



# ENVIRONMENTAL *Update*

Nebraska Department of Environmental Quality

Spring 2001

## Pay for Performance Goals: Quicker Cleanups at Reduced Costs

DEQ's Leaking Underground Storage Tank (LUST) program is developing a new bidding and payment structure that is expected to achieve dramatic results for the environment and the state budget. The new approach, called "Pay for Performance," encourages contractors to clean up sites at a faster pace, and at a substantial reduction in costs to the state. In addition, this approach is expected to reduce the need for state oversight in the day-to-day activities at these sites.

The current contracting structure in Nebraska is similar to that in most states, according to David Chambers, LUST Section Supervisor. The LUST program approves traditional "time and materials" contracts to get contamination sites cleaned up. An independent contractor is selected, and they assess charges based on the hours they spend on the site and the equipment that is purchased for cleanup activities.

The problem inherent with the time and materials contract is that it provides no incentives for contractors to complete the job. This structure requires detailed state oversight to ensure that all payments are reasonable and appropriate. Chambers said that a considerable amount of staff time is expended reviewing bills and other paperwork to ensure that the hours and items billed are reasonable, and that contractors are properly compensated for work hours



A leaking underground fuel storage tank is removed from a site in Norfolk in June, 1998.

Photo by Phil Hargis

and materials.

By contrast, "Pay for Performance" contracts seek bids from the contractors. After being provided detailed information about the site, contractors submit bids which provide the total cost involved to clean up the site to the levels that the state has determined are appropriate. The contract is awarded to the lowest bidder, as long as the state is convinced that the bidder can effectively achieve the desired results for the bid price.

Chambers explained that this process has numerous advantages, including:

- The competitive bid process should yield much lower overall costs to complete a project.
- The process should also provide

incentives for the contractors to get the job done as quickly and effectively as possible. The contractors would receive the same amount of money to finish the job in six months as they would in three years, so it is to their benefit to complete the work quickly and move on to new projects.

- Because payments are based on specified cleanup levels, the state is assured to receive a completed cleanup for an agreed upon price.

The state will not have to provide nearly as much oversight on bills submitted, or whether work is being done at the correct pace. Since payments will be

*Continued on page 10...*

## A Message From The Director



Mike Linder

### On the Inside

Wellhead Protection	3
RAPMA Hits "Home Run"	4
Central Field Office Small Business Assistance	5
DEQ Connection (Mead) Earth Day Activities	6
Waste Mgmt. Conference Permitting Simplified Burn Site Permitting	7
Nucor Steel Penalized Title III Reporting	8
DEQ's Finest Hazardous Waste Computer Collection	9
In The Field	10
Making Records Requests Calendar of Events	11

The underdog has a special place in our hearts. Fighting against the odds is the stuff of manuscripts and movies. In Nebraska, we have our own underdog right here in the Department of Environmental Quality. The women and men who make up this agency embody the work ethic that is symbolic of the heartland. We've always believed that, and now we have the data to prove it.

Beginning in January 2000, the Department staff began tracking their activities and the actions of the agency. Tracking one's activities is distasteful to some people who see it as yet another task to get done. There is also a sense of oversight or control that goes against the American spirit. And yet, how can we measure without counting?

The results have not only confirmed our beliefs but have gone well beyond. For example, DEQ staff fielded over 45,000 telephone calls in the year 2000 that involved some form of assistance. Not just any telephone calls were counted but ones that involved assisting the public in some manner. After the first quarter showed well over 12,000 calls, I thought there must have been an error. However, the next three quarters consistently showed the same level. We have responded to well over 1,000 public records requests in an attempt to make our documents available for review. This does not even count the ever-increasing number of requests received through the Internet. Agency staff disbursed millions of dollars in state aid to hundreds of applicants for everything from recycling bins to

community lake cleanups. The NDEQ entered into over two-dozen loans worth several millions of dollars to our communities to improve their infrastructure for wastewater and drinking water.

Further, there are some 3000 locations around the state with known contamination involving a variety of sources from leaks in underground fuel tanks to fertilizer spills. Staff activities at these sites may include anything from investigation to actual oversight of cleanup, and the professional staff at DEQ has hundreds of years of experience collectively.

The compliance staff at DEQ conducted nearly 2,500 inspections and responded to over 600 complaints. Enforcement actions occurred at over 100 sites and assistance visits were conducted at about the same number of facilities. Hundreds of permits were either issued or renewed in order to allow business, industry and municipal life to continue. The list goes on and on.

Now, the most amazing statistic of all is that this work is accomplished by an agency with just over 200 staff members. What are the odds for this underdog? We are a long shot, but this group of public servants pulls it off and gets the job done time and time again on complicated and sometimes controversial issues. I hope you share some pride with me over the tremendously hard working staff of the Nebraska Department of Environmental Quality.

