



Nebraska Department of Environmental Quality's

# 2014 Environmental Update

May 15, 2014

## 2013 Environmental Update - Question and Answer Session

**Q1: Regarding National Pollutant Discharge Elimination System (NPDES) notifications, for a Notice of Intent (NOI) for Dewatering, does an e-mail sent to the Nebraska Department of Environmental Quality (NDEQ) count as a form of written notification?**

No, an e-mail does not suffice for a form of written notification. Scanned copies will be accepted when sent by e-mail, so long as the paper version, which needs to be signed, is also sent in the mail. You may contact Mr. Travis Porter at [travis.porter@nebraska.gov](mailto:travis.porter@nebraska.gov) or 402-471-4209 before sending in your Notice of Intent, simply to let him know he should be receiving the hard copy shortly.

**Q2: Will NDEQ make stormwater benchmark data available to general public?**

That information is not being centralized like individual permits. Discharge Monitoring Reports (DMRs) are sent on to an Environmental Protection Agency (EPA) federal database. Any data is at facilities right now unless we request it. If the Department does request such data and it is submitted, the information would be available on NDEQ's website, <http://deq.ne.gov>, through the Department's interactive mapping tool. If you have questions, you may contact Reuel Anderson, NPDES Unit Supervisor, at [reuel.anderson@nebraska.gov](mailto:reuel.anderson@nebraska.gov) or 402-471-1367.

**Q3: At the Environmental Update, it was noted that the NPDES Unit in the Water Quality Division has an Environmental Assistance Coordinator like the Air Quality and Waste Management Divisions do. If I need compliance assistance regarding an NPDES issue, who should I contact?**

You may contact Ryan Green, NDEQ's Small Business and Public Assistance (SBPA) Coordinator. He would be happy to take your questions and work with the appropriate individuals within the NPDES Unit to get you an answer. You can contact Mr. Green at [ryan.green@nebraska.gov](mailto:ryan.green@nebraska.gov) or 402-471-8697.

**Q4: For required submittals and reports where the due date falls on a holiday or weekend, does NDEQ have a drop box where reports can be left to make deadline?**

The Department does not have a drop box that is available to the general public. You need to check your permit or report requirements, is the deadline date a postmarked date or must the Department have received your submittal or report by that date – different NDEQ programs may have different requirements. Often, if the due date falls on a holiday or weekend, it's the first business day after that holiday/weekend that would be the applicable date. However, be cautious because if it is a grant application, it must be received by the Department by the required date or it could be considered ineligible. You may call the respective Department program in question to be sure.

**Q5: Earlier in the conference the dangers of mercury contamination was mentioned. What does one do with burned out fluorescent bulbs? They contain mercury – can they be dangerous? How does one handle/properly dispose of mercury, in general?**

Mercury in fluorescent light bulbs is an issue frequently raised. Some manufacturers of bulbs claim to have lower mercury. The NDEQ advises you to treat all your disposed lamp bulbs as if they have mercury. If a lamp bulb is broken and you believe you may have a mercury cleanup situation, call the Nebraska Department of Health and Human Services at 402-471-3121. There are procedures you will need to go through to dispose of your mercury-contaminated waste. Homeowners are able to dispose of their fluorescent bulbs in a landfill. If you are a business and are a Conditionally Exempt Small Quality Generator (CESQG), you may also have this option – *if the local landfill will accept them*. If you are a business or facility producing a lot of spent bulbs; you will need to dispose of the bulbs as a universal waste as opposed to hazardous waste. Unless you can prove they are low mercury type, they should be treated as containing mercury, and should be kept whole. If your business is located within Lincoln or Lancaster County, they cannot go to their landfill. Lincoln and Lancaster County support bulb recycling. Hardware stores have boxes to put compact fluorescent bulbs in. For additional questions, contact Erik Weiss at [erik.waiss@nebraska.gov](mailto:erik.waiss@nebraska.gov) or 402-471-8308.

**Q6: This question is one often received by NDEQ's Air Quality Environmental Assistance Coordinator - excess emissions. What is the requirement for businesses if excess emissions have occurred, but under an hour's worth of time? What does NDEQ require regarding record keeping for such emissions?**

If the excessive emissions occur for a period of time less than one hour, businesses still must keep a record on site, and when they complete their Emissions Inventory report for the previous year, must report these emissions. Review your air permit's requirements. Businesses do need to figure these emissions into their 12-month rolling totals. For additional clarification or assistance, contact the Air Quality Division at 402-471-2189.

