



2023

**Nebraska Small Business
Compliance Advisory Panel
Annual Report**

Submitted to Governor Jim Pillen

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Message from the Small Business Compliance Advisory Panel

The Small Business Compliance Advisory Panel (SBCAP) has worked closely with Nebraska Department of Environment and Energy (NDEE) since 2000 in support of small businesses across the State of Nebraska.

The value of this partnership continues as it provides a voice for businesses through statewide representation and collaborative efforts of both the panel and the agency. Nebraska SBCAP stands out in our region as other states do not have an active similar panel. This ongoing collaboration with the state is appreciated.

Assistance to business owners continues to be made as the SBCAP and NDEE work at providing relevant regulatory information to assist business owners and members of the regulated community. The trust between the small business community and NDEE will continue to grow in 2024 as we move forward with our mission.

In October 2023, NDEE met with members of the panel for the regularly scheduled annual meeting.

At that meeting, the panel and I reaffirmed recommendations encouraging the Department to reach out to Nebraska's regulated communities and to continue to be responsive, transparent and make compliance easy. We also let Director Macy know that the agency's presence at events across the state, including the 2023 business luncheon in Columbus, were appreciated. That attendance was a direct result of the 2022 meeting and showcases the successes made by this panel. I initiated that meeting in Columbus to exemplify to the panel members NDEE's involvement in Nebraska outside of the Lincoln and Omaha areas. The Director's enthusiasm was genuine and very much appreciated.

We are dedicated to providing support to small and new businesses through ongoing cooperation. This panel gives the opportunity to address concerns brought by the small business community.

We look forward to another great year growing Nebraska small businesses.

Sincerely,

A handwritten signature in cursive script that reads "Jim Hellbusch".

Jim Hellbusch
Small Business Compliance Advisory Panel Chair
Owner of Duo-Lift Manufacturing-Columbus, NE

Background

The Clean Air Act Amendments of 1990 require each state to prepare a plan for helping small business comply with the provisions of the Act through the creation of compliance assistance programs. Section 507 of the Act requires states to prepare a small business compliance assistance program, establish an “ombudsman” to act as a liaison between small businesses and associated regulatory programs, and to form a Small Business Compliance Advisory Panel (SBCAP) of not less than seven individuals.

In 1992, Nebraska adopted enabling legislation codified as Nebraska Revised Statute §81-1505.03 requiring the creation of the Small Business Compliance Advisory Panel while outlining its responsibilities. In the department’s plan, an ombudsman role and multi-programmatic assistance activities were outlined for environmental programs of water quality, waste management, and air as required by the Clean Air Act.

The agency’s Environmental Assistance Coordinators serve as the link between NDEE, the SBCAP and small business in Nebraska. Since the 2019 merger with the Nebraska Energy Office and the 2021 absorption of DHHS drinking water programs, compliance assistance outreach has expanded to include energy and drinking water programs.

NDEE’s Environmental Assistance Coordinators transitioned to the Public Information Office due to the agency’s functional reorganization in October 2020. The reorganization strategically centralizes and aligns these positions to support NDEE assistance, compliance, and outreach activities.

Each year, NDEE provides the Panel a review of its efforts to engage the small business community across the state. The department offers a suite of compliance, outreach, education, and assistance services for supporting the regulated community toward their environmental permitting and compliance goals. Compliance assistance services and activities are labeled in various ways across sections, programs, and divisions within NDEE; however, all are designed to help educate the public and the regulated community on issues related to permitting, regulatory compliance, access to resources, and obtaining answers to general questions.

Small Business Compliance Advisory Panel

The federal Clean Air Act (CAA) Amendments of 1990 required all states to establish a Small Business Assistance Program and Small Business Compliance Advisory Panel (SBCAP) to assist small businesses in complying with provisions of the Clean Air Act.

After more than 25 years, Nebraska’s Small Business Compliance Advisory Panel is still actively engaged. The group consists of four representatives from small businesses selected by the state legislature; two individuals from the general public selected by the Governor; and one member from the Department, resulting in a panel of seven. Boyd Dingman of Dingman’s Collision Center in Omaha was newly appointed to the panel in January 2022.

