

CHAPTER 7:

Field Services and Assistance Division

The purpose of the Field Services and Assistance Division is to provide information and assistance to the public and the regulated community, as well as to conduct inspections, maintain monitoring programs, and manage specific projects. With regard to performing inspections, operating monitoring programs, and managing projects, Field Services staff coordinates all activities with the Agency's Air Quality, Land Management, Water Quality and Water Permits Divisions. Many of the agency's field activities occur out of NDEQ offices located in Omaha, Norfolk, Chadron, Scottsbluff, North Platte, and Holdrege. In January a new field office was located in Grand Island. There were no new staff added; a position was moved from the Holdrege office to Grand Island. This was done to decrease travel time and improve the Department's responsiveness.

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

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

- The Division has played a coordinating role in the preparation of the monthly metrics report for the Governor's Office.
- The Division coordinates the activities of the NPPD/NDEQ Environmental Partnership. The Partnership was formed in 2000 to enhance communications between our organizations and to examine ways in which our organization's resources can be used more effectively. A primary Partnership project has been an annual conference, the Power Summit. The Summit brings electric utilities and local, state, and federal regulators together to discuss issues of mutual interest. Another Partnership effort involves collaborating with the UNL Partners in Pollution Prevention intern program. Partnership members worked with interns to explore ways to reduce energy consumption at publicly owned wastewater treatment facilities
- The Field Services and Assistance Division coordinates the review of, and response to, submissions pursuant to the National Environmental Policy Act (NEPA). The environmental assessments are conducted by five NDEQ programs: Air Quality, Waste Compliance, Storm Water, Wastewater, and Water Quality. The purpose of the assessments is to ensure related



On March 2nd there was a catastrophic failure of a liquid fertilizer tank at a Dorchester Coop facility. Approximately 165,000 gallons of product was released. See page 94 for more information about NDEQ Emergency Response efforts.

projects are conducted in an environmentally responsible manner and to give the project sponsors an early awareness of any potential permits that will be needed for a successful project. During FY2015, NDEQ received 72 new project notifications for NEPA review.

- The Community Right-to-Know Program works with Local Emergency Planning Committees to ensure the local first responders have information regarding hazardous materials in their communities. Additionally the Program provides assistance in planning and participating in emergency response exercises. The program also participates in educational activities. Over the last year the Program attended 15 Local Emergency Planning Committee meetings. Additionally the Program is the primary member of the State Emergency Response Commission, Education/Outreach Committee.
- The Emergency Response Program enhances NDEQ's ability to respond to releases into the environment to mitigate and reduce the environmental impact. The Program is responsible for securing equipment and coordinating and providing training for NDEQ's Emergency Response Team. Additionally, the Emergency Response Coordinator serves as NDEQ's Complaint Coordinator. The Complaint Coordinator implements the Department-wide notification system. The system is designed to increase the effectiveness and bring consistency to NDEQ's response to notifications and complaints.
- The Division, through the efforts of the Small Business and Public Assistance Coordinator and the Assistance Team, is responsible for the planning of NDEQ's annual Environmental Update – a one-day conference held for the regulated community and environmental consultants to provide an opportunity for NDEQ programs to present updates and explain new developments. In FY2016, the Environmental Update was held in Lincoln, Omaha and North Platte. There were also more focused Environmental Update Workshops held on the operations of ethanol plants and concentrated animal feeding operations in Norfolk and Grand Island.
- The Division, through the Small Business and Public Assistance Coordinator, arranges "One Stop Permit Meetings" with businesses, city representatives and others as appropriate, to help facilitate any environmental regulatory permitting requirements an incoming business may have. The intent of the meetings is to ensure the prospective businesses are familiar with their environmental regulatory responsibilities as soon as possible. There were eight One-Stop Permit Meetings during the reporting period.

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 and Land Quality Division and Water Quality Division. 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 seven field offices around the state. A new office was added in Grand Island January 2016. This does not add new positions to NDEQ, but moves one position from the Holdrege Office to Grand Island. This has improved NDEQ's responsiveness and reduces travel time for inspections. The field offices enable the agency to provide the public with greater access to NDEQ staff, provide more timely response to issues raised by the public. Additionally, because Field Office staff live and work in their respective Field Office areas, they are able to help the Lincoln Office develop a better understanding of local issues.

Over the last year the Field Offices were instrumental in the initiation and use of a new form, the Inspection Exit Summary form. This form is used to formally document a facilities compliance status upon completing of an inspection. The use of the form provides the facility with documentation of their compliance status at the earliest opportunity. It also provides assurances that both the facility and NDEQ have a common understand of what actions, if any, must be taken by the facility to assure compliance.

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

Small Business and Public Assistance Program

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

Nebraska's Program is divided into four major components: the Small Business and Public Assistance (SBPA) program, the One-Stop Permit Assistance program, the Public Advocate, and the Small Business Compliance Advisory Panel. The Program Coordinator is involved with all four functions, as well as coordinating with other NDEQ personnel within NDEQ's programmatic Divisions. The Program Coordinator also serves as the coordinator for NDEQ's Compliance Assistance Team.

