

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING THE )  
LANCASTER COUNTY AIR POLLUTION )  
CONTROL RESOLUTION, TO CHANGE THE ) RESOLUTION NO. R-16-0006  
MANNER IN WHICH AIR QUALITY )  
INSPECTIONS ARE CONDUCTED, AS )  
PROVIDED IN ATTACHMENT "A" )

WHEREAS, pursuant to Neb. Rev. Stat. § 23-174.10 (Reissue 2012), the Lancaster County Board of Commissioners adopted the Lancaster County Air Pollution Control Resolution on November 16, 1993, as Resolution No. 5066, and again on October 15, 2013, under County Resolution No. R-13-0073, for the purpose of achieving and maintaining reasonable levels of air quality which will protect human health and safety and promote the public safety, health, and welfare of Lancaster County;

WHEREAS, pursuant to Neb. Rev. Stat. § 13-801, et seq. (Reissue 2012), Lancaster County and the City of Lincoln entered into an Interlocal agreement for the purpose of providing for the establishment of the 1993 Lincoln-Lancaster County Air Pollution Program as County Resolution No. 5066, which resolution was readopted as Lancaster County Resolution No. R-13-0073;

WHEREAS, pursuant to Neb. Rev. Stat. § 71-1630 and § 71-1635 (Reissue 2009), Lancaster County has cooperated with the City of Lincoln in the establishment and maintenance of a City-County Health Department;

WHEREAS, the Lincoln-Lancaster County Health Department has recommended amendments to the Lancaster County Air Pollution Control Resolution to change the manner in which air quality inspections are conducted, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, on January 26, 2016, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of the amendments to the Lancaster County Air Pollution Control Resolution, as provided in Attachment "A";

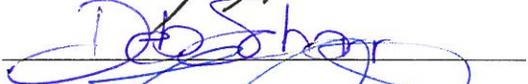
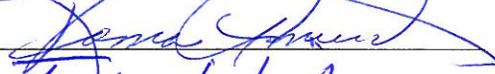
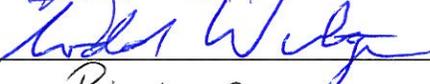
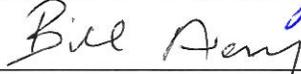
NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, the amendments to County Resolution No. R-13-0073, Lancaster County Air

Pollution Control Resolution, as provided in Attachment "A," are hereby adopted, and shall become effective as of the date of this Resolution; and

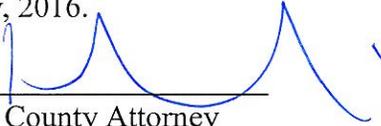
BE IT FURTHER RESOLVED, that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 26 day of January, 2016, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

  
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APPROVED AS TO FORM  
this 26 day of  
January, 2016.

  
\_\_\_\_\_  
Deputy County Attorney  
for JOE KELLY  
Lancaster County Attorney

**County Resolution R-13-0073 proposed changes**

Section 9. Inspections; How Conducted.

All inspection, survey and examinations of premises conducted pursuant to the provisions of this Resolution relating to air pollution control shall be conducted at any reasonable time to determine compliance with applicable regulations. ~~in accordance with the provisions of the Uniform Inspections Code.~~

Proposed Public Hearing: January 12, 2016

Date Factsheet Prepared: December 9, 2015

## County Board FACTSHEET

**TITLE:** Update County Resolution  
R-13-0073 Air Pollution,  
Section 9 Inspections

**BOARD/COMMITTEE:** Air Pollution Control  
Advisory Board &  
Board of Health

**APPLICANT:** Health

**RECOMMENDATION:** For

**STAFF RECOMMENDATION:** For

**OTHER DEPARTMENTS AFFECTED:** None

**SPONSOR:** Health

**OPPONENTS:** None identified

### REASON FOR LEGISLATION

To update County Resolution R-13-0073 Air Pollution, Section 9 Inspections; How Conducted to allow inspections to be conducted at any reasonable time. The Air Pollution Control Advisory Board approved these changes on November 3, 2015. The Board of Health approved these proposed changes on November 10, 2015.

### DISCUSSION / FINDINGS OF FACT:

The Lincoln-Lancaster County Health Department is delegated authority to operate an air quality program from the U.S. Environment Protection Agency (EPA). EPA conducts program audits and has oversight on all regulatory matters, including inspections. Earlier this year, the EPA Enforcement Office advised LLCHD that we were not in conformance with EPA policy of conducting unannounced inspections at businesses and industries that fall under Federal Clean Air Act regulations. Furthermore, EPA informed LLCHD that all other State and local air regulatory programs in EPA Region VII (Iowa, Kansas, Nebraska, & Missouri) conduct unannounced inspections as standard practice. EPA directed LLCHD that it needed to change to conduct unannounced inspections. EPA emphasized the importance of having conformity in Region 7 regarding how annual air quality compliance inspections are conducted. On September 2, 2015, a letter was sent to regulated sources of air pollution advising that unannounced inspections would begin on October 1, 2015.

Thus, LLCHD's Air Quality Program is proposing changes to allow air quality compliance inspections to be conducted at any reasonable time. This would make County Resolution R-13-0073 Air Pollution consistent with other Health Codes which authorize the Health Director to conduct inspections at any reasonable time. Similar changes will be proposed to the City Council.

**POLICY OR PROGRAM CHANGE:**     Yes     No

**OPERATIONAL IMPACT ASSESSMENT:** N/A

**COST OF TOTAL PROJECT:** N/A

**RELATED ANNUAL OPERATING COSTS:** N/A

**SOURCE OF FUNDS:** N/A

**COUNTY:** N/A

**NON COUNTY:** N/A

**FACTSHEET PREPARED BY:** Chris Schroeder, Supervisor, Air Quality Program

**DATE:** 12/9/15

**REVIEWED BY:** Judith A. Halstead, MS, Health Director

**DATE:** 12/9/15

September 2, 2015

Mr. Ivan Anderson  
Speedway Motors  
P.O. Box 81906  
Lincoln, NE 68501

Re: Conducting Unannounced Air Quality Compliance Inspections

Dear Mr. Anderson:

Historically, the Lincoln-Lancaster County Health Department's (LLCHD) Air Quality Program pre-scheduled the majority of our annual air quality compliance inspections. Over the years, this has proven to be a successful approach in working with you, our regulated businesses, to both assure compliance and to accommodate work and production schedules. However, the Environmental Protection Agency's (EPA) Region 7 office has instructed our Air Quality Program to transition to conducting unannounced air quality compliance inspections. EPA emphasized the importance of having conformity in Region 7 regarding how annual air quality compliance inspections are conducted and that all other air quality agencies conduct inspections unannounced.

Please make the necessary arrangements to identify a primary and secondary staff that can accompany LLCHD inspectors and ensure that all documentation required in accordance with your operating or construction permit is available on request. Unannounced air quality compliance inspections will begin on October 1, 2015.

The LLCHD's Air Quality Program has greatly appreciated our working relationship with you and will continue to work to maintain this relationship. If you have any questions, please do not hesitate to contact me at (402) 441-6272.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Schroeder". The signature is fluid and cursive, with a large initial "C".

Chris Schroeder, MCRP  
Supervisor, Air Quality Program  
Environmental Public Health Division

Cc: Todd Ellis, Nebraska Department of Environmental Quality  
Joe Terriquez, Environmental Protection Agency, Region 7