2025 proposed revisions

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 1 – GENERAL PROVISIONS; DEFINITIONS

001 General Provisions.

001.01 Unless otherwise stated, any reference in these rules to standards, procedures, and requirements of Title 40 of the Code of Federal Regulations (40 CFR) refers to the version of 40 CFR published on July 1, ~~2020~~2023.

001.02 When any standards, procedures, or requirements of 40 CFR are adopted for application to a State program, the language of 40 CFR is to be read and interpreted as applying to the State program.

001.03 The text of the federal regulations adopted and incorporated by reference may include references to other federal statutes and regulations that are not specifically adopted by reference in this Title. Unless otherwise stated, such references will be used to assist in interpreting the federal regulations, and the authority and enforceability of any analogous or related portions of Nebraska statutes and regulations will apply.

001.04 Unless otherwise stated, any reference in this Title to standards, procedures, and requirements of 40 CFR will constitute the full adoption by reference of the Part, Subpart, and Paragraph of the Federal Regulations so referenced including any notes and appendices.

001.04A "Administrator" or "Regional Administrator" or “Director” means the Director of the Nebraska Department of Water, Energy, and Environment ~~and Energy~~, unless otherwise stated.

001.04B "Permit authority" or “Department” means the Nebraska Department of Water, Energy, and Environment ~~and Energy~~, unless otherwise stated.

001.05 Permits issued under these regulations are exempt from financial responsibility requirements authorized in Neb. Rev. Stat. § 81-1505(21)(a).

001.06 Review of plans or advice furnished by the Director or Department will not relieve an owner or operator of a new or modified stationary source of legal compliance with any provision of these regulations, or prevent the Director from enforcing or implementing any provision of these regulations.

002 In addition to the definitions found at Neb. Rev. Stat. § 81-1502, the definitions included here apply to the state regulations in this Title and to the Appendices. Unless otherwise defined, or a different meaning is clearly required by context, the following words and phrases, as used in this Title, have the following meanings:

002.01 "Act" means the definition found at 40 CFR § 70.2.

002.02 “Actual emissions” for purposes other than the Prevention of Significant Deterioration program, means the actual rate of emissions of a pollutant from an emissions unit as determined below:

002.02A Actual emissions are to be calculated using the unit's actual operating hours, production rates, existing control equipment, and types of materials processed, stored, or combusted during the selected time period.

002.02B The Director may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

002.02C For any emissions unit which has not begun normal operations on the particular date, actual emissions are to equal the potential to emit of the unit on that date.

002.03 "Administrator" means the Administrator of the United States Environmental Protection Agency or his or her designee.

002.04 "Affected facility" means, with reference to a stationary source, any apparatus to which a standard of performance is specifically applicable.

002.05 "Affected source" means a source that includes one or more affected units.

002.06 "Affected States" means:

002.06A A contiguous State and Tribal Treatment as State (TAS) that in the judgment of the Director may be affected by emissions from a facility seeking a Class I permit, modification, or renewal; or

002.06B A contiguous State or TAS within 50 miles of the permitted source.

002.07 "Affected unit" means a unit that is subject to emission reduction requirements or limitations under Chapter 5.

002.08 "Air contaminant" or "Air contamination" means the presence in the outdoor atmosphere of any dust, fumes, mist, smoke, vapor, gas, or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

002.09 “Air curtain incinerator” means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor.

002.10 “Air pollutant” or “air pollution” means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration as are or may tend to be injurious to human, plant or animal life, property, or the conduct of business.

002.110 "Air pollution control agency" means any of the following:

002.110A The Department for purposes of Neb. Rev. Stat. Sections 81-1501 to 81-1532;

002.110B An agency established by two or more states and having substantial powers or duties pertaining to the prevention and control of air pollution;

002.110C A city, county, or other local government health authority; or in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

002.110D An agency of two or more municipalities located in the same state or in different states and having substantial powers or duties pertaining to the prevention and control of air pollution.

002.121 “Air Quality Control Region” means a region designated by the Governor, with the approval of the Administrator, for the purpose of assuring that national primary and secondary ambient air quality standards will be achieved and maintained. Within one year after the promulgation of a new or revised National Ambient Air Quality Standard, the Governor will designate each region as non-attainment, attainment, or unclassifiable. The Administrator has final approval of the designations.

002.132 "Allowable emissions" means:

002.132A For a stationary source, the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

002.132A1 The applicable standards set forth in 40 CFR Parts 60 (Standards of Performance for New Stationary Sources) or Parts 61 or 63 (National Emission Standards for Hazardous Air Pollutants);

002.132A2 Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or

002.132A3 The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

002.143 "Ambient air" means the definition found at 40 CFR § 50.1(e) .

002.154 “AP-42” refers to the *Compilation of Air Pollutant Emission Factors*, published by the EPA Office of Air Quality Planning and Standards. It contains emission factors and process information for more than 200 air pollution source categories.

002.165 "Applicable requirement" means all of the following as they apply to emissions units in a source required to obtain an operating permit, including requirements that have been promulgated and approved by the Council through rule-making at the time of issuance but have future-effective compliance dates:

002.165A Any standard or other requirement;

002.165A1 Pprovided for in the applicable implementation plan that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR Part 52;

002.165A2 Uunder Chapter 12 relating to standards of performance for new stationary sources;

002.165A3 Eestablished pursuant to Section 112 of the Act and regulations adopted by the Council in Chapter 13 relating to hazardous air pollutants listed in Appendix I;

002.165A4 Oof the acid rain program under Chapter 5;

002.165A5 Eestablished under Chapter 6 or pursuant to any permit or order issued by the Director under this Title;

002.165A6 Ggoverning solid waste incineration under Chapter 12 or pursuant to Section 129(e) of the Act and regulations adopted by the Council;

002.165A7 Ffor consumer and commercial products established under Section 183(e) of the Act and regulations adopted by the Council;

002.165A8 Ffor tank vessels established under Section 183(f) of the Act and regulations adopted by the Council;

002.165A9 Aany standard or other requirement to protect stratospheric ozone as promulgated pursuant to Title VI of the Act and regulations adopted by the Council; and

002.165B Any term or condition of any construction permits;

002.165C Any national ambient air quality standard or increment or visibility requirement under the Prevention of Significant Deterioration Program (PSD) as defined in Chapter 1, but only as it would apply to temporary sources permitted pursuant to Chapter 6.

002.165D “Applicable requirements under the Act” means federal regulations promulgated pursuant to the Clean Air Act, as amended, which have not been considered and adopted by the Council.

002.176 "Begin actual construction" means the definition found at 40 CFR § 52.21(b)(11).

002.187 "Best Available Control Technology" or "BACT": For purposes other than the PSD program, means an emission limitation or a design, equipment, work practice, operational standard or combination thereof, which results in the greatest degree of reduction of a pollutant, as determined by the Director to be achievable by a source, on a case-by-case basis, taking into account energy, public health, environmental and economic impacts and other costs.

