

# CHAPTER 7:

## Field Services and Assistance Division

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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 field activities occur out of the department offices located in Omaha, Norfolk, Chadron, Scottsbluff, North Platte and Holdrege.

In addition to Field Services, the division consists of the following programs: Small Business and Public Assistance, SARA Title III Community Right-To-Know, Release Assessment, 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.

- A number of staff members were involved with response activities related to the summer floods. These activities included coordinating Department activities in the state Emergency Operations Center, conducting inspections of flood-impacted facilities, and providing flood-related advice to those impacted by or associated with flood response.
- The Small Business and Public Assistance Program has devoted significant resources to the coordination of the review and response to submissions pursuant to the National Environmental Protection Act. The purpose of the reviews is to ensure related projects are conducted in an environmentally responsible manner. During FY2011, 91 notifications were received.
- The Community Right-to-Know program continues to work with Local Emergency Planning Committees in planning efforts as well as providing relevant information. The Program participated in several local emergency management agency meetings over the last year and provided information to Emergency Managers and the Nebraska Emergency Management Agency related to facilities impacted by the Missouri river flood.
- The Division continues to coordinate environmental partnership efforts with the Nebraska Public Power District (NPPD). The overall objective of the Partnership is to capitalize on the strengths of each organization and make strides toward a sustainable Nebraska. Three of the primary efforts of the Partnership have been:
  - Sponsorship of the "Power Summit" which brings those responsible for generation electricity together with environmental regulators for purposes of examining topics of mutual interest.
  - In cooperation with the United States Department of Agriculture – Rural Development and the EPA AgStar Program, continuing the promotion of the capture and use of methane from concentrated animal feeding operations.
  - The Partnership is involved in the examination of energy conservation issues at publicly-owned treatment works.

- The Release Assessment program continues to enhance the Department's ability to respond to releases into the environment by securing equipment and coordinating and providing additional training for the Department's Immediate Response Team. Additionally the Release Assessment program serves as the Department's Complaint Coordinator. The Complaint Coordinator is implementing the first Department-wide notification system. The system is designed to increase the effectiveness and bring consistency to the Department's response to notifications and complaints.
- The Environmental Assistance Division has provided assistance to the Waste Management Division in the conduct of the federal Brownfields program. The Brownfields program is intended to restore blighted and contaminated areas of the country to productive use. The Field Service and Assistance Division has been reviewing and providing comments to those organizations applying for Brownfield grants.
- The Division is responsible for the Department's Quality Assurance Program. The function of the Quality Assurance Program is to ensure that environmental data used by the Department in regulatory and decision-making activities is properly documented and sufficiently reliable to meet Department needs. NDEQ is committed to ensuring that environmental data used by the Department are sufficiently precise, accurate, and complete to carry out NDEQ's responsibilities.
- In FY2011, the Division has continued to provide leadership and facilitate focused improvement efforts to streamline regulatory processes, which has included improving NDEQ's process for investigating potentially contaminated properties and working with the ethanol industry to review the compliance process.

Following is a summary of the programs within the Field Services and Assistance Division:

### **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 offices around the state. The field offices enable the agency to provide the public with greater access to NDEQ staff, to provide more timely responses to citizens and to develop a better understanding of local issues because NDEQ staff live and work in the local community.

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 different 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 (SBPA) program was created as a result of the Clean Air Act Amendments of 1990 to assist sources in complying with air quality regulations. The Department realized the potential beneficial impact of the program and expanded the scope of the program to encompass all environmental media - air, waste and water.

The program is divided into four major components: the Small Business Compliance Advisory Panel, the Public Advocate (who serves as the ombudsman for the purposes of the Clean Air Act), the SBPA program, and the One-Stop Permit Assistance program. The SBPA program coordinator is involved with all four functions; as well as coordinating with other NDEQ personnel within the department's air quality, water quality and waste management divisions involved in compliance assistance activities.