The Program includes site compliance assistance visits, development of outreach materials, workshops, and generally helping the regulated community to understand their obligations under state and federal law. The Program Coordinator is also responsible for NDEQ's annual Environmental Update, held this year in North Platte, Omaha, and Lincoln the week of May 16th. This was the second year the Environmental Update was held outside of Lincoln, and the first time for having three sessions. In addition to the general Environmental Update session, the NDEQ held three

industry-focused workshops in November – two focused on the ethanol industry and one workshop in December on regulations associated with Concentrated Livestock Feeding Operations.

The Program Coordinator works with representatives of the Nebraska Public Power District to organize and host the annual Power Summit. A primary objective of the Summit is to enhance the dialogue that has been established between the power industry and the associated regulatory agencies. The 2015 Power Summit was held on October 28th in Lincoln.

The One-Stop Permit Assistance Program was established to offer information and permit application assistance to the regulated community. A primary objective of the One-Stop Program is to ensure businesses are aware of the permits they are required to apply for, know information they will need to provide in the application process, and ensure that inquiries receive a timely response. The Program Coordinator conducted meetings with six potential project sponsors over this reporting period.

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

The Small Business Compliance Advisory Panel is composed of seven members: two representatives from the general public selected by the Governor, four representatives from small businesses selected by the Legislature, and one representative selected by the Director. The panel evaluates the effectiveness of the Program, providing feedback on outreach and education methods and identifying program obstacles. The Panel members met with NDEQ staff to discuss several issues during their annual meeting in November 2015, and provided their annual report to the Governor in December. The following is an excerpt from the report to the Governor.

“...there will be individuals who will be hesitant to contact the Department; hence one of the reasons for the SBCAP. To complement NDEQ's assistance outreach efforts in 2016, we are looking to educate the public in the role that the SBCAP can play in environmental assistance through participation in the 2016 NDEQ Environmental Update workshops and sponsoring lunch hour or mid-day meetings in our communities where DEQ staff can present on different outreach or regulatory topics that are pertinent.”

With respect to this effort, each of the general Environmental Updates had a member of the SBCAP talk about the Panel and their efforts and availability to field questions for the regulated community.

Finally, the Small Business and Public Assistance Coordinator, the NDEQ Compliance Assistance Team, and various programmatic inspection supervisors developed a Permit Assistance Visit (PAV) program, an initiative by Director Macy to promote Department-wide compliance assistance through outreach to the regulated community when the Department issues or renews a permit. The Department began offering PAVs in February.

Community Right-To-Know Program

The Community Right-to-Know Program provides assistance to facilities 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 regulations 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 to ensure first responders have information to safely respond and plan for incidents related to hazardous materials; 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 violations of this program.

The Community Right-To-Know Program distributes outreach materials, responds to public requests for information, and receives and stores information required under this act. The information that facilities are required to provide NDEQ, includes: 1) a one-time report of an extremely hazardous substance at a facility that triggers the emergency planning process; 2) notification of any significant changes to a facility's emergency plans; 3) notification of the sudden release of a hazardous substance; 4) an annual report listing the hazardous chemicals present at 10,000 pounds or above the threshold planning quantity at the facility; 5) an annual quantitative report of the listed chemicals; and 6) an annual facility inventory report of toxic chemicals manufactured, stored or used, and the amounts released to the environment by the specific media.

A facility in Nebraska is required to submit a Tier II report if listed hazardous substances are present at any one time during the preceding calendar year at the facility in amounts either equal to or greater than amounts established by EPA. In 2016, a total of 2,887 Nebraska facilities reported Tier II information on regulated chemicals above EPA-established thresholds. This was consistent with previous years.

Facilities required to report information pursuant to the Community Right-to-Know Program are able to access, view, change and report their chemical information online. Approximately 98% of the facilities reported online in Nebraska in 2016. 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. The online reporting process reduces the burden on facilities by eliminating paper copies and mailing costs.

Additionally, the Community Right-To-Know Coordinator has been active in establishing relationships with Local Emergency Planning Committees by attending their meetings and making presentations at related conferences. In FY 16, the Community Right-to-Know Coordinator attended 15 local meetings, assisted with local emergency exercises and provided information regarding chemicals at facilities in their communities.

