



# **NDEQ News and Other Updates**

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**Emerging Issues and Agency Vision**

**Jim Macy, NDEQ Director**



# Vision for the Department

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## Will Meet Our Statutory Responsibilities

- Be Responsive
- Use Common Sense in Problem Solving
- Assistance Focused
- Believe we should help “local people solve local problems”



# Vision for the Department (cont'd)

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## **Make Compliance Easier for Everyone**

- Provide Assistance and Training
- Go out to Nebraska, be proactive in education
- Streamline Process
- Develop Performance Goals and Objectives



## Air Quality

- Title 129 Proposal in June 2015
  - Streamline Construction Permit Process
  - Authority to Issue General Construction Permits
  - “Notice & Go”
- Source Categories Under Consideration:
  - Concrete Batch Plants
  - Hot Mix Asphalts Plants
  - Emergency Engines
  - Crushing & Screening
  - Surface Coating
  - Incinerators
  - Grain Elevators & Dryers
  - Working on general construction



# General Permits for Air's Construction Permits Program

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To reduce permitting backlogs, the air program is to expand the authority to develop general permits to include both the operating permit program and the construction permit program.

Another option may be extending the terms of Class II operating permits from 5 years to 10 years or longer



## Air Quality

- Clean Power Plan – 111(d) Rule
  - EPA finalize August 2015
  - State engaged stakeholders
  - Supreme Court Stay
- Revisions to Ozone Standard
- From 75 ppm to **70** or 65?



## Water Quality

- Omaha CSO
- New Ammonia Standards
- Assessing Wastewater Infrastructure Needs (AWIN) Process
  - Evaluating infrastructure needs
  - Examine affordable alternatives
  - Sustainability Risk List and Individual Community Datasheets on NDEQ website, [deq.ne.gov](http://deq.ne.gov)



## Waste Management

- Former Manufactured Gas Plant Remediation
- Coal Combustion Residue Rule
- Superfund Sites moving from EPA-lead cleanup to state-lead operation and maintenance
  - Columbus – 10<sup>th</sup> Street
  - Grand Island – Cleburn Street





# Grow Nebraska

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## **3 keys to Growing Nebraska at NDEQ**

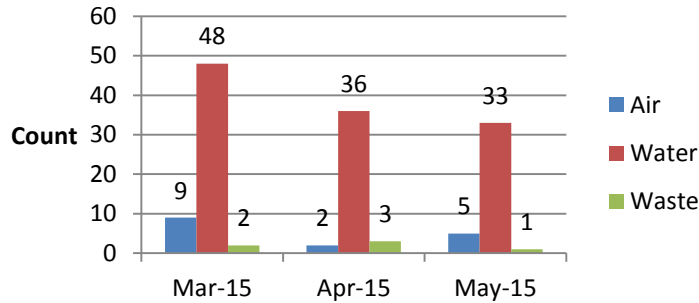
### Governors priorities

- Providing exceptional service
- Focusing on compliance assistance
- Demonstrating accountability through performance measures