The Director of NDEE appoints one voting member as department representative to the Panel. In 2021, the director appointed NDEE's Division Administrator for Permitting & Engineering to fill the position.

Panel Members

Legislative Appointees

- Jim Hellbusch - Panel Chair/Owner of Duo-Lift Mfg., Columbus
- Rick Bettger - Owner of Omaha Car Care, Omaha
- Boyd Dingman – Owner of Dingman's Collision Center, Omaha
- Jack Schreiner - Owner of Bruckman Rubber, Hastings

Governor Appointees

- Sharon Hueftle - Executive Director, South Central Economic Development District
- Starr Lehl - Economic Development Director, City of Scottsbluff.

NDEE Appointee

- Shelley Schneider P.E. - Division Administrator, Permitting and Engineering Division (Appointed August 2021)

Highlights from the Small Business Compliance Advisory Panel Annual Meeting

Past reports show that the SBCAP and NDEE continue to make strides in breaking down communication barriers, increasing trust, and providing relevant regulatory information to assist businesses and communities. The annual meeting occurred on October 16, 2023 at the NDEE office in Lincoln, Nebraska

The 2023 meeting of the SBCAP and NDEE shows continued progress on efforts that impact regulated business. During the October 2023 meeting, NDEE staff gave presentations and provided updates on the following topics:

- The status of the application for the voluntary Climate Pollution Reduction Grant program through the U.S. Environmental Protection Agency (EPA). This includes networking of government and non-government industry groups and the focus of the potential greenhouse gas reductions in the following five key sectors.
 - Agriculture/Natural & Working Lands
 - Electricity Generation
 - Waste Materials and Management
 - Transportation
 - Industry
- Status of the Clean Water Act (CWA)404 Permitting Assumption activities and continued coverage of the program by the Army Corp of Engineers.

- Regional Haze State Implementation Plan (SIP) and Canadian fire impact. New air reporting standards are possible as the EPA-proposed measures of AERR 101 would mean more facilities must report annual emissions data. NDEE outlined the plan to submit comments by the deadline of November 17.
- NDEE’s Drinking water sampling program including an update on the state-led voluntary PFAS (Per and Poly Fluoroalkyl substances) sampling results in answer to EPA mandated Unregulated Contaminant Monitoring Rule.
- NDEE’s nitrate study project with a plan to have an interim report to the legislature in mid-January.
- NDEE’s Private Well Reverse Osmosis Program status with over \$700,000 remaining for those who wish to participate in the program.

Panelist Comments and Suggestions for NDEE

As part of the Panel’s review of the 2022 SBCAP Report and general discussion, the members reaffirmed recommendations encouraging the Department to reach out to Nebraska’s regulated communities and to continue to be responsive, transparent and make compliance easy. Chair Jim Hellbusch expressed his appreciation about the Director’s presence at a business luncheon in Columbus, and invited him to attend another in 2024. Hellbusch hoped to gather testimonials from those businesses who attended in 2023 prior to scheduling a 2024 opportunity to encourage broader attendance.

In the updates on state and federal environmental developments that impact Nebraska small businesses, the panel was provided information on a number of issues from staff from a variety of programs.

Compliance Assistance Services

The following summarizes NDEE’s primary compliance assistance services:

Compliance Assistance Visit (CAV): An on-site service (or meeting) offered by NDEE in response to a voluntary request by a business or regulated party to receive support for one or multiple environmental program areas to which they are currently subject or considering under proposed operations.

A CAV focuses on supporting the efforts of an entity to achieve voluntary compliance; however, it does not provide an enforcement shield if egregious violations are found during the visit.

Permit Assistance Visit (PAV): An on-site service (or meeting) offered by NDEE in response to a request by a business or regulated party to receive support under a new, modified, or existing permit to address permit related questions.