002.198 "Building, structure, or facility" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities will be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987 or are determined to be support facilities in accordance with 002.1030 of this chapter.

002.2019 "Class I operating permit" means any permit or group of permits covering a Class I source that is issued, renewed, amended, or revised pursuant to this Title.

002.210 "Class I source" means any source subject to the Class I permitting requirements of Chapter 6.

002.221 "Class II operating permit" means any permit or group of permits covering a Class II source that is issued, renewed, amended, or revised pursuant to this Title.

002.232 "Class II source" means any source subject to the Class II permitting requirements of Chapter 6.

002.243 "Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

002.254 "$CO_2$ equivalent emissions ($CO_2e$)" will represent an amount of greenhouse gases (GHGs) emitted, and will be computed by the sum total of multiplying the mass amount of emissions, in tons per year (tpy), for each of the six greenhouse gases in the pollutant GHGs, by each of the gas's associated global warming potential (see definition for "Global Warming Potential").

002.265 "Commence" as applied to construction, reconstruction, or modification of a stationary source means that the owner or operator has all necessary preconstruction approvals and either has:

002.265A Begun, or caused to begin, a continuous program of physical on-site construction of the source to be completed within a reasonable time; or

002.265B Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

002.276 "Common control" means one person or a number of persons acting together through ownership, management, contract, or otherwise to control pollutant emitting activities.

002.287 "Complete" means, in reference to an application for a permit, that the application contains all the information necessary for processing the application as deemed by the Department. Designating an application complete for purposes of permit processing does not preclude the Department from requesting or accepting any additional information.

002.298 "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions and/or potential to emit.

002.3029 "Consumer Price Index" or "CPI" means the average of the Consumer Price Index for all urban consumers published by the United States Department of Labor at the close of the twelve-month period ending on August 31 of each year.

002.310 "Continuous emissions monitoring system (CEMS)" means the definition found at 40 CFR § 52.21(b)(44).

..002.321 "Control" and "controlling" means prohibition of contaminants as related to air, land, or water pollution.

002.332 "Control strategy" means a plan to attain National Ambient Air Quality Standards or to prevent exceeding those standards.

002.34 "Council" means the Environmental Quality Council.

002.353 "Deviation" means a departure from an indicator range or work practice for monitoring, consistent with any averaging period specified for averaging the results of the monitoring.

002.364 "Draft permit" means the version of a permit for which the permitting authority offers public participation and, in the case of a Class I draft operating permit, affected State review.

002.375 "Emission data" means chemical analysis of process fuel and the manufacturing or production process, as well as operational procedures and actual nature and amounts of emissions.

002.386 "Emission limitation" and "Emission standard" mean a requirement established pursuant to this Title, the State Act, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

002.397 "Emissions unit" means any part or activity of a stationary source, which emits or would have the potential to emit any regulated air pollutant or any pollutant listed in Appendix I. This term includes electric steam generating units. This term is not meant to alter or affect the definition of the "unit" for purposes of Chapter 5.

002.4038 "Emissions" means releases or discharges into the outdoor atmosphere of any air contaminant or combination thereof.

002.4139 "Existing source" means equipment, machines, devices, articles, contrivances, or installations, contributing to air pollution, which are in being on the effective date of these regulations.

002.420 "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

002.431 "Federally enforceable" means the definition found at 40 CFR § 51.165(a)(1)(xiv).

002.442 "Final permit" means the version of a permit issued by the Department that has completed all review procedures required by Chapter 10, and for a Class I permit, Chapter 6.

002.453 "Fixed capital cost" means the capital needed to provide all the depreciable components of a source.

002.464 "Fuel burning equipment" means any furnace, boiler, apparatus, stack and all associated equipment, used in the process of burning fuel.

002.475 "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

002.486 "General permit" means a general construction permit or a Class I or Class II general operating permit or a combination general construction and general operating permit that meets the requirements of Chapter 7.

002.497 "Global Warming Potential" means the ratio of the time-integrated radiative forcing from the instantaneous release of one kilogram of a trace substance relative to that of one kilogram- of a reference gas, i.e., $CO_2$. The pollutant greenhouse gases (GHGs) is adjusted to calculate $CO_2$ equivalence using "Table A-1 – Global Warming Potentials" at 40 CFR Part 98, Subpart A, effective July 1, 2016.

002.5048 “Greenhouse gases (GHGs)” means the air pollutant defined as the aggregate group of six gases: carbon dioxide ($CO_2$), nitrous oxide ($N_20$), methane ($CH_4$), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride ($SF_6$).

002.5149 "Hazardous air pollutant" means any air pollutant:

002.5149A Llisted in Appendix I; or

002.5249B Tto which no ambient air quality standard is applicable and which in the judgment of the Director may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

002.520 "Incinerator" means any furnace used in the process of burning solid waste or any furnace used for cremation.

002.531 "Installation" means an identifiable piece of process equipment. (This definition does not apply to the Prevention of Significant Deterioration program. See “Building, structure, facility, or installation”).

002.542 "Interstate air pollution control agency" means:

002.542A An air pollution control agency established by two or more states; or

002.542B An air pollution control agency of two or more political subdivisions located in different states.

002.553 “Local agency” or “local air quality agency" means any air pollution control agency in Nebraska, other than a state agency, which is charged with responsibility for carrying out part of a plan.

002.564 "Lowest Achievable Emission Rate (LAER)" means the definition found at 40 CFR § 51.165(a)(1)(xiii).

002.575 "Major modification" means the definition found at 40 CFR § 52.21(b)(2).

002.586 "Major stationary source" or "major source" means a stationary source, or group of stationary sources described in 002.56A through 002.56G of this definition belonging to a single industrial grouping.

002.586A Except as otherwise expressly provided herein, a major stationary source of air pollutants is one that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator of EPA);

002.586B A source which emits, or has the potential to emit 5 tpy or more of lead;

002.586C A source located in a nonattainment area with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides will not apply with respect to any source for which the Administrator of EPA has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;

002.586D A source with the potential to emit 50 tpy or more of volatile organic compounds located in an ozone transport region established pursuant to Section 184 (control of ozone or interstate ozone pollution) of the Act;

002.586E A source with the potential to emit 50 tpy or more of carbon monoxide located in a carbon monoxide nonattainment area classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator of EPA;

002.586F A source with the potential to emit 70 tpy or more of $PM_{10}$ and located in a particulate matter ($PM_{10}$) nonattainment areas classified as "serious"; or

002.586G A source that emits or has the potential to emit, in the aggregate, 10 tpy or more of any hazardous air pollutant listed in Appendix I, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator of EPA may establish by rule.

002.586G1 Emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources for hazardous air pollutants.

002.586H For radionuclides, "major source" will have the meaning specified by the Administrator of EPA by rule.

002.586I For the purposes of defining "major source" or "major stationary source", a single industrial grouping includes a stationary source or group of stationary sources and any support facilities that:

002.586I1 Are under common control of the same person (or persons under common control);

002.586I2 Are located on contiguous or adjacent properties; and

002.586I3 Belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification (SIC) Manual, 1987. Except that a support facility is considered to be part of the same industrial grouping as that of the primary facility it supports even if the support facility has a different two digit SIC code.