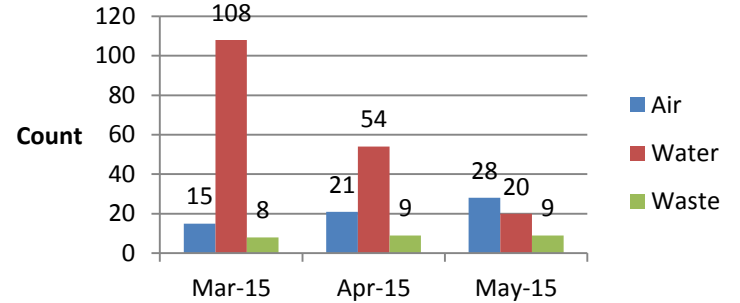


# Metrics

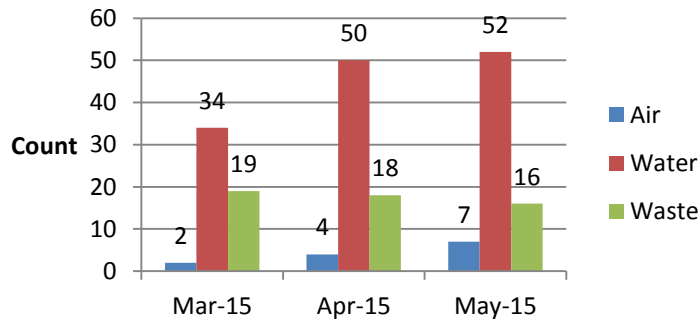
### Permits Issued



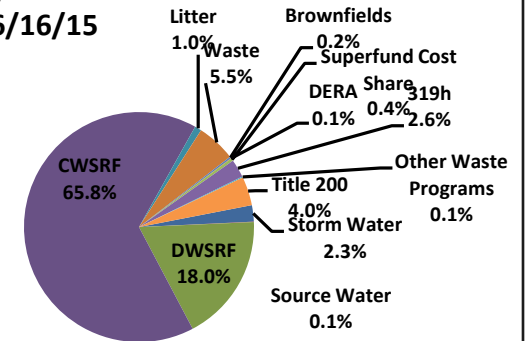
### Compliance Inspections

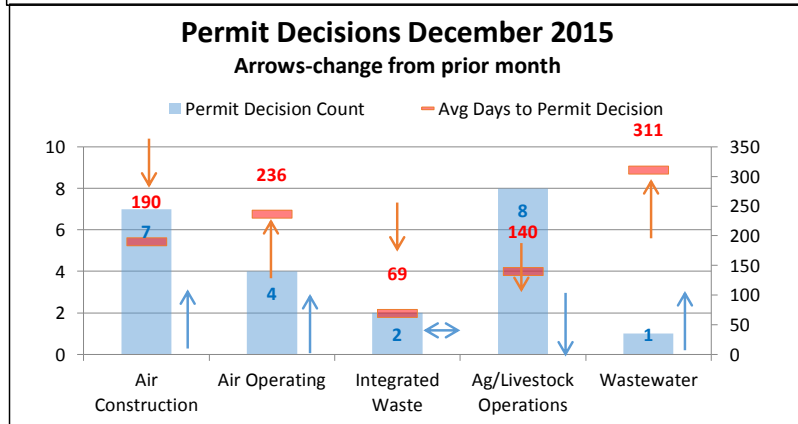
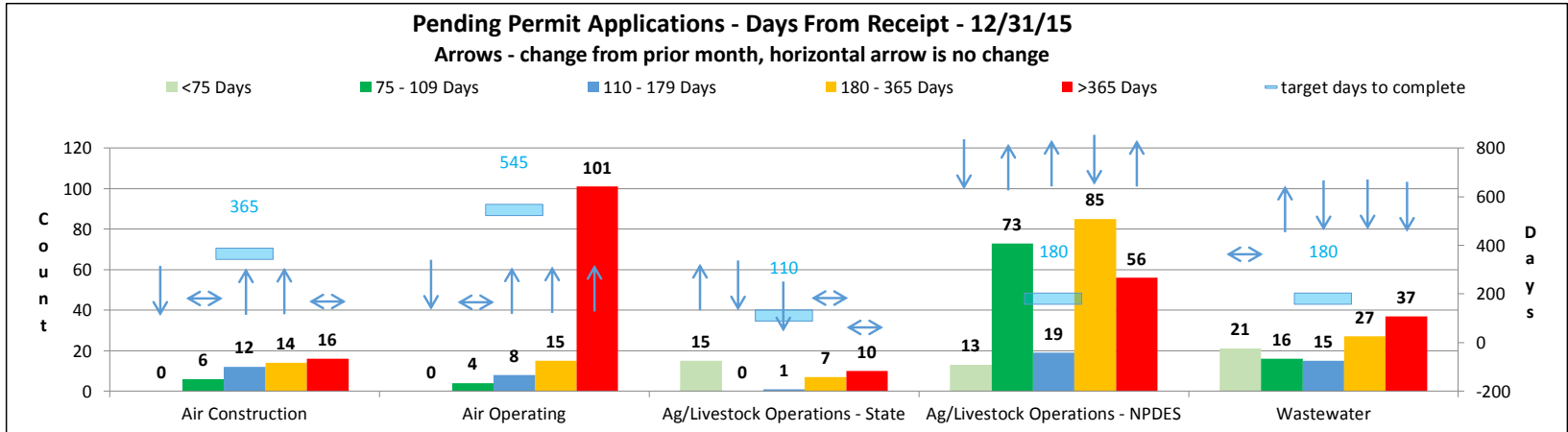


### Complaints Received



### Percent of Agency Funds Distributed as of 6/16/15





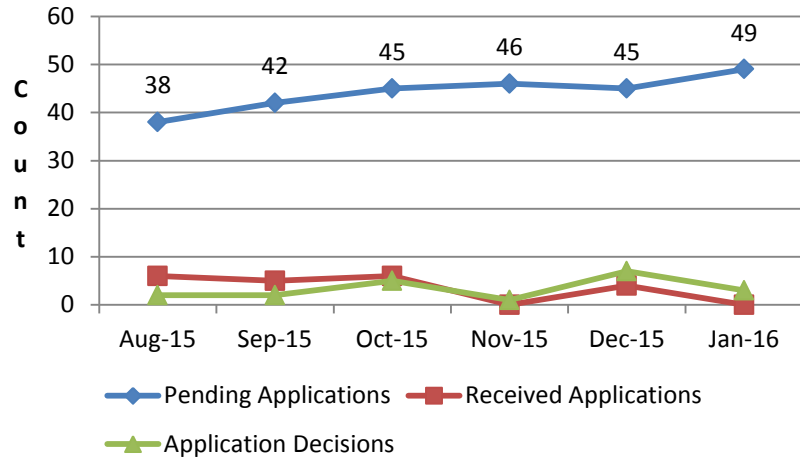
Pending Permit Applications	<75 Days		75 - 109 Days		110 - 179 Days		180 - 365 Days		>365 Days	
	Nov	Dec	Nov	Dec	Nov	Dec	Nov	Dec	Nov	Dec
Air Construction	5	0	6	6	11	12	12	14	16	16
Air Operating	4	0	4	4	5	8	14	15	100	101
Ag/Livestock Operations - State	12	15	1	0	3	1	7	7	10	10
Ag/Livestock Operations - NPDES	62	13	32	73	6	19	88	85	51	56
Wastewater	21	21	10	16	19	15	38	27	43	37

Permit Decisions	Permit Decision Count		Avg Days to Permit Decision	
	Nov	Dec	Nov	Dec
Air Construction	1	7	772	190
Air Operating	1	4	64	236
Integrated Waste	2	2	213	69
Ag/Livestock Operations	9	8	141	140
Wastewater	0	1	0	311