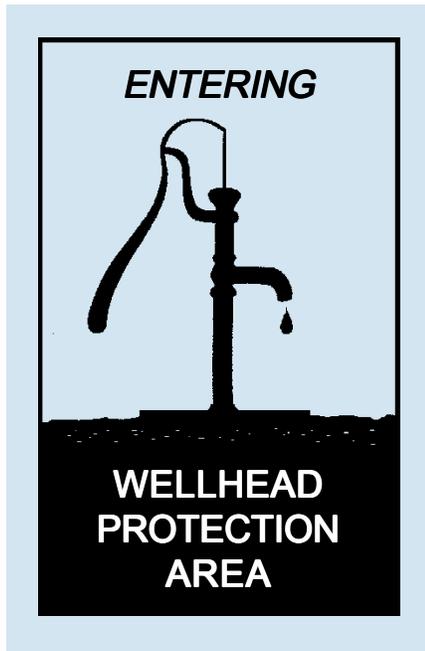
### *We'd like to hear from you...*

We welcome your thoughts and ideas on environmental issues. If you have questions, comments, or suggestions for future topics for this newsletter, please contact the Public Information Office.

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 E-mail: [MoreInfo@ndeq.state.ne.us](mailto:MoreInfo@ndeq.state.ne.us)  
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# Drinking Water Protection - A Sign of the Times

Have you ever seen the sign pictured at right and wondered what it is all about? What is a Wellhead Protection Area? Basically, it means that beneath your feet lies the aquifer that supplies drinking water for people living in the vicinity of the sign. Any contamination occurring within the Wellhead Protection Area has the potential to affect the drinking water in that area. Protecting our precious sources of drinking water is what wellhead protection is all about.



The Nebraska Wellhead Protection (WHP) Program is a non-regulatory program of public education and technical assistance, designed to help local public water suppliers protect their drinking water wells. The Nebraska Department of Environmental Quality (DEQ) in partnership with numerous organizations throughout the state, leads the program. Wellhead protection was initiated in Nebraska in 1988.

The success of the Wellhead Protection Program depends on the creation of a local plan for each public water supplier. The state program assists public water suppliers by providing Wellhead Protection Area (WHPA) maps and providing educational and other technical help. The primary steps involved in establishing a wellhead protection area are: an inventory of potential contaminant sources, management of these sources, planning for emergencies and new wells, and public education and participation. Though the program is largely voluntary, two aspects became mandatory following the 1996 amendments to the federal Safe Drinking Water Act. These

local plans.

## WHP Partners

- The Groundwater Foundation has sought to increase public awareness of the importance of protecting ground water quality since 1984. It continues to organize a variety of educational programs such as the Groundwater Guardian program and the Children's Groundwater Festival to increase public involvement in ground water issues.
- The Midwest Assistance Program has provided WHP help to public water suppliers since 1988, particularly with grants and emergency planning.
- The state's Economic Development Districts have worked with public water suppliers to promote excellent drinking water through WHP to make small communities more attractive to new businesses.
- The Lincoln-Lancaster County Health Department obtained a WHP grant from the Environmental Protection Agency (EPA) in 1993 and has been providing a variety of WHP services to county public water suppliers since then, including the state's first WHP road signs.
- The Nebraska Rural Water Associa-

amendments established the Source Water Assessment Program, which complements the WHP and contains two requirements that were voluntary under WHP: a map of the source of the public drinking water supply, and an inventory of potential contaminant sources. DEQ has taken on these tasks and encourages public water suppliers to do a more detailed inventory for their

tion, with EPA funding, has provided WHP assistance to communities under 10,000 since 1997. This assistance is coordinated with DEQ's work and is mainly in the form of map drawing and help with potential contaminant source inventories.

- The USDA-NRCS Resource Conservation and Development Districts began assisting public water suppliers with inventories in 1998 by using Americorps volunteers (also in cooperation with the Groundwater Foundation).
- The state's 23 Natural Resources Districts (NRDs) have informally assisted public water suppliers in WHP for more than 10 years and also helped develop the state's Source Water Assessment Program in 1998. Using EPA funding, four NRDs have established dedicated WHP staff to assist public water suppliers with inventories and development of local WHP plans to manage potential contaminant sources. One NRD uses Global Positioning System (GPS) technology to locate potential contaminant sources. These locations are easily plotted on digital aerial photographs to show the public where potential threats to their wells are found. This information is easily updated and electronically stored and accessed.