002.586J For the purposes defining “Major Source” or Major Stationary Source”, the fugitive emissions of a stationary source will not be considered unless the source belongs to one of the source categories found in 40 CFR § 52.21(i)(1)(vii).

002.586K Any physical change that would occur at a stationary source not otherwise qualifying as a major stationary source, will be considered a major stationary source~~,~~ if the change by itself would constitute a major stationary source.

002.586L A major stationary source that is major for volatile organic compounds or NOx will be considered major for ozone.

002.586M Major source of particulate matter, for purposes of Class I operating permits, will be determined based on the potential to emit $PM_{10}$.

002.597 “Maximum achievable control technology” or (MACT)” means:

002.597A For new sources, the emission limitation reflecting the maximum degree of reduction in hazardous air pollutant emissions that is deemed achievable, which is no less stringent than the emission limitation achieved in practice by the best controlled similar source.

002.597B For existing sources, the emission limitation reflecting the maximum degree of reduction in hazardous air pollutant emissions that the Director, taking into consideration the cost of achieving such emission reductions, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory, which is no less stringent than the average emission limitation achieved by the best performing 12 percent of the existing sources, as determined pursuant to Section 112(d)(3) of the Act.

002.6058 "Modification" means any physical change in, or change in method of operation of, an affected facility which increases the amount of any air pollutant, except that:

002.6058A Routine maintenance, repair, and replacement (except as defined as reconstruction) will not be considered physical changes; and

002.6058B An increase in the production rate or hours of operation will not be considered a change in the method of operation, unless such change would violate a permit condition.

002.6159 "National standard" as defined in 40 CFR § 51.100(e).

002.620 "New source" means any stationary source the construction, modification, or reconstruction of which is commenced after the publication of regulations by the State of Nebraska or the federal government prescribing a standard of performance which will be applicable to such source.

002.631 "Nonattainment area" means any area designated by the Director or the Administrator of EPA pursuant to Section 107 (d) of the Act as an area exceeding any National Ambient Air Quality Standard.

002.642 "Opacity" means a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

002.653 "Open fires" means the burning of any matter in such a manner that the products of combustion resulting from such fires are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

002.664 "Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

002.675 "Particulate matter" means the definition found at 40 CFR ~~Part~~§ 51.100(oo).

002.686 "Particulate matter emissions" means the definition found at 40 CFR §~~Part~~ 51.100(pp).

002.697 "Performance test" means measurements of emissions or other procedures used for the purpose of determining compliance with a standard of performance conducted in accordance with approved test procedures.

002.7068 "Permit revision" means a revision to an operating or construction permit that meets the requirements of Chapter 9.

002.7169 "Permitting authority" means the Department of Water, Energy, and Environment ~~and Energy~~.

002.72 “Person” means any individual; partnership; limited liability company; association; public or private corporation; trustee; receiver; assignee; agent; municipality or other governmental subdivision; public agency; other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.

002.730 "Plan" means the definition found at 40 CFR § 51.100(j).

002.741 “Plantwide applicability limitation (PAL)” means the definition found at 40 CFR § 51.165(f)(2)(v).

002.752 "$PM_{10}$" means the definition found at 40 CFR § 51.100(qq).

002.763 "$PM_{10}$ emissions" means the definition found at 40 CFR § 51.100(rr).

002.774 “$PM_{2.5}$” means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on appendix L of part 50 of Chapter I as of July 1, 2023. Environmental Protection Agency, Subchapter C. Air Programs, and designated in accordance with part 53 of the chapter as of July 1, 2023, or by an equivalent method designated in accordance with part 53 of the chapter.

002.785 “$PM_{2.5}$ emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified by the United States Environmental Protection Agency or by a test method specified in an approved State Implementation Plan.

002.796 "Potential to emit" means the definition found at 40 CFR -§ 51.165(a)(1)(iii).

002.8077 “Predictive emissions monitoring system (PEMS)” means the definition found at 40 CFR § 51.165(a)(1)(xxxii).

002.8178 “Prevention of Significant Deterioration Program (PSD) program” means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of 40 CFR § 51.166 as of July 1, 2023 or 40 CFR § 52.21.

002.8279 "Process" means any action, operation or treatment, and all methods and forms of manufacturing or processing, that may emit smoke, particulate matter, gaseous matter, or other air contaminant.

002.830 "Process weight" means the total weight of all materials introduced into any source operation. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

002.841 "Process weight rate" means, for continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof. For a cyclical or batch source operation, the total process weight for a period that covers a complete operation or an integral number of cycles divided by the number of hours of actual process operation during such a period. Where the nature of any process or operation, or the design of any equipment, is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission applies.

002.852 “Project” means a physical change in, or change in method of operation of, an existing major stationary source.

002.863 "Reasonable further progress" means such annual incremental reductions in emissions of the relevant air pollutant as are required by the applicable implementation plan or may reasonably be required by the Director for the purpose of ensuring attainment of the applicable ambient air quality standard by the applicable date.

002.874 "Reconstruction" means a situation where the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new facility or source. However, any final decision as to whether reconstruction has occurred will be made in accordance with the provisions of 40 CFR § 60.15(f)(1)-(3). A reconstructed source will be treated as a new stationary source. In determining best available control technology or lowest achievable emission rate for a reconstructed source, the provisions of 40 CFR § 60.15(f)(4) will be taken into account in assessing whether a standard of performance under 40 CFR Part 60 is applicable to such source.

002.885 "Regional administrator" means the Regional designee appointed by the Administrator of EPA.

002.896 "Regulated air pollutant" means the following:

002.896A Nitrogen oxides or any volatile organic compounds as defined in this ~~C~~chapter;

002.896B Any pollutant for which a national ambient air quality standard has been promulgated;

002.896C Any pollutant that is subject to any standard in Chapter 12; and

002.896D Any pollutant subject to a standard or other requirements established in Chapter 13 relating to hazardous air pollutants, including the following:

002.896D1 Any pollutant subject to requirements under Chapter 13, 004.045; and

002.896D2 Any pollutant for which the requirements relating to construction, reconstruction, and modification in Chapter 13, 004.023, have been met, but only with respect to the individual source subject to these requirements.

002.9087 "Regulated NSR pollutant" means the definition found at 40 CFR § 52.21(b)(50) as of July 1, 2023.

002.9188 "Regulated pollutant for fee purposes" means any regulated air pollutant identified in this chapter, except for the following:

002.9188A Carbon monoxide;

002.9188B Particulate matter, excluding $PM_{10}$;

002.9188C Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act and regulations adopted by the Council; or

002.9188D Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation promulgated under Section 112(r) of the Act and regulations adopted by the Council.

002.9188E Greenhouse gases (GHGs).

002.9289 "Responsible official" means the definition found at 40 CFR § 70.2.