Scoping Meeting: A meeting within or outside of NDEE to introduce a new or proposed business to involved staff, programs, and agencies. The meeting may include interview questions, review of processes or technologies, tools, resources, and strategic partnerships to assist the business in making the appropriate contacts for applicable regulatory requirements or business needs.

One-Stop Meeting: A One-Stop Meeting typically follows a scoping meeting with more detail. A One-Stop meeting allows for a newly proposed or expanding business and their selected representatives to engage with applicable NDEE permitting programs and other regulatory agencies. The goal of each meeting is to provide the permittee an opportunity to ask questions and receive detailed information and direction toward attainment of the necessary permits to achieve environmental regulatory compliance.

Individual Site Assistance/Training: An on-site service offered by NDEE in response to a request or during or after a Compliance Inspection.

Inspections: Small businesses are subject to routine compliance assurance inspections, as well as field, fiscal, and equipment audits to determine accounting and regulatory compliance. During these audits and inspections, NDEE takes the opportunity to include elements of training and education. These activities result in some of the most useful compliance assistance NDEE provides.

2023 NDEE Assistance Activities Completed

Assistance Visits and Contacts

Staff provide assistance through Compliance Assistance Visits, Permit Assistance Visits, phone and email contacts:

- Conducted 25 Compliance Assistance/Permit Assistance visits with permittees or industry (regulatory topics: air control, air emissions reporting, wastewater treatment, pool operations)
- Brownfields Program Assistance via phone, email, and Zoom to discuss resources and grant funding to promote economic development of vacant and blighted properties – 225 new contacts, 257 follow-up contacts
- Solid and Hazardous Waste Compliance Assistance contacts via phone – 301; emails 248
- Permitting and Engineering compliance assistance contacts via phone - 410 (topics: construction stormwater, industrial stormwater, chemigation, nutrient management plans, composting and tires)
- Small Business Assistance program contacts via phone and email – 30

One Stop Meetings/Preapplication Meetings

Meetings were held with 25 entities involved in:

- Ethanol Production
- Data storage
- Industrial Manufacturing
- Agriculture Manufacturing
- Livestock Production
- Carbon Sustainability
- Municipal/County Landfills
- Government military base
- Food manufacturing

Scoping Meetings

Staff held meetings/calls with the following businesses/industries:

- Aquaculture
- Carbon sustainability

Engagement, Outreach, and Training

NDEE supplies hundreds of [website guidance documents](#), handouts, and brochures to assist business and industry understand the state's environmental permitting requirements.

In partnership with the Nebraska Department of Economic Development (DED), NDEE developed a business development packet of materials to support DED in its business and industry recruiting efforts. One of the packet materials (Figure 1) includes initial project questions for prospective businesses to use in preparation of a NDEE scoping or one-stop meeting.