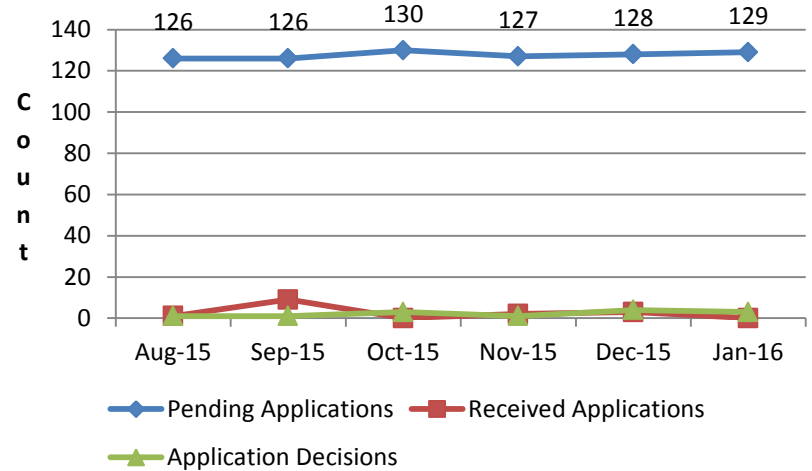


# January 2016 Metrics Report

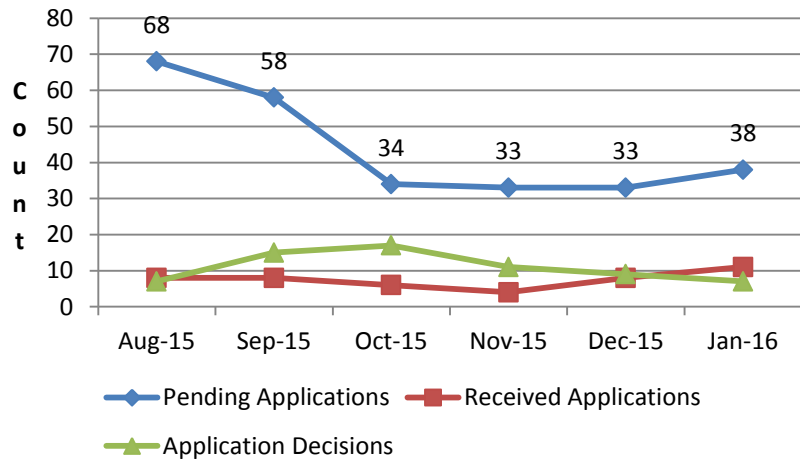
## Air Construction Permits



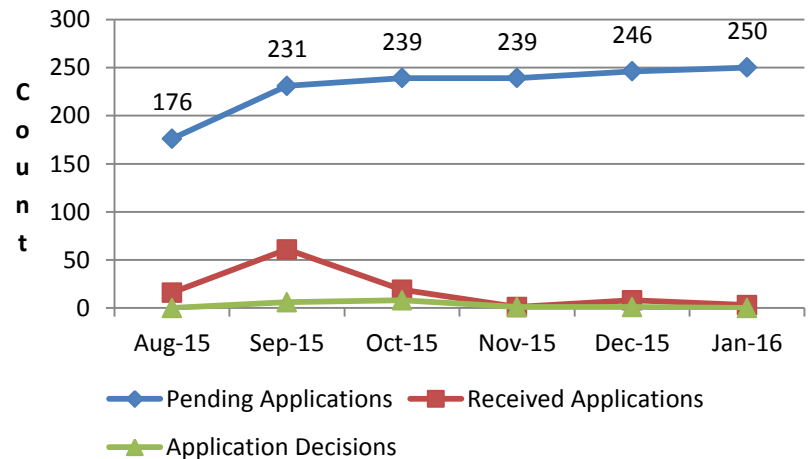
## Air Operating Permits



## Ag/Livestock State Permits



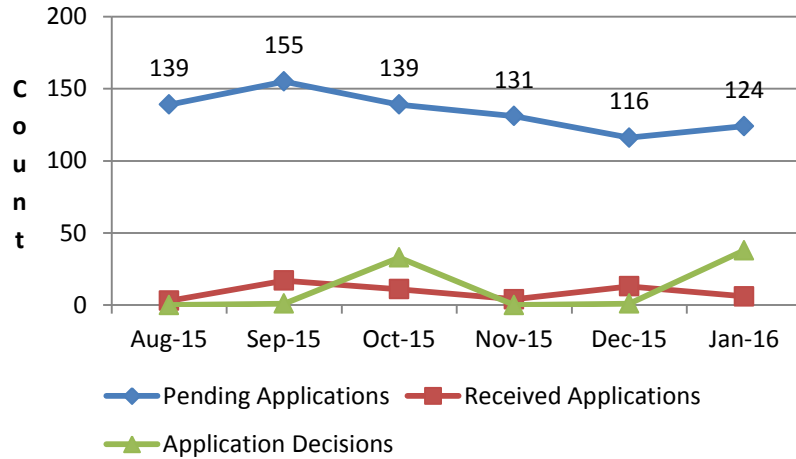
## Ag/Livestock NPDES Permits



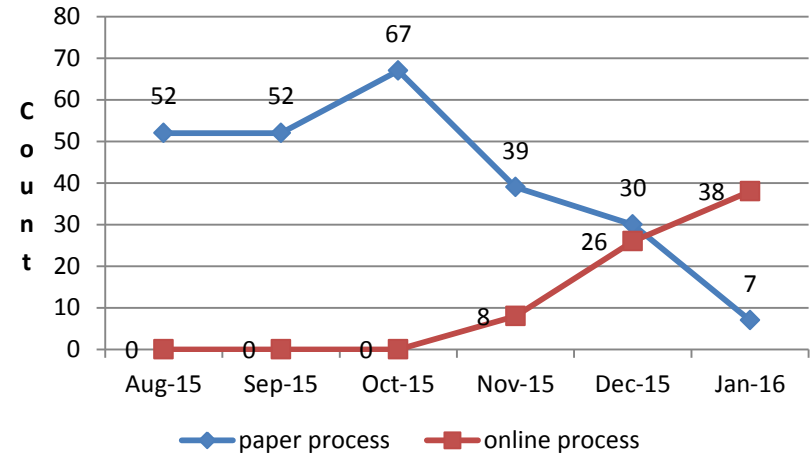


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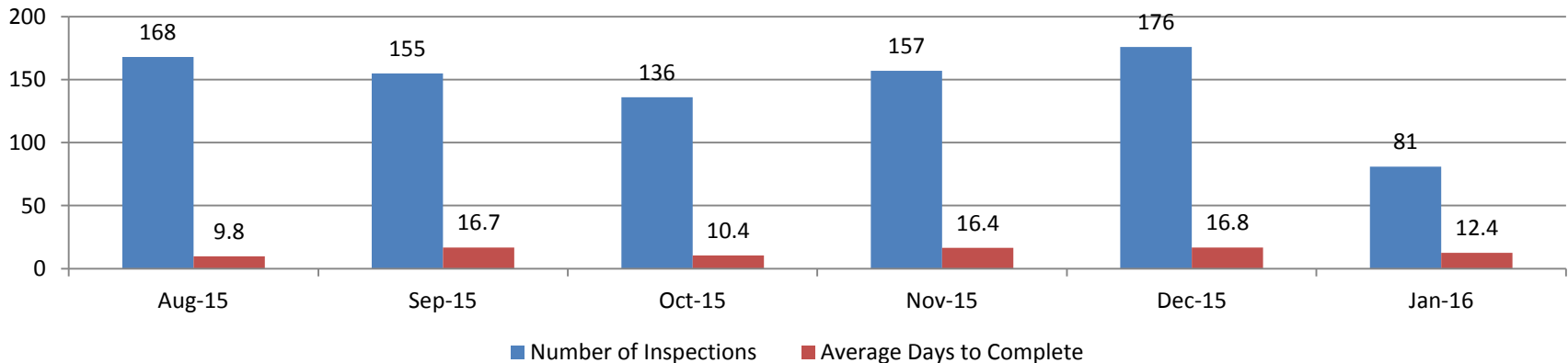
## NPDES Wastewater Permits