002.930 "Significant" means, as pertains to a modification in a nonattainment area, a net increase in actual emissions by a rate that would equal or exceed the rates specified in 40 CFR Part 51 Appendix S, II.A.10.

002.941 "Source" means any property, real or personal, or person contributing to air pollution.

002.952 "Stack" means the definition found at 40 CFR § 51.100(ff).

002.963 "Stack in existence" means the definition found at 40 CFR § 51.100(gg).

002.974 "Stack height" means the distance from the ground level elevation of a stack to the elevation of the stack outlet.

002.985 "Standard of performance" means a standard for emission of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into accounting for the cost of achieving such reduction) the Director determines has been adequately demonstrated.

002.996 "Start-up of operation" means the beginning of routine operation of an affected facility.

002.10097 "State" means any non-Federal permitting authority, including any local agency, interstate association, or statewide program.

002.10198 "State Act" means the Nebraska Environmental Protection Act, Neb. Rev. Stat. §81-1501 through §81-1532, as amended.

002.10299 "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under this Title.

002.1030 “Support Facility” means a facility which conveys, stores, or otherwise assists in the production of a stationary source’s primary product. The Department will make a determineation on the status of a support facility relationship.

002.1030A Where more than 50% of the output or services provided by one facility is dedicated to another facility a support facility relationship is presumed to exist.

002.1030B Other factors used to determine support facility relationship include, but are not limited to: the degree to which a facility receives

materials or services from a stationary source; the degree to which a stationary source exerts control over a facility's operations; the nature of any contractual arrangements between the facilities; and the reasons for the presence of the facility on property contiguous or neighboring to the stationary source (e.g., whether the facility would exist at that site but for the stationary source).

002.1030C Where a single facility is used to support the otherwise distinct sets of activities of a single or multiple sources, the unit is to be included within the source which relies most heavily on its support.

002.1041 “TPY” or “tpy” means tons per year.

002.1052 "Total reduced sulfur" means total sulfur from the following compounds: hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

002.1063 "Volatile organic compound (VOC)" means the definition at 40 CFR § 51.100(s).

002.1074 “Wood waste” means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings.

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 2 - NEBRASKA AIR QUALITY STANDARDS

001 Nebraska Ambient Air Quality Standards. The National Ambient Air Quality Standards (NAAQS) published at 40 CFR Part 50; as of July 1, ~~2020~~2023, unless otherwise indicated, are incorporated by reference and made applicable in the State of Nebraska. Administrator, as used in 40 CFR Part 50, means EPA Administrator.

002 Total R~~r~~educed S~~s~~ulfur (TRS).

002.01 Except as provided in 002.01A and 002.01B these standards apply:

Level: 10.0 parts per million (10.0 ppm)
Averaging time: 1 minute
Form: Maximum average concentration

Level: 0.10 parts per million (0.10 ppm)
Averaging time: 30-minutes
Form: Maximum rolling average

002.01A Ambient air concentrations of TRS emissions occurring as a result of natural activities that have no associated economic benefits will not constitute a violation of the standards contained in Section 002.

002.01B The Department may allow any source causing or contributing to a violation of the standards in Section 002 to develop and implement a program to eliminate such emissions causing a violation.

002.02 Unless otherwise approved by the Director, TRS in the ambient air will be measured using a TRS thermal converter in conjunction with a~~n~~ sulfur dioxide ($SO_2$) monitor. Only an $SO_2$ monitor that has been designated as an EPA reference method or equivalent method in accordance with 40 CFR Part 53 as of July 1, 2023 may be used. When used in combination with a thermal converter, the $SO_2$ monitor will meet or exceed the performance limit specifications for automated methods prescribed in 40 CFR Part 53 Subpart B as of July 1, 2023.

002.03 A rolling average will be considered valid if there is data for at least 75 percent of the period in question. In the event that less than 100 percent of the data are available, the rolling average will be computed on the basis of the data available using the number of data available as the divisor.

002.04 The standards are attained when all of the following conditions are met:

002.04A The one-minute concentration is less than or equal to 10.0 ppm, rounded to one decimal place (fractional parts equal to or greater than 0.05 ppm will be rounded up);

002.04B The 30-minute rolling arithmetic mean concentration is less than or equal to 0.10 ppm, rounded to two decimal places (fractional parts equal to or greater than 0.005 ppm will be rounded up).

003 Visibility Protection.

003.01 For the purposes of this section, 40 CFR § 51.301 is incorporated by reference. Administrator, as used in 40 CFR § 51.301, means EPA Administrator. Appendix Y (Guidelines for BART Determinations Under the Regional Haze Rule) of 40 CFR 51 as of July 1, 2023~~,~~ is incorporated by reference.

003.02 The owner or operator of a stationary source that is subject to a Best Available Retrofit Technology (BART) determination according to 40 CFR Part 51, Appendix Y as of July 1, 2023 will submit a BART determination in accordance with Appendix Y of 40 CFR Part 51 to the Department for review. The Department will issue a permit to the source, pursuant to Section 003.03, giving consideration to the source's BART determination.

003.03 The BART requirements for any BART stationary source that is subject to BART according to 40 CFR Part 51, Appendix Y as of July 1, 2023 will be incorporated into a construction permit in accordance with Chapter 3 of this Title.

004 Regions and Subregions: How Classified. The following Air Quality Control Regions are designated for Nebraska:

004.01 The Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region includes the counties of Lancaster, Gage, Jefferson, and Thayer and all subdivisions therein. Lancaster County is designated a subregion of the Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region.

004.02 The Metropolitan Sioux City Interstate Air Quality Control Region includes Dakota County in Nebraska; two counties in Iowa and one in South Dakota.

004.03 The Omaha-Council Bluffs Interstate Air Quality Control Region includes the counties of Douglas and Sarpy in Nebraska and Pottawattamie in Iowa.

004.04 The Columbus Intrastate Air Quality Control Region includes the counties of Platte, Colfax, Polk, and Butler and all subdivisions therein.

004.05 The Nebraska Intrastate Air Quality Control Region includes all counties (and subdivisions therein) within the boundaries of the state exclusive of those counties included in one of the other four Air Quality Control Regions. Cass County and Dawson County are designated as subregions of the Nebraska Intrastate Air Quality Control Region for PM and $PM_{10}$.

005 Controls for Transferring, Conveying, Railcar, and Truck Loading at Rock Processing Operations in Cass County. The owner or operator of any rock processing operation located in Cass County shall install, operate and maintain a system to reduce potential emissions from conveying, transfer operations, and railcar and truck loading by 85 percent. Compliance with this Section may be demonstrated by the full-time use with any

suitable combination of sprays, hoods, enclosures, or filters subject to Department approval.

006 Air Pollution Emergency Episodes.

006.01 40 CFR Part 51 Appendix L as of July 1, 2023, except for the preamble contained therein, is hereby adopted and incorporated by reference.

006.02 Whenever the Director finds that an emergency exists requiring immediate action to protect the public health and welfare, the Director will issue an announcement to the general public.