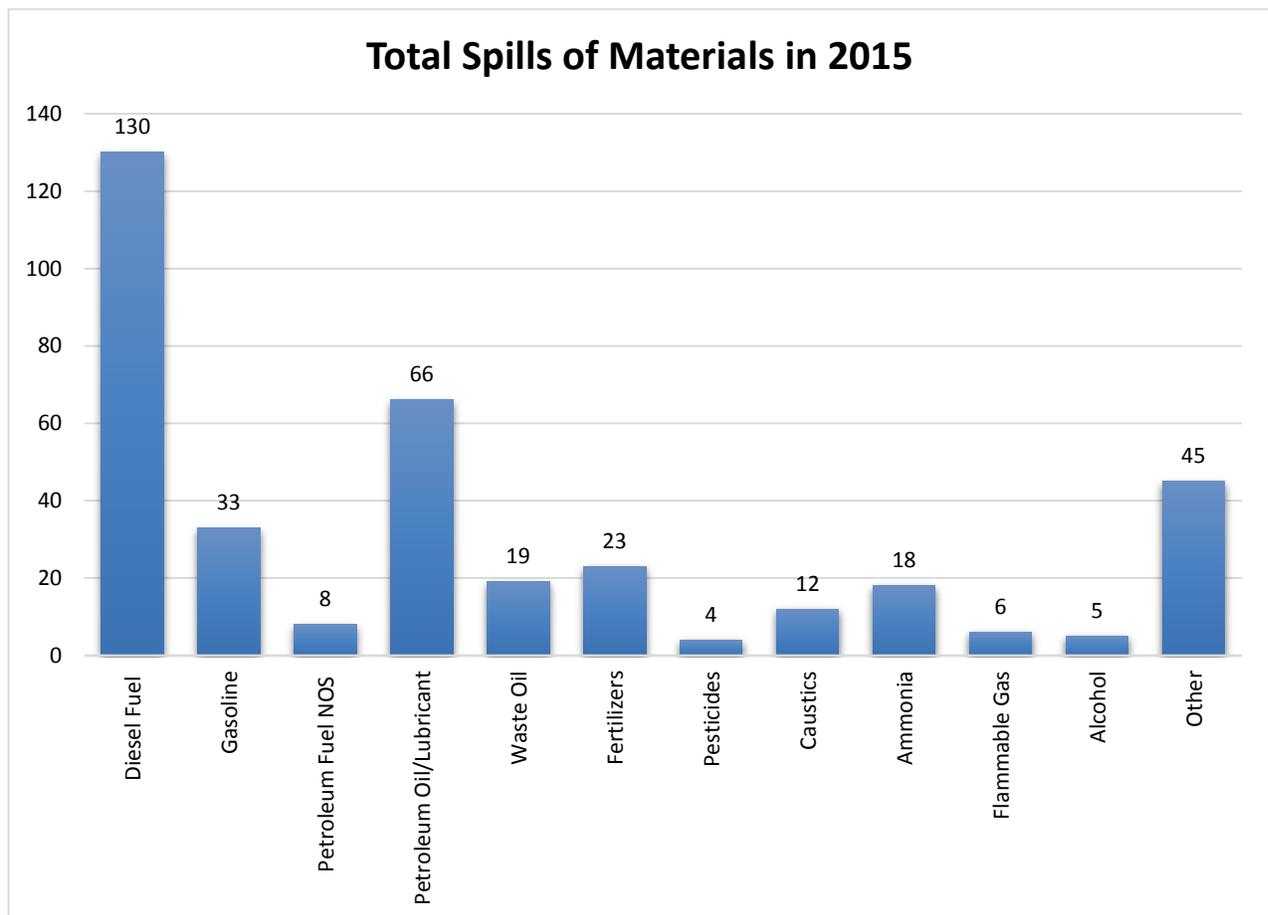
Finally, the Community Right-to-Know Coordinator also serves as the Agency's Quality Assurance Manager. These duties include ensuring that projects which collect environmental data have a signed Quality Assurance Project Plan (QAPP) there were nine QAPPs reviewed and approved. In addition every five-years states overall Quality Management Plans (QMP) are subject to comprehensive reviews and must be submitted to EPA for approval. The Community Right to Know Coordinator was responsible for coordinating the internal review and submission to EPA. The QMP was subsequently approved by EPA.

Emergency Response Program

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

The Emergency Response Program Coordinator is responsible for training, equipping and coordinating a group of personnel who, in addition to their responsibilities to other departmental programs, provide initial documentation, assistance and response to spills. These individuals have the responsibility of maintaining an emergency response system, which is on call 24 hours a day. The Emergency Response Program assists in arranging for the disposal of harmful and potentially hazardous materials. The Program represents the environmental interests of the state at the scene of a petroleum/chemical spill or other environmental emergency. All personnel are members of the Nebraska Hazardous Incident Team (NHIT) and coordinate closely with the local, state and federal agencies involved in emergency response situations. Over the past year the Emergency Response Program responded to 7 incidents and conducted 7 on-site visits to these incidents.

The Emergency Response Coordinator is responsible for training staff in the use of the system.



Homeland Security

NDEQ has been actively involved in the state's Homeland Security efforts which are directed by the Lieutenant Governor. Director Macy represents the Department on the Lieutenant Governor's Homeland Security Leadership Group. The Community Right to Know Coordinator has participated in a number of Local Emergency Planning Committee (LEPC) exercises which often have a Homeland Security component. These exercises help the LEPCs identify training needs and response issues in need of attention. These exercises typically involve incidents related to release of agricultural chemicals, pipeline releases, and responding to and mitigating spills into surface waters of the state.