The DEQ invites interested citizens and users of public drinking water to contact us for more information about the above-mentioned organizations. Volunteer help and advice is always welcome. Contact the Ground Water Unit of the Water Quality Assessment Section at (402) 471-0096 for more information or visit our web site at: [www.deq.state.ne.us/GroundW.nst/pages/GWSec](http://www.deq.state.ne.us/GroundW.nst/pages/GWSec).

Article by Bruce Hanson

# RAPMA Program Hits “Home Run” At Lincoln’s New Haymarket Park

When the first pitch is thrown in June 2001 at Lincoln’s new baseball stadium, the crowd’s attention will certainly be on the home team, the Saltdogs, and those other dogs that baseball fans love to eat. Most fans may not even be aware that, before the baseball field, stadium, and parking lots of Haymarket Park were constructed, a study of the site found unexpected environmental issues. The project moved forward on schedule in part due to a state program designed to speed up the investigation, analysis, and cleanup of contaminated sites.

By participating in DEQ’s Remedial Action Plan Monitoring Act program, or RAPMA, the City of Lincoln could quickly move forward with a plan to determine the extent of contamination, and remediate, or clean up, the site if necessary. RAPMA is a six-year-old program that allows any person, business, or industry to voluntarily develop a plan to clean up or otherwise remediate contaminated land or water. If the DEQ approves the plan, the department then monitors activities at the site to ensure that the plan is followed, and all environmental requirements are met.

“By encouraging voluntary action, RAPMA allows property that may otherwise be regarded as a liability to be restored, leading to beneficial reuse,” said Ted Huscher, RAPMA program coordinator. “The program is working well at numerous sites, including Haymarket Park. I hope this will encourage other property owners to participate. RAPMA speeds up the process and returns properties to productive use while protecting human health and the environment.”

The RAPMA program offers several benefits to property owners, business developers, and Nebraska’s citizens, according to Huscher. These include:

- Reducing health-related risks associated with contaminated property;
- Encouraging redevelopment of abandoned or underutilized commer-

cial tracts of land, leading to higher property values and increased tax revenue for communities; and

- Conserving state personnel and resources (staff are able to focus attention on more problematic sites and less state dollars are spent on remediation).

The Haymarket Park site consists of 33 acres located between Salt Creek and the Interstate 180 entrance to downtown Lincoln. A suitability study of the site found methane gas, metals, and volatile organic compounds (VOCs) in soil, groundwater, and soil vapor. The remedial action plan developed for the site emphasized material reuse and recycling. Site preparation included aeration of approximately 53,000 cubic yards of soil to remove methane. The site was then capped to prevent exposure to the metals and VOCs left in the soil. The site will be monitored for one year following completion of the project.

In addition to the Lincoln ballpark site, there are currently 16 other sites participating in the RAPMA program. These include the former ASARCO refinery site, adjacent Union Pacific property, and nearby Owens Parkway East, all located near the Missouri River in east Omaha. These three sites are slated for redevelopment as part of Omaha’s “Back to the River” project. Other sites are located in Lincoln, Grand Island, Hastings, Sidney, and Scottsbluff.

Two participants have completed the program and have been issued letters stating that no further action is necessary at the site related to the RAPMA remediation. These sites are:

- KN Energy, Inc. in Holdrege, the first site to complete the RAPMA program. A 500,000 square foot fabric cap was



Photo by Rich Webster

Baseball fans will soon replace construction workers at Lincoln’s new stadium. DEQ’s RAPMA program played a major role in ensuring that environmental issues at the site were properly addressed.

installed over soil contaminated with asbestos fibers; and

- Witco in Omaha. An investigation of the site found that ground water is contaminated with metals and components of petroleum. The contamination was determined to be minor and no threat to human health or drinking water sources. No cleanup was required.

“To get the RAPMA process started, participants need to submit an application to the department,” said Huscher. “There are also two fees that must be paid: an application fee of \$5000 and a participation fee of \$5000. I encourage any interested person or business to contact me.

We can discuss your situation, and determine if the RAPMA program might fit your needs.” For additional information about the RAPMA program, contact Ted Huscher at (402) 471-2214 or [ted.huscher@ndeq.state.ne.us](mailto:ted.huscher@ndeq.state.ne.us).

Article by Rich Webster

## Field Office Opens in Holdrege

With little fanfare but high expectations, DEQ's newest field office opened in Holdrege in September. The Central Field Office is located within the Tri-Basin Natural Resources District offices at 1308 2<sup>nd</sup> Avenue. Three staff members from DEQ's headquarters in Lincoln transferred to Holdrege, providing the department a permanent presence in south-central Nebraska and furthering the department's goal of establishing a stronger community presence throughout the state.