006.03 Episode Criteria. In the event of an Emergency Episode the following procedures will be followed by the Department:

006.03A The Department will monitor forecasts of atmospheric stagnation and updates of current conditions as frequently as they are issued by the National Weather Service.

006.03B The Department may inspect sources to ascertain compliance with applicable Emission Reduction Plans.

006.03C The Department will establish a dedicated means for communication with public officials, major emission sources, public health and safety agencies, and news media for the duration of the Emergency Event.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2), 81-1505(1)(12)(16), 81-1507(4)

2025 proposed revisions

NEBRASKA ADMINISTRATIVE CODE

Title 129 – Air Quality Regulations

Chapter 3 - CONSTRUCTION PERMITS

001 When Required.

001.01
Construction Allowed Prior to Obtaining a Permit.

001.01A Construction is allowed prior to obtaining a permit if sources' projects meet the eligibility requirements as prescribed below:

001.01A1 The project is not subject to review under Chapter 3 Section 004;

001.01A2 The project is not subject to review under Chapter 4;

001.01A3 The source is not relying on federally enforceable permit restrictions for the project to avoid review under Chapter 3 Section 004, or Chapter 4;

001.01A4 The project is not subject to review under Chapter 13 Section 004.02;

001.01A5 The source is not relying on federally enforceable permit restrictions for the project to avoid review under Chapter 13 Section 004.02;

001.01A6 The project is not subject to review under Chapter 13 Section 004.03 ;

001.01A7 The source is not relying on federally enforceable permit restrictions for the project to avoid review under Chapter 13 Section 004.03.

001.01B Eligible sources may initiate construction of the project prior to issuance of a construction permit by the Director, provided:

001.01B1 The Department has received an application for a construction permit for which the Department has deemed complete; and

001.01B2 The source has submitted a pre-construction notification to the Department at least five (5) calendar days prior to initiating construction. The pre-construction notification shall include:

001.01B2A The applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application;

001.01B2B A waiver of any state liability, that must be signed by a responsible official for the source; and

001.01B2C A complete list of the pre-construction-related activities to be undertaken.

001.01C Pre-construction related activities under this section will not be allowed if:

001.01C1 The start of actual construction has occurred; and/or an application for permit approval under this rule has not been filed;

001.01C2 The source makes changes to the complete application as it relates to the project scope;

001.01C3 The source has submitted a construction permit application for "No Construction Permit Required (NPR) Applicability Determination".

001.01D In no case will the applicant be allowed to hook up the equipment to the exhaust stack or operate the equipment in any way that may emit any pollutant prior to receiving a construction permit.

~~001.01 Construction Allowed Prior to Obtaining a Permit. A pre-construction notification may be submitted by sources not subject to review under Chapter 3 Section 004, Chapter 4, or Chapter 13 Section 004.03 of this Title, or sources seeking federally enforceable permit restrictions to avoid review under Chapter 3 Section 004, Chapter 4, or Chapter 13 Section 004.03. Such sources may initiate construction prior to issuance of the construction permit by the Director, provided the Department has received a complete application for a construction permit; and the source has submitted the pre-construction notification to the Department at least thirty (30) working days prior to initiating construction. In no case will the applicant be allowed to hook up the equipment to the exhaust stack or operate the equipment in any way that may emit any pollutant prior to receiving a construction permit.~~

~~001.01A A complete notification for pre-construction activities includes:~~

~~001.01A1 The applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application;~~

~~001.01A2 A waiver of any state liability, that must be signed by a responsible official for the source; and~~

~~001.01A3 A complete list of the construction-related activities to be undertaken.~~

~~001.01B The activities will not be allowed if the start of actual construction has occurred; and/or an application for permit approval under this rule has not been filed.~~

001.02 Additional Pre-construction Requirements.

001.02A Cease Construction. The applicant must cease construction if the Department determines construction, reconstruction or modification of the source will interfere with the attainment or maintenance of the NAAQS or will result in a violation of a control strategy as approved pursuant to 40 CFR Part 51, Subpart G as of July 1, 2023.

001.02B Modification. The applicant will be required to make any changes or modifications to the source imposed in the issued construction permit.

001.02C Notification of Construction. The applicant must notify the Department of the date that actual construction or reconstruction activities started. All notifications shall be submitted to the Department in writing no later than thirty (30) days after construction or reconstruction started.

001.03 Except as provided in this ~~C~~chapter or Chapters 4 or 8 of Title 129, or other applicable state and federal regulations, no person will cause the construction, reconstruction, or modification at any of the following without a construction permit issued by the Department.

001.03A Any stationary source or emission unit, such that there is a net increase in potential emissions at the stationary source equal to or exceeding the following levels:

001.03A1 Fifteen (15) tpy of particulate matter ($PM_{10}$) emissions.

001.03A2 Ten (10) tpy of fine particulate matter ($PM_{2.5}$) emissions.

001.03A3 Forty (40) tpy of sulfur dioxide ($SO_2$) or sulfur trioxide ($SO_3$), or any combination of the two.

001.03A4 Forty (40) tpy of oxides of nitrogen (calculated as $NO_2$).

001.03A5 Forty (40) tpy of volatile organic compounds (VOC).

001.03A6 One hundred (100) tpy of carbon monoxide (CO).

001.03A7 Six-tenths (0.6) tpy of lead.

001.03A8 Two and one-half (2.5) tpy of any hazardous air pollutant or an aggregate of ten (10) tpy of any hazardous air pollutants, including all associated fugitive emissions (see Chapter 13).

001.03B Any incinerator used for refuse disposal or for the processing of salvageable materials except refuse incinerators located on residential

premises containing five or less dwelling units used only for the disposal of residential waste generated on the said property.

001.04 When determining applicability under 001.03A above, sources belonging to one of the source categories found in 40 CFR § 52.21(b)(1)(iii) will include fugitive emissions.

001.05 Where a permit is not explicitly required for a source, the owner or operator may apply for a construction permit for one of more of the following purposes:

001.05A To establish enforceable limits to avoid otherwise applicable requirements under the provisions of Title 129.

001.05B To revise existing construction permits to incorporate significant permit revisions as defined in Chapter 9.

001.05C To establish a PAL pursuant to the provisions of Chapter 4 of Title 129. The construction permit used to establish a PAL will include the information and conditions listed in Chapter 4.

001.05D To establish a Best Available Retrofit Technology (BART) permit or other permit required to reduce visibility impairment in a Class I Federal area as described in 40 CFR § 81.400, pursuant to the visibility protection provisions of Chapter 2. Administrator, as used in 40 CFR § 81.400, means Administrator of EPA.

001.06 Sources not subject to provisions of this Chapter may still be required to obtain a Prevention of Significant Deterioration (PSD) permit pursuant to provisions in Chapter 4.

002 Duty to Apply, Application Form. To apply for a construction permit, request construction permit applicability, or request a significant permit revision for a source, the owner or operator will submit a complete application for a construction permit on forms provided by the Department and an application fee.