**Q7: This question is one that commonly comes into the Water Quality NPDES Unit. Is there ever a situation where storm water can be discharged to a sanitary system?**

The Department representative assumes the question is referring to separate sewer systems, and not combined sewers. It would vary. The Department has a prohibition on newly construction storm drains discharging to sanitary sewers. If one is talking about a small quantity, the NPDES Unit could consider on case-by-case basis. It would be best to contact the NDEQ and provide the specifics of your particular situation.

**Q8: Do SPCC plans need to be signed off on by a Nebraska Registered Engineer?**

In Title 110 of the Nebraska Administrative Code, Board of Engineers and Architects; Chapter 10 Exemptions; Clarification, Section 10.5 "The Practice of Engineering and Architecture", 10.5.10 states:

10.5.10 Spill Prevention Containment and Countermeasures

Preparation of Spill Prevention Containment and Countermeasures (SPCC) plans that require the seal of a professional engineer from the Nebraska Department of Environmental Quality, or any other state agency, constitutes the practice of engineering and must be prepared by a professional engineer.

The Nebraska Board of Engineers and Architects was contacted for clarification for this question. As indicated by an attendee at the Environmental Update, at one time a Professional Engineer (PE) was required by the Board for *all* SPCC plans, but according to Ms. Lisa Matthews, Compliance Officer for the Nebraska Board of Engineers and Architects, that requirement has changed.

Since the EPA has not delegated their authority for the preparation of SPCC plans to either the NDEQ or any other Nebraska state agency, and as described in 40 CFR Part 112, the EPA allows self-certification for SPCC plans which do not require Professional Engineer (PE) certification; Ms. Matthews indicated that the Board only requires a PE be involved with an SPCC plan if EPA's regulations require it. For those facilities that can self-certify under the EPA program, a Nebraska-registered PE is not required. If one has questions regarding this clarification, they may contact Ms. Matthews at 402-471-9602.

**Q9: Our business just purchased another company. What do we need to do in order to get the acquired company's permits under our name, and otherwise update our information with the Department of Environmental Quality?**

In these instances it would be best to contact the Small Business and Public Assistance Coordinator, Mr. Ryan Green. Mr. Green will coordinate with the programs to find out what needs to be done (the requirements vary with programs), and get back to you with any specific requirements you may have. You may contact Mr. Green at [ryan.green@nebraska.gov](mailto:ryan.green@nebraska.gov) or 402-471-8697.

**Q10: My company has made recent changes to our manufacturing process. Do we need to conduct a new stack test? If so, do you have a company you can recommend?**

First, check your permit – the answer may be clear in the permit language. Stack tests must be conducted under operations which are representative of a facility's maximum normal operating conditions. If changes are made to operations subsequent to a required stack test, check your permits to see if there are permit conditions that require additional stack testing. If you have questions regarding the language of your permit, contact David Graiver at [david.graiverf@nebraska.gov](mailto:david.graiverf@nebraska.gov) or 402-471-4159. For questions regarding stack testing, contact Todd Ellis at [todd.ellis@nebraska.gov](mailto:todd.ellis@nebraska.gov) or 402-471-4561.

In regard to recommend stack testing company, NDEQ cannot recommend any specific company. The Department keeps a listing of companies offering various environmental services under the "Assistance" link in the left toolbar on NDEQ's home page, <http://deq.ne.gov>. The Department is in the process of updating the list. Again, NDEQ does not recommend any specific company.

**Q11: What if a company has an air permit, whether it is a construction or operating permit, and is planning on moving to a new location. Will their existing permits still be valid or will they need new permits?**

When issuing an air permit, the Air Quality Division issues that permit to particular piece of property with emissions units on that property. The existing permits the facility has will not be valid and will need to talk to the NDEQ Air Division regarding what permits they may need. They can contact the NDEQ Air Quality Division's Permit Hotline at 877-834-0474 or e-mail the Division at [NDEQ.AirQuality@nebraska.gov](mailto:NDEQ.AirQuality@nebraska.gov). One exception is if the process is permitted as a portable unit, in which case they can move; which is designed into the permit as long as they submit notification. Keep in mind there may be local siting requirements as well. The zoning administration of the county or any other local zoning authorities should be contacted as well.