The Central Field Office staff (see photo) have been assigned duties in a variety of department programs including agriculture (livestock waste facility inspections), water quality (municipal and industrial water discharge inspections), waste management (solid waste facility inspections), and air quality (compliance inspections). Holdrege staff will also conduct complaint investigations. Citizens in south-central Nebraska are encouraged



Photo by Carrie Lynch, Tri-Basin NRD

From left to right, Central Field Office staff Chris Helms, Ron Wunibald, and MJ Broomfield.

to contact the field office if they have questions or concerns about environmental issues in their area.

In addition to Holdrege, DEQ field

offices are located in Omaha, North Platte, and Chadron. A fifth field office will be opened in Norfolk in April 2001.

Article by Rich Webster

### To Contact the Central Field Office

#### Location:

1308 2<sup>nd</sup> Ave.  
(in the Ag Center Building)  
Hours: 8 a.m. to 5 p.m. Mon. – Fri.

#### Phone:

Ron Wunibald (308) 995-3944  
Chris Helms (308) 995-3942  
MJ Broomfield (308) 995-3150

#### Mailing Address:

Nebraska Department of  
Environmental Quality  
South Central Field Office  
1308 2<sup>nd</sup> Ave.  
Holdrege, NE 68949

## Assistance for Small Business

On November 6, 2000, I began my duties as the Small Business & Public Assistance Program Coordinator for the DEQ. I returned to Nebraska from Montana where I was an Air Quality Compliance Assistance Officer with the Montana DEQ. Since the majority of the sources I monitored were small businesses, I am acutely aware of and appreciate the challenges environmental regulation and compliance present to small businesses. Prior to moving to Montana, I was the Air and Environmental Analysis supervisor for a lab in Omaha for over eight years. Much of my work entailed guiding small businesses through the myriad of environmental regulations in order to determine what regulations applied to them and what they needed to do in order to comply. Following is a quick look at the programs I will be administering for the DEQ.

### The Small Business Assistance

**Program** (SBAP) was established as a result of the Clean Air Act Amendments of 1990. The program was initiated to assist small businesses subject to air quality regulations, but has been expanded to assist any business, large or small, address concerns regarding any of the department's programs. The SBAP's goal is to ensure that businesses throughout Nebraska understand and comply with their obligations under DEQ regulations. The program is currently focused on coordinating the department's compliance assistance efforts and developing effective outreach programs. By establishing a compliance assistance network throughout the department, we will be able to provide more timely and effective assistance to businesses and the public.

The position of Public Advocate was created in 1992 to provide a non-

regulatory contact within the DEQ. The title of this position was recently changed to **Public Assistance Coordinator** to better reflect the function of the position. My duties include educating and assisting the public on departmental programs, providing the public a confidential contact to address environmental concerns, and serving as a clearinghouse for information sought by the public and businesses. The Public Assistance Coordinator works with all programs in the department in addressing concerns of the public and businesses.

Tom Franklin can be contacted at (402) 471-8697 or [tom.franklin@ndeq.state.ne.us](mailto:tom.franklin@ndeq.state.ne.us)

Article by Tom Franklin

# Mead Superfund Site Displays Innovative Technology

Several DEQ staff participated in a visitor's day demonstration at the former Nebraska Ordnance Plant Superfund site near Mead. The event provided an opportunity to observe two pilot studies where innovative technology is being used for the first time in Nebraska to remediate contaminated ground water.

The former ordnance plant site occupies approximately 17,000 acres south of Mead in an area known as the Todd Valley. Munitions including bombs, shells, and rockets were assembled at the site during World War II and again during the Korean conflict. Dust and residue from the manufacturing process was routinely washed out of the assembly buildings into ditches and sumps, resulting in extensive soil and ground water contamination.

The U.S. Army Corps of Engineers Kansas City District oversees cleanup activities at the site, with assistance by DEQ and the U.S. Environmental Protection Agency Region VII. Representatives of site contractor URS and the Corps explained the pilot studies and discussed the innovative technologies involved with tour participants.

Both pilot studies employ ground water circulation wells, a technology in which contaminated ground water is drawn through an on-site treatment process and returned to the aquifer. Traditional pump and treat ground water remediation systems do not return the treated water to the aquifer, but instead often discharge it to a nearby stream or river.

One pilot study well utilizes a shallow tray air stripper to remove the solvent

## DEQ Connection

Each issue, this publication focuses on a cooperative project that receives support from the DEQ



Wellhead and ultra violet contactor -- groundwater circulation well 2 at the former Nebraska Ordnance Plant Superfund site near Mead.