002.01 Application Fee. Each application for a construction permit will be accompanied by a non-refundable application fee. The application fee will be based on the potential to emit, which includes fugitive emissions, as provided for in Neb. Rev. Stat. § 81-1505.06.

002.02 Complete Application.

002.02A The application will be certified by a responsible official for the source.

002.02B The Department will review each application and evaluate potential emissions from the planned source for compliance and attainment with these regulations, applicable federal air quality regulations, and National Ambient Air Quality Standards (NAAQS). The Department will require in the application information as necessary to determine if the new

or modified source will interfere directly or indirectly with the attainment or maintenance of National Primary and Secondary Ambient Air Quality Standards, or violate any portion of an existing control strategy.

002.02C The owner or operator of a source required to obtain a construction permit will submit an application on the standard forms available from the Department. The applicant, at a minimum, will include the following information on the standardized application form or in attachments:

002.02C1 Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of designated source contacts. If the company is located on leased property, the name of the property owner will be provided.

002.02C2 A description of the source's processes and products by Standard Industrial Classification Code as described in the Standard Industrial Classification Manual, 1987.

002.02C3 The following emission-related information for each emissions unit:

002.02C3(a) All potential emissions of regulated air pollutants. A permit application will describe all potential emissions of regulated air pollutants emitted from any emissions unit. If requested by the Department, the applicant will submit additional information related to the emissions of air pollutants sufficient to verify which regulations are applicable to the source, and other information necessary to collect any permit fees owed under the fee schedule. This information will be provided for each operating scenario identified by the source.

002.02C3(b) Identification and description of all points of emissions described in 002.02C3(a) above in sufficient detail to establish the basis for fees and applicability of requirements of the Act and State Act.

002.02C3(c) Emissions rate in tpy and pounds per hour (lb/hr) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method or alternative method as approved by the Director.

002.02C3(d) The following information to the extent it is needed to determine or regulate emissions: Fuels, fuel use, raw materials, production rates, and operating schedules to the extent needed to determine or regulate emissions.

002.02C3(e) Identification and detailed description of air pollution control equipment and compliance monitoring devices and activities.

002.02C3(f) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants.

002.02C3(g) Other information identified in any applicable requirement (including information related to stack height limitations developed pursuant to Section 003 of this ~~C~~chapter).

002.02C3(h) Calculations on which the information in the above paragraphs is based.

002.02C3(i) The applicant will indicate any emission points at the facility for which the applicant has or intends to request coverage under a general permit. Existing general permit coverage will be incorporated into the current permitting action and the general permit coverage will expire on permit issuance without further action needed by the Department.

002.02C4 The following air pollution control requirements:

002.02C4(a) Citation and description of all applicable requirements, and

002.02C4(b) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

002.02C5 Other specific information that may be necessary to implement and enforce other applicable requirements of the Act, State Act, or this Title or to determine the applicability of such requirements.

002.02C6 An explanation of any proposed exemptions from otherwise applicable requirements.

002.02C7 Additional information as determined to be necessary by the permitting authority to define alternate operating scenarios identified by the source or to define permit terms and conditions related to modifications that do not require a permit revision.

002.03 Duty to Supplement and Correct Application.

002.03A If the Department determines that the application is not complete or additional information is necessary to evaluate or take final action on the

application, the Department may request such information in writing and set a reasonable deadline for a response.

002.03B Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, immediately notify the Department and promptly submit such supplementary facts or corrected information.

002.03C If an ambient air quality impact analysis is deemed necessary by the Director as a part of a construction permit application, concentrations of pollutants that may be expected to occur in the vicinity of a source or combination of sources will be determined by use of an air pollution dispersion model acceptable to the Director. Meteorological and operating conditions that may occur that will produce the greatest concentrations of the pollutants emitted will be used in evaluating the effect of the source(s) on ambient air quality.

002.04 Disapproval of Application.

002.04A If it is determined by the Director that emissions resulting from the operation of a source to be constructed or modified will violate any portion of these rules and regulations, violate any applicable federal air quality regulation, or interfere with attainment or maintenance of the NAAQS, no construction permit will be granted until necessary changes are made in the plans and specifications to resolve, to the Director's satisfaction, the objections to issuance.

002.04B A construction permit will not be issued for any major source or major modification when such source or modification would cause or contribute to a violation of the NAAQS in any area that does not or would not meet the national standard by exceeding, at a minimum, the significant levels listed at 40 § 51.165(b)(2) as of July 1, 2023.

003 Permit Action. The Director will publish notice of intent to approve or disapprove the application in accordance with the procedures of Chapter 10.

003.01 A construction permit issued for any construction, reconstruction, or modification, does not relieve the owner or operator from the responsibility to comply with the applicable portions of the State Implementation Plan (SIP) control strategy. The source is to comply with all conditions of the construction permit. Any permit noncompliance will constitute a violation of the State Act and the Act, and is grounds for enforcement action or permit revocation.

003.02 Approval to construct will become invalid if construction is not commenced within 18 months after approval of the construction permit, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Director may extend the 18-month period upon a satisfactory showing by the permittee, made at least 30 days before the approval to construct becomes invalid, that the complexity of the construction, reconstruction, or modification requires additional time.

004 Additional Requirements for Construction or Modification of Sources in Nonattainment Areas.

004.01 A construction permit or permit modification will not be issued to a source if the source is located or is to be located in an area that is nonattainment for a pollutant for which the source or modification is major unless it is determined that:

004.01A By the time the facility is to begin operation, total allowable emissions from all the sources described in Sections 004.01A1 through 004.01A3 represent a net decrease in emissions and show reasonable further progress toward attainment and maintenance of the NAAQS; which include:

004.01A1 The same source or existing sources in the same nonattainment area,

004.01A2 New sources which are not major emitting facilities, and,

004.01A3 Existing sources allowed under the SIP prior to the application for such permit to construct or modify;

004.01B Any emissions reductions required as a precondition of the issuance of a permit are ~~be~~ federally enforceable before such permit is issued;

004.01C The proposed source is required to comply with the lowest achievable emission rate;

004.01D The owner or operator of the proposed new or modified source has demonstrated that all other major stationary sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the State subject to emissions limitations are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards;

004.01E The proposed source is in compliance with requirements established under the State Implementation Plan and the nonattainment area SIP is being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified; and

004.01F The source has provided the Director an acceptable, complete, and detailed assessment of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. This assessment will include an analysis as to why the facility cannot be constructed elsewhere.