## Construction Stormwater Permits



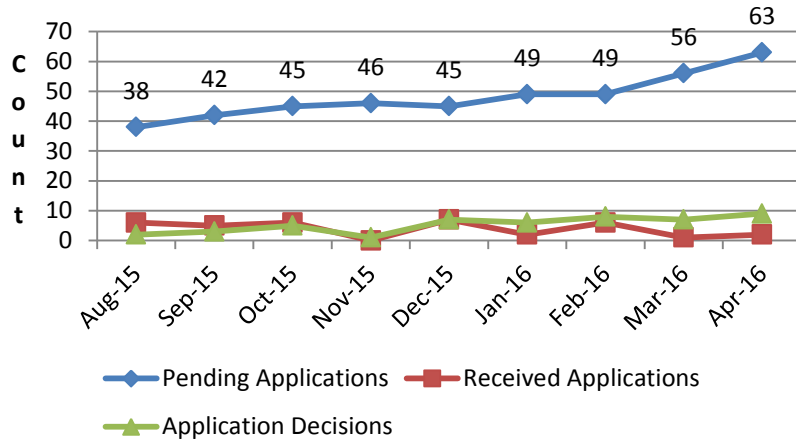
## Agency Inspections by Month with Average Days to Complete Reports



# April 2016 Metrics Report

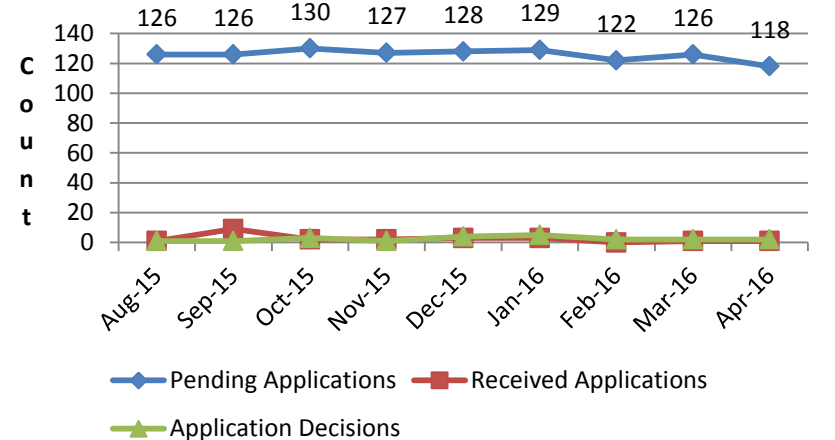
## Air Construction Permits

Process improvement ongoing – acceptable performance



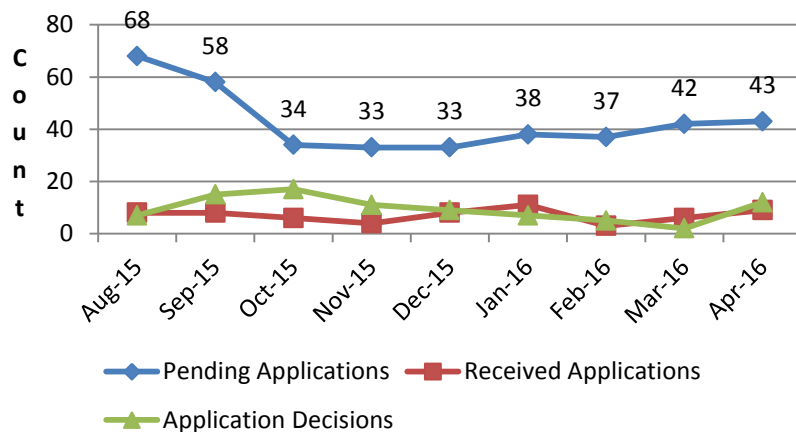
## Air Operating Permits

Process improvement ongoing – acceptable performance



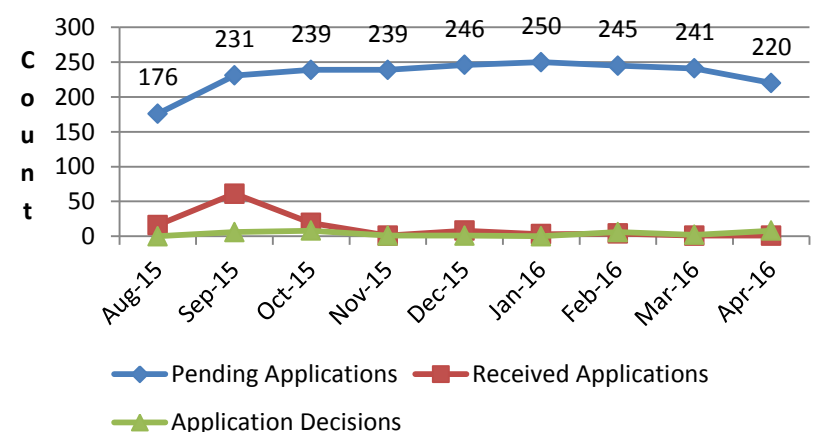
## Ag/Livestock State Permits

Acceptable Progress



## Ag/Livestock NPDES Permits

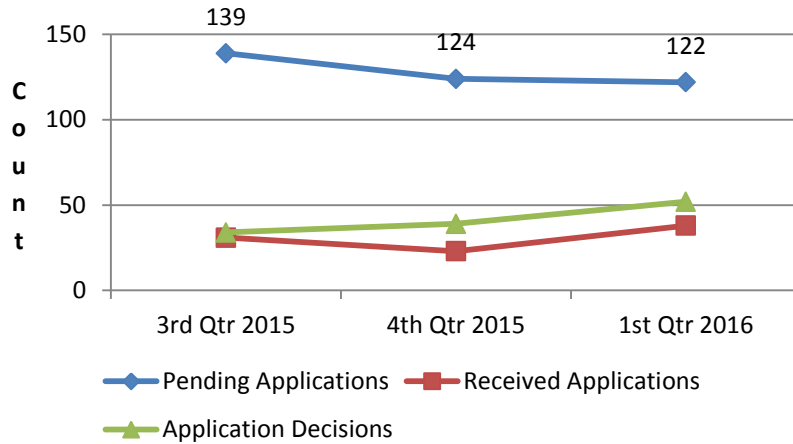
Moving toward acceptable progress



# April 2016 Metrics Report

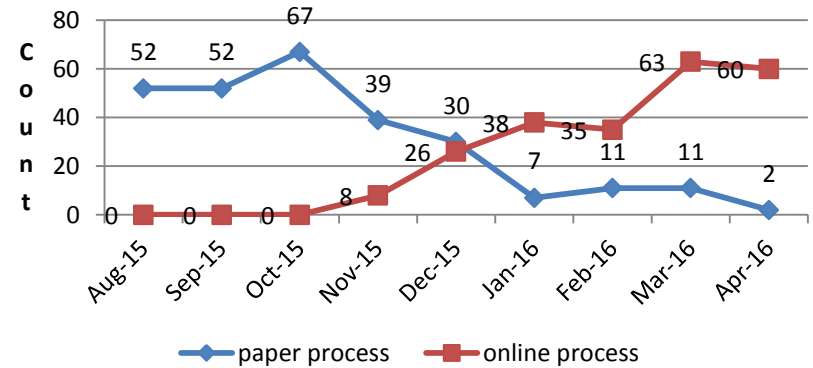
## Wastewater Permits (NPDES)