The formation of the Small Business Compliance Advisory Panel resulted from amendments to the Nebraska Environmental Protection Act of 1992. The Panel is comprised of seven members: two representatives from the general public (who are not owners or representatives of small business stationary sources of air emissions) selected by the Governor, four representatives from small business stationary sources of air emissions selected by the Legislature, and one Department representative selected by the Director. Currently, vacancies exist on the panel, and nominees for panel member replacements are being sought. The panel evaluates the effectiveness of the Small Business and Public Assistance program, provides feedback on outreach and education methods provided by the program, and reviews written documents developed by Department programs to ensure the information is understood by the lay person.

The Public Advocate provides services to the public by acting as a clearinghouse for Department information. The Public Advocate receives requests for regulatory information or environmental complaints from the public, and either addresses the issue or ensures that the appropriate Department employee follows up on the issue. This role of interfacing with the public ensures the Department is accessible and responsive to public concerns.

The Small Business Assistance program includes site visits, development of outreach materials, workshops, and business and industry assistance in understanding their obligations under state law. The program also helps analyze outreach efforts and identifies additional rules or regulations that may affect future small business operations. In addition, the assistance program provides a directory of environmental engineers and consultants, which can be used by those seeking private environmental assistance.

The One-Stop Permit Assistance program was established to offer information and permit assistance related to the Department's various permitting processes. This program's objective is to ensure that businesses and industry are aware of what permits they are required to apply for, what information they will need to provide in the permit application, and the application process. The one-stop program coordinator brings together appropriate staff to address questions or concerns and ensure that inquiries receive a timely response. The one-stop program also coordinates activities with other state, federal or other assistance organizations and regulatory programs in an attempt to address questions and concerns in a timely and comprehensive manner. This provides the customer with one initial point of contact in the environmental permitting process.

### **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 the department, 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 2011, approximately 3,200 Nebraska facilities reported Tier II information on regulated chemicals above EPA-established thresholds. This was consistent with the previous year.

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 87% of the facilities reported online in Nebraska in 2011. 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 the Local Emergency Planning Committees by attending their local meetings and making presentations at related conferences. In 2010, the Community Right-to-Know Coordinator attended 15 local meetings and assisted with local emergency exercises and provided information regarding chemicals at facilities in their communities. In 2011 the Community Right-to-Know Coordinator assisted with the planning of the "Regional LEPC Conference" in North Platte, NE. This event provided information and training to over 300 First Responders and Local Emergency Planning Committee members.

### **Release Assessment Program**

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

The Release Assessment Coordinator is responsible for training, equipping and coordinating a group of personnel who, in addition to their responsibilities to other departmental programs, provide initial 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 Release Assessment 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 State Emergency Response Team (SERT) and coordinate closely with the local, state and federal agencies involved in emergency response situations.

The agency has implemented a department-wide electronic system for receiving information from the public and the regulated community related to complaints and spills. Ultimately the system will enable the public to submit some information on-line. Additionally the system will provide the department with a more effective manner to share the information submitted. The Release Assessment Coordinator will ensure that the information submitted is routed to the appropriate program and that the department provides a timely response to the information.

### **Homeland Security**

The Department has been actively involved in the state's Homeland Security efforts, which are directed by the Lieutenant Governor. The Department's Deputy Director of Programs represents the Department on the Lieutenant Governor's Homeland Security Leadership Group. The Leadership Group has directed appropriate state agencies to form the following teams: 1) Planning, 2) Exercise, 3) Training, and 4) Web/Information. The Release Assessment Coordinator serves as the overall team coordinator.

The NDEQ Homeland Security Exercise Team Coordinator and the Deputy Director of Programs participated in a statewide exercise, Terrex '11, hosted by the Nebraska Emergency Management Agency. The exercise involved multiple state agencies. Additionally the agency representatives participated in several exercises with County First Responders ranging from table-top exercises to full-scale enactments of emergency situations.