004.02 The requirements of Section 004.01A for emission reductions from existing sources in the vicinity of proposed new sources or modifications will be

determined on a case-by-case basis. The offset baseline will be the actual emissions of the source from which offset credit is obtained. The following apply to emission offsets:

004.02A If the emissions limit under these regulations allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential;

004.02B Requirements for an existing fuel combustion source, as described in 40 CFR Part 51, Appendix S, Section IV.C.2;

004.02C Requirements for emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels, as described in 40 CFR Part 51, Appendix S, Section IV.C.3;

004.02D Requirements for replacing one volatile organic compound with another of lesser reactivity, as described in 40 CFR Part 51, Appendix S, Section IV.C.4;

004.02E The procedures set out in 40 CFR Part 51, Appendix S, Section IV.D, relating to the permissible location of offsetting emissions will be followed, unless the Director determines that an equally or more stringent procedure is appropriate;

004.02F Credit for an emissions reduction can be claimed to the extent that the Director has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR Part 51 Subpart I as of July 1, 2023, or in demonstrating attainment or reasonable further progress; and

004.02G Emission reductions otherwise required by this Title will not be creditable as emissions reductions for purposes of any offset.

004.03 The provisions of 004 do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the source categories found in 40 CFR § 52.21(i)(1)(vii).

004.04 At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this section will apply to the source or modification as though construction had not yet commenced on the source or modification.

005 Stack Heights; Good Engineering Practice.

005.01 For purposes of this section, the definitions and specifications in 40 CFR § 51.100(hh) through (kk) apply.

005.02 The degree of emission limitation required of any source for control of any air pollutant will not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique.

005.03 No emission limitation will be established, or permit to construct or modify issued, involving any dispersion technique, unless approved by the Council following public hearing noticed at least 30 days in advance. The public notice will announce the availability of any fluid model or field study demonstration.

006 Permit Content. Each construction permit will include requirements applicable to the source and any additional requirements which the Director deems appropriate, including, but not limited to, the following:

006.01 Emissions limitations and standards, which are at least as stringent as any applicable requirement or other requirements contained in the SIP.

006.02 Compliance certification, testing, monitoring, reporting, and recordkeeping.

007 The emission limitations or emission standards which would have been imposed under a construction permit are applicable to those sources who have failed to obtain a permit to the same extent as if a permit had been obtained.

Enabling Legislation: Neb. Rev. Stat. § 81-1504(1)(2), 81-1505(1)(12)(16), 81-1505.06

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 4 – PREVENTION OF SIGNIFICANT DETERIORATION of AIR QUALITY (PSD)

001 -The provisions of this chapter apply to the construction of any new major stationary source or the major modification of any existing major stationary source. The provisions of this chapter apply only to sources located in areas designated as attainment or unclassifiable. For purposes of this chapter the provisions of 40 CFR § -52.21 as of July 1, 2023 are hereby adopted and incorporated with the following exceptions.

001.01 "Administrator" means both the Director and the EPA Administrator as used in:-,

001.01A 40 CFR § 52.21(b)(3)(iii)(a).

001.01B 40 CFR § 52.21(b)(48)(ii).

001.02 "Administrator" means only the EPA Administrator as used in:

001.02A 40 CFR § 52.21(b)(12).

001.02B 40 CFR § 52.21(b)(15)(iii).

001.02C 40 CFR § 52.21(b)(17).

001.02D 40 CFR § 52.21(b)(37)(i).

001.02E 40 CFR § 52.21(b)(43).

001.02F 40 CFR § 52.21(b)(48)(ii)(c).

001.02G 40 CFR § 52.21(b)(50)(i)(b).

001.02H 40 CFR § 52.21(b)(51).

001.02I 40 CFR § 52.21(g).

001.02J 40 CFR § 52.21(i)(6-8).

001.02K 40 CFR § 52.21(l)(2).

001.02L 40 CFR § 52.21(m)(1)(vii – – viii).

001.02M 40 CFR § 52.21(o)(3).

001.02N 40 CFR § 52.21(t).

001.02O 40 CFR § ~~Part~~ 52.21(u).

001.03 40 CFR § 52.21(a)(1), Plan Disapproval.

001.04 40 CFR § 52.21(b)(6)(i), Definition of building, structure, facility, or installation is not adopted and incorporated. Notwithstanding the provisions of paragraph 002.18A of Chapter 1, for onshore activities under Standard Industrial Classification (SIC) Major Group 13: Oil and Gas Extraction, all of the pollutant-emitting activities included in Major Group 13 that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are located within 1⁄4 mile of one another (measured from the center of the equipment on the surface site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators or emissions control devices. Surface site, as used in paragraph, has the same meaning as in 40 CFR § 63.761.

001.05 40 CFR § 52.21(q), Public Participation.

002 Sources not subject to PSD review may still require a construction permit pursuant to provisions in Chapter 3.

003 Baseline Actual Emissions (BAE).

003.01 BAE will be calculated using the following methodologies in this order of preference where possible:

003.01A Continuous Emissions Monitors (CEMS) complying with requirements in Chapter 15.

003.01B Predictive Emissions Monitors (PEMS) complying with requirements in Chapter 15.

003.01C Source-specific valid stack test data, if such stack test occurred during the baseline period.

003.01D Emission factors as defined in Chapter 11.

003.01E Mass Balance.

003.02 Other methodologies or a different order of preference of methodologies than those listed in 003.01 may be used to calculate the BAE with prior concurrence of the Department.

004 Exclusions from increment consumption. The concentrations listed in 40 CFR § 51.166(f)(1)(iii) through (v) will be excluded in determining compliance with a maximum allowable increase.

005 Notification to permit applicants and public:

005.01 The Department will determine if a permit application is complete within 60 days after receipt of the application and so notify the applicant. If the Department

determines that the application is incomplete and additional information is necessary to evaluate or take final action on the application, the Department may request such information in writing and set a reasonable deadline for a response. The Department may determine that an application is complete, but later determine that additional information is needed to evaluate or take final action on the application.

005.02 The Department will provide opportunity to the public to submit comments or request a public hearing on every PSD permit application approved in accordance with Chapter 10.

006 If any provisions of this section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this section, or the application of such provision to persons or circumstances other than those as to which it is held invalid will not be affected thereby.

Enabling Legislation: Neb. Rev. Stat. § 81-1504(1)(2), 81-1505(12)

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 5 ACID RAIN

001 The following regulations are hereby adopted and incorporated by reference:

001.01 Permit regulations pursuant to 40 CFR Part 72, as in effect on July 1, ~~2020~~2023, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Act. If the provisions or regulations of 40 CFR Part 72 conflict with other provisions of this Title as they apply to affected sources, the Part 72 regulations will apply and take precedence. Administrator, as used in 40 CFR Part 72, means EPA Administrator.

001.02 Continuous emissions monitoring pursuant to 40 CFR Part 75, as in effect on July 1, ~~2020~~2023, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Act.

001.03 General acid rain program regulations in 40 CFR Part 76 as effective on July 1, ~~2020~~2023, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Act.

Enabling Legislation: Neb. Rev. Stat. § 81-1504(1)(2); 81-1505(12)(16)

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 6 OPERATING PERMITS

001 The owner or operator of a source is to obtain an operating permit for that source in accordance with this chapter unless exempted under 001.04 and 001.05:

001.01 Class I Permits. Any Part 70 source is to obtain a Class I permit.

001.01A "Part 70 source" means any source subject to the permit requirements as provided in 40 CFR § 70.3(a) and 70.3(b).