Acceptable Performance

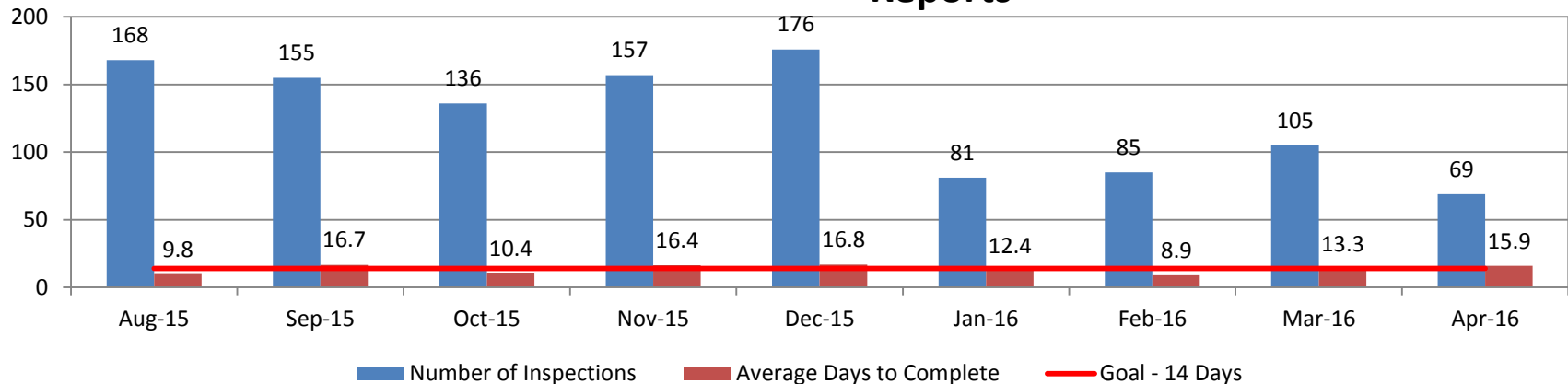


## Construction Stormwater Permits Issued

Process improvement implemented – meeting expectations

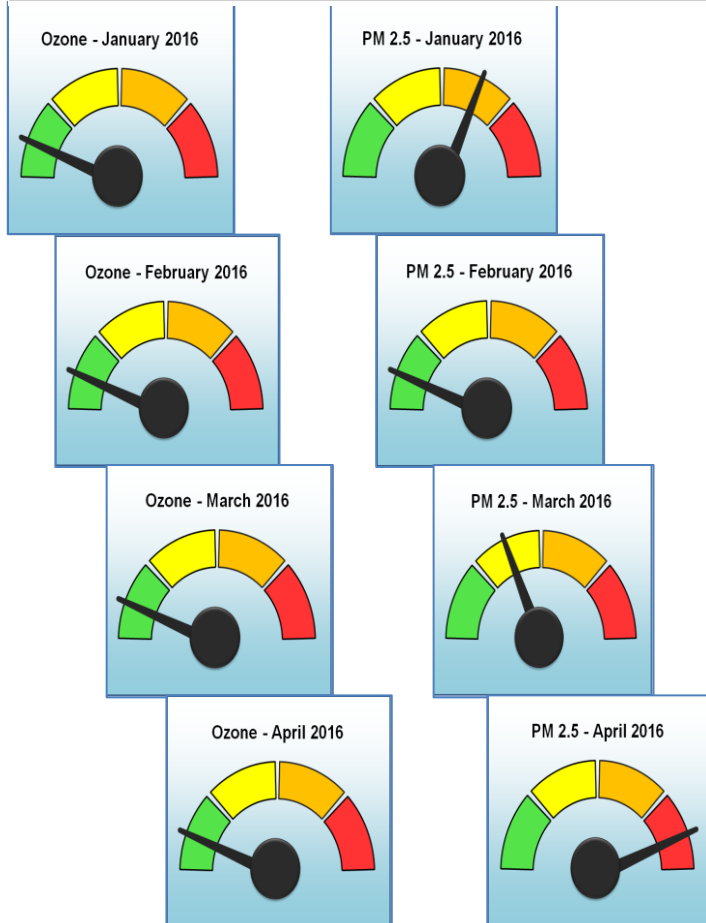


## Agency Inspections by Month with Average Days to Complete Reports



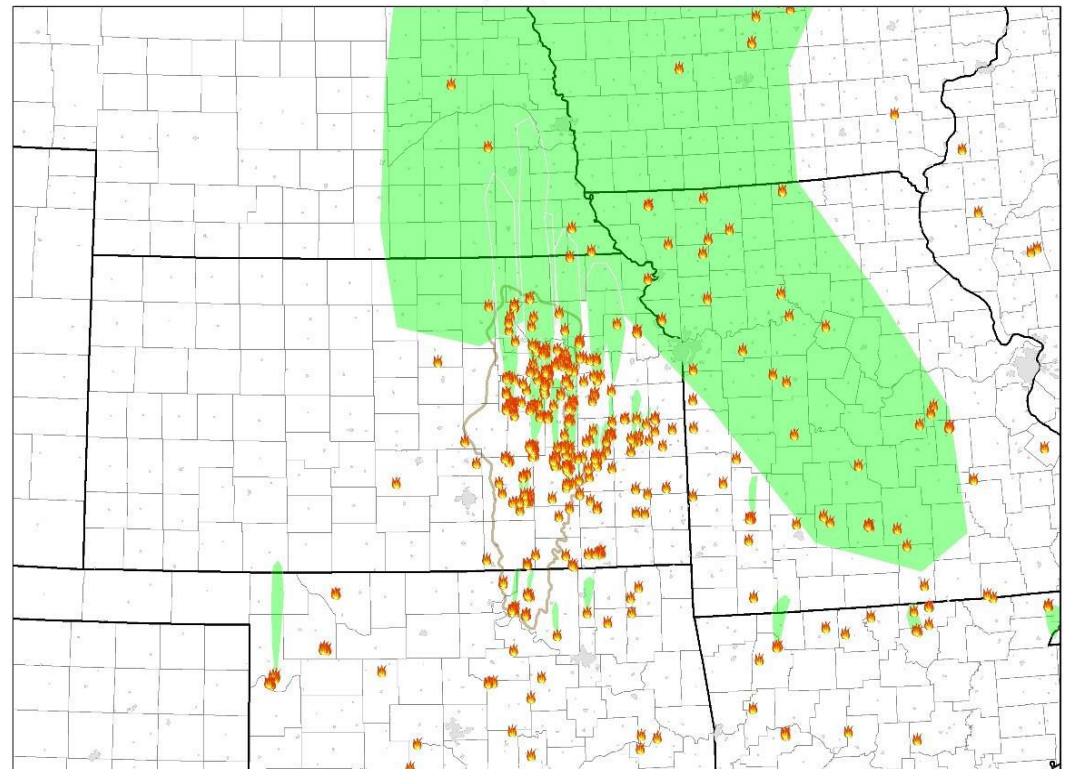
## April 2016 Metrics Report

NAAQS – National Ambient Air Quality Standards	
Green	<25% of the days with values of 51-100% of the NAAQS
Yellow	25 to 50% of the days with values of 51-100% of the NAAQS
Orange	> 50% of the days with values of 51-100% of the NAAQS or a single day > 100%
Red	2 or more days > 100% of the NAAQS



In the March report NDEQ indicated there was potential for adverse air quality impacts as a result of controlled burns planned for the Flint Hills of Kansas. In April southeast Nebraska experienced elevated levels of PM 2.5 (small particulate material) exacerbated by the burning in the Flint Hills. According to EPA’s classification system the levels of PM 2.5 reached an “unhealthy” state. Outdoor activities in the southeast part of the state, track meets, soccer games etc., were postponed and health advisories were issued encouraging curtailment of other outdoor activities. In 2016, over 2.7 million acres were burned.

**HMS Fire & Smoke Analysis**  
April 23, 2016





## April 2016 – Department of Environmental Quality

**Emerging Risks / Issues:** On April 21<sup>st</sup>, Heritage Disposal and Storage submitted a Notice of Intent to operate a commercial hazardous waste management facility on the grounds of the Cornhusker Army Ammunition Plant property west of Grand Island. This project is unique in that it is covered by a statute passed in 1987 and has been used only once, in 1991. The statute requires the Director of NDEQ and local authorities to appoint a 12-member Site Review Committee to review the proposal and submit a report to the Director outlining the local community's questions and concerns on the proposal. The Site Review Committee met on April 25<sup>th</sup> to organize their efforts. The Committee elected John Turnbull (retired NRD Manager) as Chair, and Chad Nabity (Planning Director, Grand Island/Hall County) as Vice Chair.

Since 2004, NDEQ has been sampling public beaches for the microcystin toxin – a toxin released from blue-green algae. The Public Beach Monitoring Program collects and analyzes more than 1,200 samples annually. Sampling is being conducted statewide on 50 public lakes covering 53 beaches, May 1st through September 30th. In 2015, 18 samples (1.4% of total samples) exceeded the 20 ppb microcystin threshold for closing a beach. This caused 5 lakes to be placed on Health Alert; this was less than previous years. Sampling results are placed on NDEQ's website weekly at <http://7deq.ne.gov/NDEQProg.nsf/Beaches2016.xsp>.