**Q12: A company has emergency engines – back-up generators. That is the only air emissions unit they have onsite. Will they need an air permit?**

Usually you are required to get an air permit. There is a 100-hour limit on an engine for testing purposes under the National Emission Standards for Hazardous Air Pollutants – Subpart ZZZZ (NESHAP 4Z). You also have unlimited use of your engine during emergency situations, so you have to examine the unit's potential emissions as if it were running every hour of the year, or 8760 hours. You will need to compare your potential-to-emit (PTE) against those requiring an air permit under Title 129 – Nebraska Air Regulations; specifically Chapters 5 and 17. If you have questions, contact the NDEQ Air Quality Division Permit Hotline at 877-834-0474 or e-mail the Division at [NDEQ.AirQuality@nebraska.gov](mailto:NDEQ.AirQuality@nebraska.gov).

**Q13: What are the proper disposal options for a facility that generates used oil? Can we give it to our neighbor for them to burn for heating purposes in their energy recover unit?**

Used oil should be disposed of at a used oil recycler. If you make your own used oil as a home owner, you can burn your own used oil as long as you have right kind of oil burner. If you are a homeowner or business, the oil must be tested to make sure it's spec oil. Then you can give or sell your used oil to someone who can burn the oil. If you accept oil from other people to burn at your facility, you have to have it tested. Used oil can be recycled at numerous locations throughout the state. NDEQ, WasteCap Nebraska, Keep Nebraska Beautiful or the Nebraska Recycling Association may be able to identify used oil recyclers. If you have questions, contact Erik Waiss at [erik.waiss@nebraska.gov](mailto:erik.waiss@nebraska.gov) or 402-471-8308.

**Q14: What does a business do with used sharps?**

If a business has solid waste sharps (syringes, etc.), the Department classifies that as infectious waste. According to Title 132, you have to render infectious waste non-infectious before disposing in a landfill. Usually, the infectious waste is shipped off for autoclaving or incineration. After appropriate treatment, the remains may be disposed of in a landfill. Some large facilities have taken the initiative to render waste non-infectious. The equipment used may be subject to permitting requirements of the NDEQ's Air Quality and Waste Management Divisions. You may contact Ryan Green at [ryan.green@nebraska.gov](mailto:ryan.green@nebraska.gov) or 402-471-8697 if you have questions. If a facility starts to accept waste from other people or businesses, then they will need to be permitted through the NDEQ Waste Management Division because they are no longer processing their own waste. For additional clarification, contact Erik Waiss at [erik.waiss@nebraska.gov](mailto:erik.waiss@nebraska.gov) or 402-471-8308.

Regarding air permitting, any incinerator in the State needs to have an air permit, no matter the size of the incinerator. You will need to contact the NDEQ Air Quality Division's Permit Hotline at 877-834-0474 or e-mail the Division at [NDEQ.AirQuality@nebraska.gov](mailto:NDEQ.AirQuality@nebraska.gov).

**Q15: How long does a permit take? When should we contact NDEQ?**

Different permits take different amounts of time. If you are expanding an existing facility or starting new business, the best advice we can give you is to contact NDEQ early, even if you do not have everything finalized. The Department offers a One Stop Permit Meeting for businesses to come in and talk to NDEQ representatives about their potential venture. We can highlight what some of your potential permitting and regulatory issues may be. It is safe to say to contact us early and contact us often to reduce the potential for things that may slow down your permitting process; the quality of the submitted application impacts the permitting process timeframe. Regarding questions about the One Stop Permit program, or if you do not know who to speak with regarding air, water, or waste permits, contact Ryan Green at [ryan.green@nebraska.gov](mailto:ryan.green@nebraska.gov) or 402-471-8697.

**Q16: Is it permissible under SPCC to store bulk oil containers in the same secondary containment basin as bulk fertilizers or bulk pesticides?**

Please note that Nebraska Title 198 does not allow bulk pesticide containers and bulk fertilizer containers to be stored in the same secondary containment area. Also note that the requirements for construction of secondary containment may differ between what is required for Spill Prevention Control and Countermeasure (SPCC) plans, an EPA-administered program, and what is required under Title 198. It is your responsibility to make certain all requirements are being met for all applicable regulations.

EPA Region 7 SPCC coordinator, Mr. Mark Aaron (913-551-7205) stated that nothing in EPA's SPCC requirements prohibits having oil containers in the same secondary containment as fertilizers or pesticides. The Nebraska State Fire Marshal's Office (402-471-2027) also allows such storage arrangements as long as the tanks have the necessary explosion-proof venting and are separated by some means within the basin, by a dike for example. If this is something you are considering, it is recommended you contact all three agencies about the specifics of your proposed storage arrangement.