

City Council Introduction: December 21, 2015

BILL NUMBER: 15-156

Public Hearing: January 11, 2016

Date Factsheet Prepared: December 9, 2015

# FACTSHEET

**TITLE:** Update LMC 8.06 Air Pollution Section 090 Inspections: How Conducted

**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 LMC 8.06 Air Pollution, section 090 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 the 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 Region 7 Enforcement Office advised LLCHD that we were not in conformance with the EPA policy of conducting unannounced inspections at businesses and industries that are subject to 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 Lincoln Municipal Code 8.06.090 to allow air quality compliance inspections to be conducted at any reasonable time and delete the reference to the Uniform Inspection Code. This would make LMC 8.06 Air Pollution consistent with other Health Codes (LMC 8.20 Food Code, LMC 8.38 Public Swimming Pools, LMC 8.32 Solid Wastes) which also authorize the Health Director to conduct inspections at any reasonable time. Similar changes will be proposed to the County Board.

**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

**CITY:** N/A

**NON CITY:** 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