**Accomplishments:** The Air Quality Division issued coverage under new air general construction permits to three applicants in April - emergency engines at a data facility, a new asphalt plant, and an aggregate crushing operation. This innovative program will increase the efficiency of the construction permitting process. Eligible applicants can apply online and obtain coverage in a few days compared with an individual permit process that typically takes four to eight months. General permits have been issued for aggregate processing, emergency engines, hot mix asphalt (2), and truck mix concrete batch plants (2). More categories are being considered.

**Misc. Items of Note:** At the April meeting of the Groundwater Protection Council Board of Directors, Marty Link, Administrator of NDEQ's Water Quality Division, was elected President. Marty will serve a two-year term, starting in September. The GWPC is an organization made up of representatives from state agencies which regulate oil and gas underground injection activities and ground water protection programs, including Wellhead and Source Water Protection and non-oil and gas underground injection. GWPC works closely with US EPA, US Dept. of Energy, and the oil and gas industry to collaboratively address protection of drinking water sources.

## January 2016 – Department of Environmental Quality

**Emerging Risks / Issues:** NDEQ planned a major outreach effort to receive input prior to drafting the initial submittal on Nebraska's Carbon Mitigation Strategy required by EPA's Clean Power Plan (CPP.) Meetings were to be held at nine locations across the state. On January 28<sup>th</sup> NDEQ staff met with representatives of the power industry, environmental groups and commerce to introduce the content of and explain the process to be followed at the public meetings. However, the US Supreme Court stayed the CPP rule in a surprise decision on February 9<sup>th</sup>, thereby halting implementation of the rule until the legal challenges have been decided. Oral arguments are set for June. NDEQ has postponed the public meetings and will wait on a court ruling before proceeding.

**Accomplishments:** NDEQ opened a new Field Office in Grand Island on January 4<sup>th</sup>. Responsibilities for the Grand Island Program Specialist include livestock and waste management inspections, as well as conducting surface water sampling and responding to complaints. Establishment of the Grand Island Field Office will reduce travel and enable NDEQ to respond to our constituents in a more timely manner.

In 2015, NDEQ awarded scrap tire cleanup grants to 30 political subdivisions across Nebraska to hold collection site cleanups. Over \$645,960 was awarded to cleanup approximately 7,075 tons (over 700,000 passenger tire equivalents) of scrap tires. Those sponsoring the cleanups included one state agency, 16 counties, nine cities and villages, two NRDs, one solid waste agency and one SID. The cleanups ranged from a city collection for local residents and surrounding rural areas to a ten-county cleanup, as well as a

**Misc. Items of Note:** Heritage Disposal and Storage of Grand Island has entered into a contract with the Department of Defense to dispose of smoke grenades and related devices in an incinerator on the grounds of the former Cornhusker Army Ammunition plant west of Grand Island. The facility will be classified as a commercial hazardous waste management facility. All commercial hazardous waste facilities must be sited according to a statute that went into effect in 1989. The statute requires the creation of a local Site Review Committee charged with preparing a report to the NDEQ Director which captures the discussions of the committee and documents local concerns.