Tour participants observe the operation of the pilot study air stripper.

trichloroethylene (TCE) from ground water. At a second site RDX, an explosive compound, is destroyed through exposure to ultraviolet light. Performance of the two treatment systems is being closely watched as this is the first time these treatment technologies have been used in ground water circulation well systems in Nebraska. Results of the pilot studies have been promising, with both systems showing significant reductions in the levels of contamination in ground

water returned to the aquifer through the circulation wells.

*DEQ encourages and promotes the consideration, evaluation, and use of innovative technologies as a means of developing faster, less expensive methods of remediating contaminated ground water. For additional information on DEQ's innovative technology initiatives, contact Ralph Martin, Geologist, Remediation Section, at (402) 471-3388.*

Article and photos by Rich Webster

## Earth Day Activities

Nebraska Public Power District and the DEQ are planning Earth Day activities in Norfolk, Scottsbluff and North Platte. A variety of energy alternatives and innovative environmental approaches will be featured at these events.

The first event will occur in Scottsbluff on March 10 and 11, in conjunction with the Home Show at the fairgrounds west of Scottsbluff.

Geothermal and wind turbine energy will be featured, in addition to a variety of other environmental materials.

Tentatively slated for Earth Day, April 21: NPPD and DEQ will host displays in both Norfolk and North Platte.

Displays relating to wind turbines, solar pumps and geothermal energy are being planned. For additional information, contact Rocky Plettner (402) 563-5493 at NPPD or Steve Moeller (402) 471-0276 at DEQ.

## Waste Management Conference: Alternative Technologies To Be Featured

health and are strongly linked to their social and economic development. Managers and operators of small systems encounter special challenges with working in a complex financial, technical and regulatory environment. These challenges will be the focus of an expanded agenda for the 2001 Great Plains Waste Management Conference in March.

The Nebraska Department of Environmental Quality's Nebraska Environmental Partnerships program is teaming with the Nebraska Water Environment Association, regional chapters of the Solid Waste Association of North America, and the many other sponsors of the Great Plains Waste Management Conference. The 2001 version of the conference includes a full

Providing safe drinking water and effective wastewater systems are key to protecting each community's environmental

day of alternative technology presentations along with the solid waste and wastewater sessions that participants are accustomed to attending.

The alternative technology presentations will highlight successful projects in communities with populations under 5,000. The presentations will include a mix of water and wastewater technologies. Many community representatives will be present to explain projects from the community perspective. In addition to presentations, the conference will include vendors who represent companies offering technologies suitable for small communities.

The conference will be held March 28 and 29, at the Holiday Inn Convention Centre in Omaha. March 28 will begin with a keynote address and two tracks of alternative technology sessions. Additionally, the day will offer two half-day sessions: an industrial and hazardous waste pre-conference workshop and a solid waste health and safety seminar. The first day will end with an icebreaker in the vendor area where participants can share personal experiences and visit with the vendors.

The second day also offers two tracks. One will focus on water environment topics and the other on solid waste management. Both days of the

conference will be of interest to community leaders, community utility workers, engineers, contractors, technical assistance providers, state regulators, funding organizations, and researchers.

University of Nebraska students will display research posters. Owners of recently completed projects also are invited to assemble a poster summarizing interesting aspects of the project. Sponsors are working to qualify the conference for education credits.

Hotel accommodations are available by calling (402) 393-3950. Identify yourself as a participant of the conference for a discounted room rate.

The full agenda and registration form are available by contacting Kirk Pfeffer, Nebraska Water Environment Association at (402) 444-4923 or MJ Broomfield (formerly MJ Rose) or Jackie Stumpff, Nebraska Environmental Partnerships at (402) 471-3193.

*Article by MJ Broomfield*

## Simplifying the Permitting Process

The One-Stop Permit Assistance Program was established to serve as a clearinghouse for information related to the department's various permitting processes.

While developing and issuing a permit is a regulatory function, the one-stop assistance program is a non-regulatory function. By utilizing this program, you can get the information you need to determine whether or not you need a permit. This program helps businesses determine if a permit or modification to a permit is needed or what type of permit may be required to conduct business in Nebraska.

The one-stop assistance program

coordinates activities with the Small Business Assistance Program, the Pollution Prevention Program, and all regulatory programs in its efforts to address questions and concerns in the most timely and comprehensive manner possible.

The one-stop program coordinator will not be able to personally address all inquiries but will be able to locate the appropriate staff to address the question or concern and ensure that the caller receives a timely response to the inquiry.

For one-stop assistance, contact Tom Franklin at (402) 471-8697.

## Changing Burn Site Permit Procedures

The Air Quality Division is planning to implement changes to the procedures for permitting and regulating community tree and brush burn sites. Until recently, the Department has issued permits for community burning sites on an as-applied-for basis for a maximum of one year. The Department will begin issuing all community burn site permits with a single annual expiration date of December 31 each year.