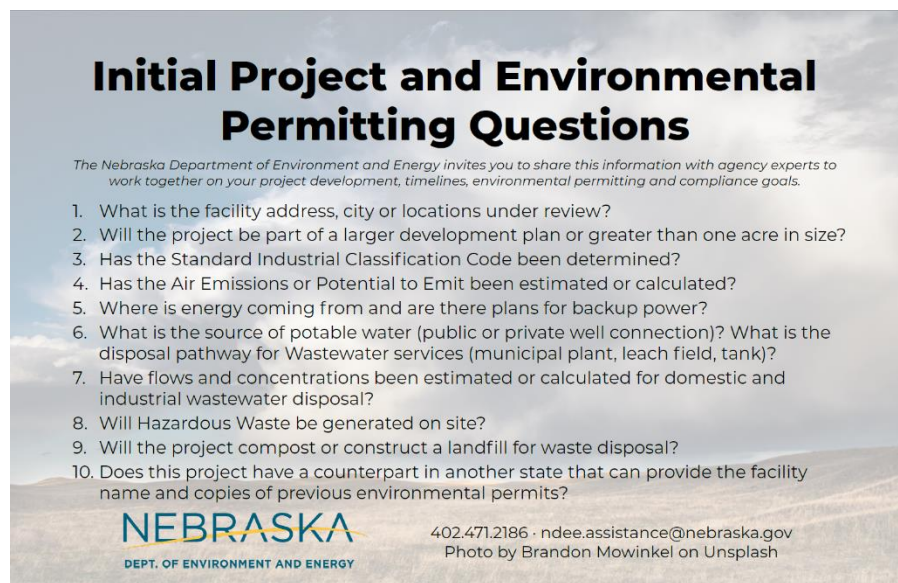


Figure 1. Initial Project and Environmental Permitting Questions for new or expanding business ventures.

Speaking Engagements and Presentations

NDEE staff regularly give presentations and trainings to groups in a wide array of fields including:

- Solid Waste Association of North America (SWANA) Spring and Fall Conferences – current waste topics and regulatory information
- Nebraska Water Environment Association Conference
- Air & Waste Management Association Conference
- Nebraska Fire School
- Brownfields Resources Roadshow – one day workshops on brownfield redevelopments in Lincoln, Minden, and Chadron for local governments, non-profits, economic development districts, and community members
- City of Omaha – Brownfields workshop on Bringing Back Value to Blighted Properties
- Omaha Sediment and Erosion Control seminar
- American Water Works Association
- Nebraska Water and Wastewater Industries Convention
- City of Valley & M.U.D outreach on Emerging Contaminants & Small or Disadvantaged Communities Program
- City of Lincoln MS4 Outreach
- Nebraska Floodplain and Stormwater Managers Association conferences in July and November
- NDEE Petroleum Remediation Program Consultants' Day
- SONAR Conference – RCRA training for medical professionals in North Platte
- Lincoln Lancaster County Health Department – RCRA training
- US EPA and KSU TAB webinar on Community Revitalization Through Brownfields Redevelopment partners, Tools & Resources for Nebraska Communities
- Nebraska Rural Water Association and Midwest Assistance Program – Presentations to communities on drinking water, groundwater topics and general agency compliance issues
- Nebraska Industrial Council on the Environment (NICE) – provide regular updates on agency regulatory activities

Activities Coordinated with Other Agencies

NDEE staff also regularly coordinate activities with other agencies both in-state and out-of-state including:

- Attended NDEE/NARD district and regional partnership meetings

- Coordinated the annual Power Summit meeting between public utilities and NDEE
- Hosted NDOT/NDEE air annual MOU meeting
- Partnered with US EPA and its contractor on reuse visioning projects in Beatrice, and Blair
- Presented at the Federal Partners Grant Writing Workshop with EPA and KSU TAB program
- Partnered with UNL to provide multiple land application training events

NDEE Training Webinars and Virtual Outreach Events

In 2023, NDEE hosted a total of 14 webinars and virtual outreach events.

NDEE Webinar Topics:

Event Dates	2023 Webinar Titles
3/7/2023	Grid Resiliency Grant Program
7/12/2023	2024 Litter and Waste Grants Application Webinar
10/17/2023	Climate Pollution Reduction Planning Program kickoff webinar
10/24/2023	Proposed Changes to Title 117 – NE Surface Water Quality Standards
11/28 to 12/19 -2023	10 CPRG Stakeholder Workgroup Sessions

Training Library

As in past years, numerous webinar recordings are available on the NDEE Video Events webpage along with the associated slide decks. These and other assistance resources are promoted through SBCAP, the website, and through social media channels before and following each event.

The Future

As Nebraska continues to attract and retain new talent in the small business sector, it is important to continue to highlight the value of maintaining and promoting the roles, achievements, and activities of the Small Business Compliance Advisory Panel in relation to its ongoing partnership with NDEE.

Over 99 percent of Nebraska businesses fall into the small category according to the Small Business Administration. The panel and NDEE both will advance protection of the environment and human health while maintaining a balance with small business growth. We appreciate your support and consideration of our achievements in 2023 and look forward to even more accomplishments in 2024.

Please direct any questions regarding this report to:

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