# Building Partnerships:

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- More presence at ag industry and animal agricultural meetings
- Go out to producers and seek ideas
- Bi-annual meetings, for Environmental Updates, go to 5 locations



# Inspection Process

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- Transparency
- On-site determination
- Post inspection exit and paper copy of findings
- Copy of inspection checklist with new or modified permit



## Region 7 Enforcement Priorities for FY

### National Program

- Stormwater / Muni
- CAFOs
- Air Toxics
- Sources of Air Pollution
- Energy Extraction
- Mineral Processing

### Regional Priorities

- Chemical / Petroleum storage facilities near waterways
- Food Processors in small to medium towns

## National Enforcement Initiatives FY17 - 19

NI	Status
General Processing	No Go
Air Index	Go
Sources of Air Pollution	Maybe
Incinerator: Mist	Maybe
Energy Extraction	Go (3 - 4 regions plus only)
CAFOs	Maybe
CAA 112b	Maybe
BCKA Air	Go
BCKA 110b	No Go
CWA Industrial Discharge	Go

## Other Enforcement Priorities

- Next Generation
  - Settlements
  - Permitting
  - Rules
- Community Air Protection Strategy
- Climate Resiliency





# CHMM Questions

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1. What have been the biggest challenges for you as the new director over the last year?
2. What successes has the department enjoyed during the transition?
3. Are there significant changes to the NDEQ's relationship with EPA or delegated authority from the EPA in the works?
4. What are EPA's priority programs for the current fiscal year(s)? What role will NDEQ serve in support of these priorities?
5. Many NDEQ staff have a very long residence time – both with the Department and in their current sections. Large corporations and other government bodies, like the Department of Defense, routinely rotate personnel to avoid stagnation in both individual and organizational growth. Having experienced regulatory staff and stability has obvious benefits, but how do you keep sections from becoming overly reliant on the same methods, technologies, and contractors year after year?
6. What is the department doing to review and issue permits in a more timely manner (i.e. air quality permits which often take years).
7. Can you give us an update on NDEQ's position on the EPA's proposed waste determination rules, in which generators are required to have waste determinations for all waste, hazardous and non-hazardous?
8. Following on that, are there any plans for NDEQ to adopt Subpart K (for colleges and universities) in the event that the EPA adopts the new rules?

1. What have been the biggest challenges for you as the new director over the last year?

- CPP
- Permit Backlogs
- Inspection/compliance determinations
- Retirements/staff retention “keeping the good” ...

## 2. What successes has the department enjoyed during the transition?

- 100<sup>th</sup> on line construction storm-water permit
- Air General permits/on line 11- present
- Permit assistance/compliance assistance initiative 1-1-16
- Compliance determination 9-1-15
- Beatrice voluntary cleanup/superfund
- Grants and clean-up assistance
- Clean audit of SRF DW and CW
- Getting to know Nebraska Industries/Agriculture

3. Are there significant changes to the NDEQ's relationship with EPA or delegated authority from the EPA in the works?

- Not planned
- Nationally – much more aggressive. Much more defined federalism, states are more junior partners
- Region 7 – good relationship; watchful...

4. What are EPA's priority programs for the current fiscal year(s)? What role will NDEQ serve in support of these priorities?

- Storm water/municipal
- CAFO
- Air toxics
- Sources of air pollution
- Energy extraction
- Mineral processing
- Regional – chemical/petro near waterways
- Food processors near small/medium towns

5. Many NDEQ staff have a very long residence time – both with the Department and in their current sections. Large corporations and other government bodies, like the Department of Defense, routinely rotate personnel to avoid stagnation in both individual and organizational growth. Having experienced regulatory staff and stability has obvious benefits, but how do you keep sections from becoming overly reliant on the same methods, technologies, and contractors year after year?

- Staff retention and training are high priorities
- Agree that experienced regulatory staff is a benefit for agency and regulated community
- Developing internal leadership program
- Working on right sizing staff/functions through metrics measurements
- Challenged by state hiring system and labor contract
- Open to suggestions

6. What is the department doing to review and issue permits in a more timely manner (i.e. air quality permits which often take years).

Air and Water on line permits will save time 24-45%

Looking at extending time for renewals

Looking at internal and external process



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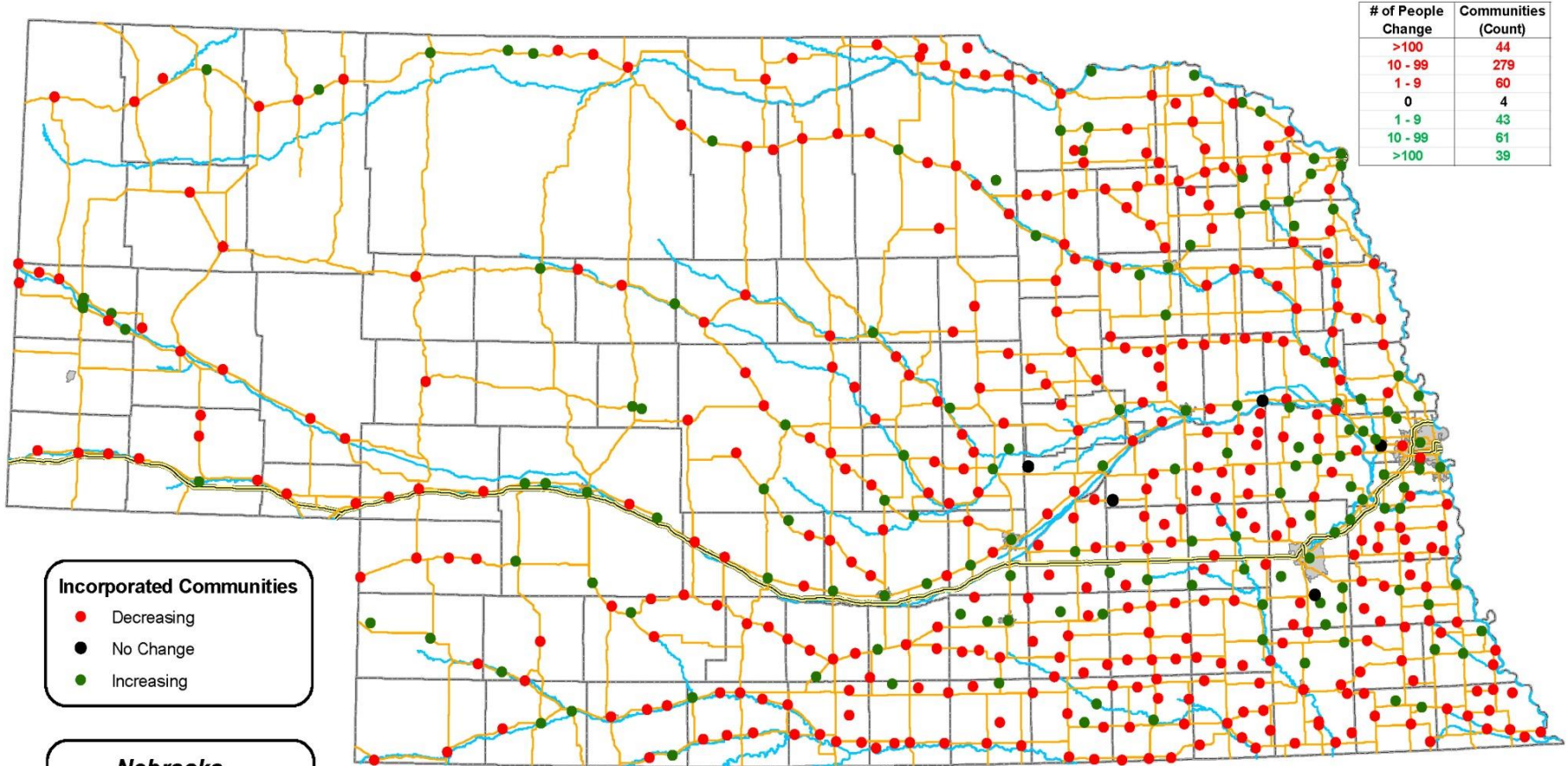
# Modernization Creates Changes in Community Demographics