For more information contact Angela Duncan, Air Quality Compliance Unit at (402) 471-2189.

# Nucor Steel Pays \$750,000 Penalty

## *Eleven Additional Enforcement Cases Completed*

Through a Consent Decree approved by the District Court of Stanton County, Nucor Steel agreed to pay a civil penalty of \$750,000 and complete two environmental projects for alleged violations of state air quality regulations.

"The violations alleged by the state relate to historical problems at Nucor," said DEQ Director Mike Linder.

"While we believe there were no dangerous environmental or health threatening levels of air pollution, these were significant air quality issues. We are pleased with the cooperation of Nucor and the current attitude at the facility."

In addition to civil penalty, the Consent Decree requires Nucor to obtain proper permits for improvements completed under a permit issued in May 1995. Nucor has also agreed to complete the following environmental projects:

- 1) Contribute \$200,000 to the city of Norfolk for renovation of the lagoon at the city's TaHaZouka Park; and
- 2) Install and maintain an air quality and meteorological monitoring site in

the vicinity of Norfolk and operate the site for one year. Data collected at the site will be submitted to DEQ.

### *Other Enforcement Cases Completed in the Past 6 Months*

- Duncan Aviation of Lincoln was fined \$31,500 for violations of hazardous waste regulations.
- EnTire Recycling of Nebraska City agreed to pay a penalty of \$10,000 for violations of state scrap tire management regulations.
- The Village of Mead agreed to pay a \$2,000 penalty for violations of air quality open burning regulations.
- AirSafe Environmental was found guilty in Seward County District Court and was fined \$2,000 for violations of air quality regulations.
- Ash Grove of Louisville agreed to pay a penalty of \$30,000 for alleged violations of state air quality regulations.
- Brainard Pig paid a penalty of \$10,000 for two illegal discharges of livestock waste from the company's

facilities in Washington and Burt counties.

- Olson Farms of Lincoln County was fined \$2,500 for illegally discharging cattle waste on two occasions.
- Rail Car America of Omaha agreed to pay a penalty of \$15,000 for alleged violations of state hazardous waste management regulations.
- Terry Van Housen Feed Yard of Polk County was fined \$5,000 for illegally discharging cattle waste.
- Meyer's Feedlot near Randolph agreed to pay a penalty of \$10,000 for the intentional discharge of livestock waste to state waters.
- Van Waters & Rogers, Inc. of Omaha transports and manages hazardous waste. The company agreed to pay a penalty of \$15,000 for alleged violations of state hazardous waste management regulations.

# Chemical Storage Reporting Providing Safer Communities

The SARA Title III program in Nebraska is also known as the Nebraska Emergency Planning and Community Right-to-Know Act (NEPCRA). NEPCRA was developed in response to a series of chemical emergencies. Most notably, in Bhopal, India on December 4, 1984, 2500 people lost their lives because of a release of a toxic gas cloud. The NEPCRA program was developed to prevent a similar incident from happening in Nebraska.

This program provides citizens of Nebraska and Local Emergency Planning Committees access to information regarding the quantities, locations, and names of chemicals stored, used and released in their communities.

This information is useful to help facilities and communities prepare, plan and respond to chemical emergencies involving hazardous substances.

Approximately 2700 facilities across Nebraska report this information to DEQ on an annual basis. Chemical information is collected each year from facilities using the Tier II reporting form. This form helps to identify chemicals in reportable quantities that are stored or used at a facility or location. The Tier II reporting form is mailed out to facilities each year. The form must be returned to DEQ by March 1st. If you use or store chemicals at your facility, be sure to find out if they are above threshold planning quantities and report them on the Tier

II form for the previous year.

DEQ is in the process of developing a web version of this form in an attempt to make it easier for facilities to report and for the public to access. The goal is to have the new web version available by 2002 for reporting 2001 data.

If you have any questions about the SARA Title III program, contact Donnie Zach at (402) 471-4251.

## DEQ's Finest Receive Honors

The Nebraska Department of Environmental Quality is proud to announce the 2000 Employee and Supervisor/Manager of the Year:

The Employee of the Year is Natalie J. Buresh, a Staff Assistant II in the Records Management Unit. Natalie's

primary responsibilities were the day-to-day operation of the Air/Waste Management Division filer room, and since November 1999, acting as lead worker in the agency's transition to a centralized Records

Management Unit. She led a team of five temporary employees in the vital task of care and upkeep of the agency's records. Natalie's dedication and knowledge were key to successful file conversion projects in the Air Quality,



Natalie J. Buresh  
Employee of the Year

Waste Management, and Water Quality divisions. She also assumed responsibility for all non-media public information requests, and represented DEQ positively in dealing with requests for public information from various law firms and individuals. *(Natalie is no longer employed with DEQ, and we wish her the best - Editor)*

