water Quality Division; John Danforth, Water Quality Division; Cay Ewoldt, Field Services and Assistance Division; and Ryan Green, Field Services and Assistance Division. The Compliance Assistance Team spearheaded a permit assistance effort that was implemented Department-wide in February 2016. Under the new assistance outreach initiative, the NDEQ provides permit assistance visits (PAVs) with new or renewed permits issued under a variety of air, agriculture, and non-point source elimination system (NPDES) permits; ensuring the permittee understands their regulatory requirements. Department staff developed a methodology for contacting recent permit recipients, documenting which of those contacted accepted or declined a PAV, and created a new exit summary form for those visits that did occur.

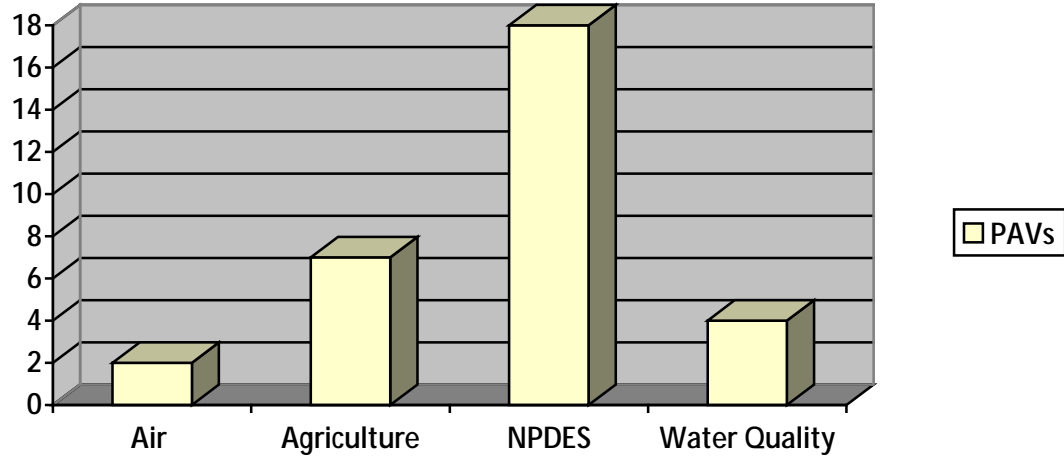
Comprehensive Assistance Provided by NDEQ

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 2016, from January 1 through November 30, Department staff:

- Provided 338 on-site assistance visits;
- Provided 29 permit assistance visits (PAVs);
- Participated in 109 speaking engagements/presentations at various conferences, workshops, or meetings;
- Participated in 196 other assistance, partnering, or outreach efforts at various conferences, workshops, or meetings;
- Participated in 160 coordination events with other state agencies and the EPA to provide assistance to businesses, industry, and the general public.

Number of Permit Assistance Visits Completed in 2016



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 permitting staff responds to calls and queries from the Department's Air Permit Hotline. The Division also revised/updated Title 129 nitric acid plant requirements (Ch. 25), needed for the planned Koch Nitrogen plant upgrade. The Air Construction Permitting Unit issued three new Air General Construction Permits to add to the four existing. The new general permits include aggregate processing, emergency engine NSPS III certified, and emergency engine – other. The Division also participated in other process improvement activities – revision of construction permitting process and implementation of QDIP/Swim Lane Board daily huddles – to improve Division efficiency.

Water Quality and Water Permits Divisions

Department staff, in cooperation with the EPA, developed a process to streamline total maximum daily load analyses for impaired water which six natural resource districts (NRDs) have taken advantage of, and which an additional district is also interested in. Staff developed a new guidance document on basin planning and updated three additional documents – 319 Final Report Guidance, 319 Project Implementation Plan Guidance, and 319 Reimbursement Guidance. The NPDES Section staff conducted a concentrated effort to inform and provide assistance to permittees required to comply with the new federal electronic reporting rule. Department staff participated in the development of particular educational materials and other compliance assistance tools, guidance materials for initiating electronic reporting, land application guidance, example bench sheets for facilities conducting their own wastewater analysis, and compliance guidance documents outlining what to expect during an inspection. The Agriculture Section contracts with the University of Nebraska to provide training and testing

leading to Chemigation Applicator Certification. In 2016, 1227 applicators were trained, tested and certified.

Land Management Division

The Land Management Division is taking a bigger part in coordination between EPA and the regulated public, and is shouldering more of the regulatory burden and more compliance assistance calls from the general public. The Division also continues to work with the Lincoln Lancaster County Health Department, Department of Health and Human Services, and the Army Corps of Engineers. Calls for assistance or questions about regulations for businesses and private citizens are on the rise; increasing nearly 6% over 2015. Department staff have developed a new guidance for disposal of Bulk Quantities of Household-Sized Liquids, and have also revised and updated every previous guidance document as per the requirements of LB867 and uploaded those to the DEQ website. The Brownfields and Voluntary Cleanup Programs continue, with cooperation with Region7 EPA and Kansas State University. Department staff also act as liaisons/representatives to Nebraska MEDS, the Product Stewardship Institute, and the Keep Nebraska Beautiful School Chemical Cleanout campaign.

Field Services and Assistance Division

The Field Services and Assistance Division hosted three annual *Environmental Update* programs in 2016 – Lincoln, North Platte, and Omaha. Attendance remained close to the previous year, with approximately 150 people registering between the three events. Division personnel also partnered with the Nebraska Public Power District to host the 2016 *Power Summit* in November. The summit provides an opportunity for NDEQ and the state’s electric power producers to discuss issues of mutual interest on an annual basis. NPPD also partnered with the Department to host two webinar events for economic developers focusing on environmental permits and other requirements that may affect businesses coming into their communities. A copy of this webinar presentation is included as an attachment to this report. Finally, a webinar was held in conjunction with the University of Nebraska to discuss air permitting requirements for ethanol plants in the state, and the benefits these facilities may have by choosing to obtain a major air permit or to remain a minor source of air pollution. Ms. Erica Montifusco with Green Plains Ethanol was the guest speaker. A copy of Ms. Montifusco’s presentation is included as an attachment to this report.

Field Service and Assistance Division staff also updated guidance documents as per the requirements of LB867, and created several new guidance documents outlining the new online permitting process for the general air construction permits and the construction storm water permit.

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

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