## Nebraska Population Change 2000 - 2010 Census



**Incorporated Communities**

- Decreasing
- No Change
- Increasing

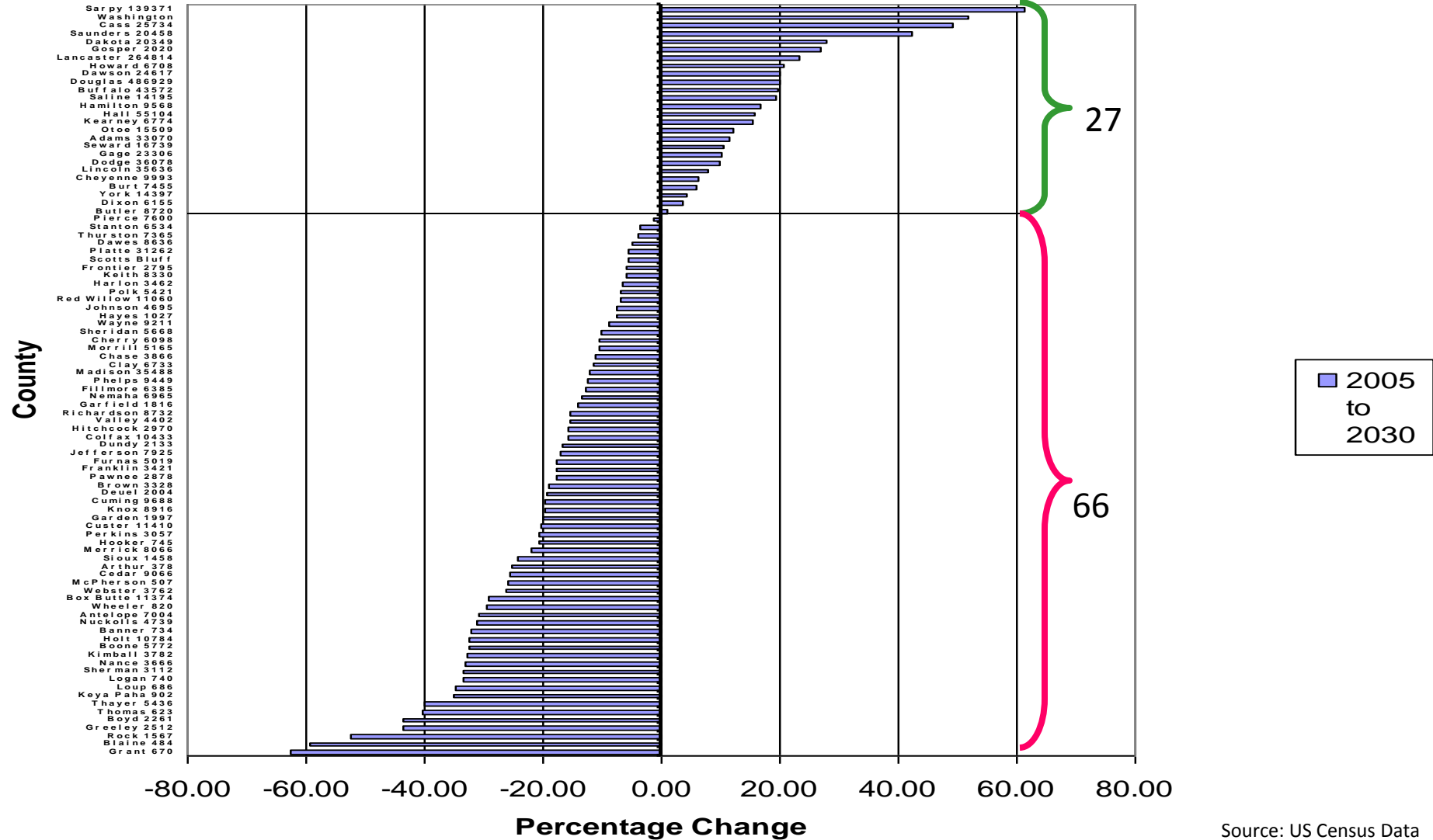
**Nebraska**

2000 Population - 1,711,263  
2010 Population - 1,826,341  
2000 Median Population - 341  
2010 Median Population - 318  
Total Communities - 530





# Nebraska County Projected Population Change 2005 to 2030



Source: US Census Data



# Grow Nebraska

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## 3 keys to Growing Nebraska at NDEQ

- Providing exceptional service
- Focusing on compliance assistance
- Demonstrating accountability through performance measures



**QUESTIONS?**