The Supervisor/Manager of the Year is Carla Prange Felix. Carla is the Low Level Radioactive Waste (LLRW) Program



Carla Prange Felix  
Supervisor/Manager  
of the Year

Manager. Carla's extensive knowledge of the LLRW program, and her cool, calm demeanor were instrumental in helping craft the agency's strategy for this emotionally charged and critical issue. She demonstrated her managerial capabilities in developing and implementing a plan to reproduce and image all records associated with the LLRW program. This involved copying, imaging and storage of over 550 boxes of files, in preparation for upcoming litigation. She supervised, guided, and supported her staff of three employees superbly during the stressful period after the proposed disposal site application was denied.

Comments by  
Mark Cummings and Jay Ringenberg  
Photos by Robert Thompson

## Hazardous Waste: Did You Know?

### Waste Determinations II

In the last issue of the Environmental Update we told you that all waste generators are required to do waste determinations. Sometimes that's a lot easier said than done! To help you figure out what's required, a new Environmental Guidance Document has been published that discusses waste determinations in detail. It explains who needs to do them, what a waste determination consists of, and considerations involving analytical testing. Two features of the Environmental Guidance Document that may be very helpful are the discussions on listed waste determinations and ways to legitimately avoid the need for analytical testing. Environmental Guidance Document #00-066, Waste Determinations & Hazardous Waste Testing, will

soon be on the DEQ web site. If you would like a copy, call Jim Harford at (402) 471-8308.

### Hazardous Waste Regulations are Changing

In order to stay current with the federal regulations, we adopted revisions to Title 128 – Rules and Regulations Governing Hazardous Waste Management in Nebraska at the December 8, 2000 Environmental Quality Council hearing. The changes are pending approval by the Nebraska Attorney General and the Governor. The changes generally take six to eight months before they become effective. The newly adopted rules included the Post-Closure Rule and the Hazardous Remediation Waste Rule (known as the

## Old Computers Await New Homes

WasteCap of Lincoln will be hosting a computer collection event for Lincoln businesses on Wednesday April 25 from 10 a.m. until 4 p.m. at State Fair Park. The event will allow local businesses to drop off up to five unwanted computer systems (including monitor, CPU, and peripherals) for refurbishing. This is an opportunity for businesses to become educated about computer recycling, and allow the businesses to get rid of unwanted equipment.

The cost to drop off equipment is \$15 per monitor and 50 cents per pound for peripherals. The fees cover the costs involved in transporting the equipment, and labor for testing and recycling equipment. If your business has more than five computer systems to dispose of, please call WasteCap of Lincoln at (402) 472-0888 to discuss the options available.

Continued on page 11...

## ...Pay for Performance, *continued from page 1*

made at performance milestones, it will be in the contractors' interest to get the job done as efficiently as possible. They won't be submitting bills to the state for equipment purchases or hours spent at the site; instead, they will be paid when they achieve results. Therefore, the state will not need to regulate their day-to-day activities and associated costs.

The state's involvement in the bid process will vary, depending on whether the state is responsible for the cleanup. At "orphan" sites, the individuals or businesses that caused the contamination either cannot be identified or do not have the resources to pay for their share of cleanup. In those cases, the state takes the lead in getting the site investigated and cleaned up. Under the new structure, the state would seek bids and develop a contract with the bidder they select.

In the second category of sites, called Responsible Party or RP sites, the person or business that caused the contamination is responsible for cost share, and selecting the contractor. Under the new program, they would still select the contractor, but they would be assisted by DEQ on how to pursue the new bidding process.

Not only is this of benefit to the state's and responsible parties' perspective, it should also be well received by contractors, Chambers said. When a contractor is efficient and competitive, this new structure can have great appeal.

The reason being, if they win a bid and achieve results ahead of schedule, they can earn their payment and move on to other sites. And, their earnings should be achieved at a lower overall cost to the state.

Although this bidding structure would appear to be the obvious choice, the vast majority of states are using traditional "time and materials" contracts for LUST cleanups. In fact, only two states – South Carolina and Florida – are currently using Pay for Performance contracts exclusively for these types of cleanups.

Phil Hargis, a DEQ geologist who is heading up the Pay for Performance efforts, has discussed the program with officials from these two states. "They are extremely pleased with the results," Hargis said. "They've documented substantial savings and a dramatic reduction in cleanup time through these contracts."

The Pay for Performance concept is being endorsed by many important groups involved with cleanups in Nebraska, including the LUST program's Technical Advisory Committee, the U.S. EPA, and Governor Mike Johanns.

"The Governor has stressed that all state agencies find methods of doing the job better, and at lower cost," said DEQ Director Mike Linder. "We're confident that the movement to Pay for Performance will be a shining example

of this philosophy. And, perhaps the most satisfying result from the agency's perspective is that we get the good environmental results quicker."

Because of the far-reaching nature of these changes, there will be considerable time involved before the agency can gradually switch to the new procedures. The first step will be for the state to designate those consultants who are qualified to enter into Pay for Performance agreements. Chambers hopes to distribute "Request for Qualifications" forms to consultants in the spring of 2001. He hopes the agency will begin seeking bids through this new process in the winter of 2001-02.

*Article by Brian McManus*

## In The Field

John Bender (left) of the Department of Environmental Quality, John Moeschel (center) of the Department of Roads, and Gary Schaeffer observe a wetland created on Schaeffer's property. The Cow Creek mitigation site, as it is known, is located east of Highway 83 in Cherry County. The wetland was created by Schaeffer and the Department of Roads to replace wetlands impacted by road construction.



Photo by Terry Hickman

# How to Make a Records Request

DEQ receives numerous requests from citizens, attorneys, consultants, and others who wish to look at department records. To make the process as efficient as possible, the department has adopted some guidelines.

Files can be copied and sent to you, or you may view the files at the DEQ office. Regardless of which

method you choose, the department needs a written request. In your request include the name of the facility, location, legal description if possible, a phone number in case we have questions, and an address to which the copies should be mailed. Requests may be mailed or faxed.

If you wish to view files, you should contact the Records Management Unit to determine if the facility is in our system and if the files are available (files may be temporarily unavailable). Staff can then set up an appointment time between 8:30-4:30 for you to view the files.

*There is a charge of 15 cents per page for all copy requests over ten pages.*

You may fax or mail requests to:  
Dept. of Environmental Quality  
Attn: Records Management  
P.O. Box 98922  
Lincoln, Ne 68509-8922

Fax: (402) 471-2909  
Phone number for inquiries:  
(402) 471-3557



Photo by Rich Webster

DEQ's Records Management Unit has undertaken a file conversion project expected to take several years until completion. The project will result in greater organization and easier access to the information contained in department's public records.

## ...Hazardous Waste, *continued from page 9*

HWIR-Media Rule) that are intended to expedite clean-up efforts without compromising environmental protection. Other changes include the Hazardous Waste Lamps Rule that would allow all types of waste lamps that are hazardous for the toxicity characteristic to be managed as Universal Waste (the old rule only applies to mercury containing lamps). The revisions included adding Test Procedures for the Analysis of Oil and Grease and Non-Polar Material. This would allow for the use of hexane as an extraction solvent in an effort to reduce the use of ozone-depleting CFCs. In addition, we shortened the name of Title 128 to Nebraska Hazardous Waste Regulations. Call and ask for Mark Podany at (402) 471-4210 if you have questions.

Article by Jim Harford

# Calendar of Events

March 10-11

NPPD and DEQ will host an Earth Day display in conjunction with the Home Show at the fairgrounds west of Scottsbluff.

See page 7 for story and contact information.

March 13

Children's Groundwater Festival. DEQ will participate in numerous educational activities for 1,500 grade school students at Central Community College in Grand Island.

March 22

Earth Wellness Festival at Southeast Community College in Lincoln.

March 28-29

Alternative Water and Wastewater Technologies Conference for Small Communities & 45th Annual Great Plains Waste Management Conference at the Holiday Inn Convention Centre in Omaha. See page 7 for story.

April 17-26

Wastewater Operator Training and Testing in Norfolk at the Fire Training Center: Class I- April 17-19, Class II- April 24-25, Lagoon- April 18, Test- April 26. For more information contact Russ Irwin at (402) 471-4244.

April 21 - *Tentative*

NPPD and DEQ will host Earth Day displays in both Norfolk and North Platte. See page 7 for story and contact information.

April 25

WasteCap of Lincoln will be hosting a computer collection event for Lincoln businesses from 10 a.m. until 4 p.m. at State Fair Park.

## Scottsbluff Cleanup Featured on Web Site

DEQ is starting a new feature on our web site that will provide up-to-date information about issues of public concern. The first topic to be featured will be the train derailment that occurred in Scottsbluff, and the status of the on-going site cleanup.

To find out more about the cleanup activities, visit our web site at [www.deq.state.ne.us](http://www.deq.state.ne.us). A link to the Scottsbluff information will be placed on the front page of our web site.



Photo by Rich Webster

It's beginning to look like a baseball stadium as construction continues at Lincoln's Harmarket Park. Turn to page 4 to learn about the connection between baseball and environmental contamination.



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Lincoln, NE 68509-8922

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