001.01B 40 CFR § 70.3 is adopted and incorporated by reference.

001.02 Synthetic Minor Source Permits. Any major source or emissions unit required to obtain a Class I permit based on potential emissions with actual emissions below major source levels may request that potential to emit be limited to below the major source threshold, and may apply for a Class II permit, as a synthetic minor, which provides practically enforceable limits to potential emissions.

001.03 Class II Permits. A Class II permit is required for sources that meet any of the following criteria:

001.03A Any source or emissions unit that is not a Part 70 source with actual emissions above the following:

001.03A1 Fifty (50) tpy or more of $PM_{10}$ emissions.

001.03A2 Fifty (50) tpy or more of $SO_2$ or $SO_3$, or any combination of the two.

001.03A3 Fifty (50) tpy or more of oxides of nitrogen (calculated as $NO_2$).

001.03A4 Fifty (50) tpy or more of volatile organic compounds (VOC).

001.03A5 Fifty (50) tpy or more of carbon monoxide.

001.03A6 Two and one-half (2.5) tpy or more of lead.

001.03A7 Five (5) tpy or more of any hazardous air pollutant or an aggregate of twelve and one-half (12.5) tpy or more of any hazardous air pollutants.

001.03B An incinerator used for refuse disposal or for the processing of salvageable materials except any refuse incinerator located on a residential

premise containing five or less dwelling units used only for disposal of residential waste generated on that property.

001.04 Exemptions.

001.04A Any source or emissions unit with potential emissions above major source thresholds and actual emissions below the levels specified in Section 001.03A above will be exempt from the duty to obtain an operating permit under the following conditions, known as the Low Emitter Rule, unless Section 001.03B applies.

001.04A1 The source is not otherwise required to obtain an operating permit;

001.04A2 The source has submitted a demonstration and maintains records on site, updated at least monthly, for the most recent five years that actual emissions for each regulated pollutant do not exceed the levels specified in Section 001.03A above;

001.04A3 Credit for controls which are not required under the provisions of this Title will only be allowed if documentation is maintained that demonstrates that controls were continuously maintained and operated as specified by the manufacturer to achieve the level of efficiency for which credit is sought;

001.04A4 Additional information, such as an annual emissions inventory or information necessary to determine applicability or to determine that emissions from the source in conjunction with all other emissions will not prevent attainment or maintenance of the ambient air quality standards specified in Chapter 2, will be provided upon Department request; and

001.04A5 Compliance with the provisions of this section does not shield the owner or operator from the duty to comply with any other applicable requirement under Title 129, nor shield the owner or operator from enforcement action for the violation of any other applicable requirement under Title 129.

001.05 Source Category Exemptions.

001.05A Source categories exempted under 40 CFR § 70.3(b)(4) will be exempted from obtaining a Class I permit.

001.05B A source required to be covered by an operating permit solely because of the presence of a single engine powered generator where the sole function is to provide back-up power when electrical power from the local utility is interrupted will be exempted from obtaining any operating permit. This exemption does not apply to any peaking unit at an electric utility or to any other generator used when power is available from the utility. For the exempted unit, the source is required to submit a report of hours of operation to the Department upon request and also by the end of

the month following any month in which hours of operation for that exempted unit exceeds 500 hours per year.

001.05C All sources and source categories subject only to regulations or requirements under Section 112(r) of the Act.

001.06 Except as provided in Section 008 of this ~~C~~chapter, a source will not operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under an approved operating permit program. If an operating source submits a timely and complete application for permit issuance, or for renewal, the source's failure to have a permit is not a violation of the State Act or Act until the Director takes final action on the permit application, provided that the failure to have a permit is through no fault of or delay by the source. This protection will cease to apply if, subsequent to the completeness determination made pursuant to Section 002, the applicant fails to submit any additional information necessary to process the application within the deadline specified in writing by the Department.

001.07 The submittal of a complete Class I or II operating permit application does not affect or change the requirement that a source have a construction permit.

002 Application.

002.01 Duty to Apply and Timely Application.

002.01A The owner or operator of a source that becomes subject to the Class I operating permit program at any time following the effective date of these regulations will file an application pursuant to 40 CFR § 70.5(a)(1).

002.01B An owner or operator subject to the regulation to obtain a Class II operating permit for a source will file an operating permit application for that source within 12 months of the date on which the source first becomes operational or otherwise subject to the requirement to obtain an operating permit.

002.01C For purposes of permit renewal, a timely application is one that is submitted at least six months, but no longer than 18 months prior to the date of permit expiration.

002.02 Complete Application for a Class I or a Class II Operating Permit. An application will be deemed complete pursuant to 40 CFR § 70.5(a)(2).

002.03 Confidential Information for Class I and Class II Permits. A source which has submitted information to the Department under a claim of confidentiality pursuant to Title 115 - Rules of Practice and Procedure, may be required by the Department to submit a copy of such information to the EPA. Applicant name, source location, compliance plan, schedule of compliance, monitoring reports, certification, emission data, and issued permits will be available to the public.

002.04 Duty to Supplement or Correct an Application for a Class I or a Class II Operating Permit. Applicant will comply with requirements in 40 CFR § 70.5(b).

002.05 Standard Application Form and Required Information for a Class I or Class II Operating Permit Application.

002.05A The owner or operator of a source required to obtain a Class I operating permit will submit an application on standard forms available from the Department.

002.05B The applicant will include, at a minimum, information pursuant to 40 CFR § 70.5(c)(1) through 70.5(c)(10), and the following:

002.05B1 The Source Classification Code as published by EPA's Office of Air Quality Planning and Standards including any associated with an alternate scenario identified by the source.

002.05B2 All emissions, both actual and potential, of regulated air pollutants.

002.05B3 Emissions rates in tpy and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method or alternative method as approved by the Director.

002.05B4 Limitations on source operation affecting emissions, including physical or operational limitations on potential to emit for all Class II sources.

002.05B5 The applicant will indicate any emission points at the facility for which the applicant intends to request coverage under a general permit.

002.05B6 A Class I source may request a permit shield pursuant to 40 CFR § 70.6(f)(2).

002.05B7 An explanation of any proposed exemption from an applicable requirement.

002.05C The Director may develop a list of insignificant activities pursuant to 40 CFR § 70.5(c). The list will be made available by the Department and updated as necessary. The Director may consider the following criteria in developing the list of insignificant activities:

002.05C1 Support activities may be listed as insignificant if they are not themselves marketed or traded, and do not use equipment or materials of a size or nature that are themselves subject to an applicable requirement under the Act or this Title;

002.05C2 Activities or emission units which can be determined to result in air contaminant emissions less than those specified in 001.01 of this ~~C~~chapter based on size, capacity or an expectation of incidental usage may be determined to be insignificant. The

Director may consider standard industrial practices and the results of rulemaking efforts under the Act in establishing such thresholds; and

002.05C3 Laboratory and research and development activities may be listed as insignificant activities only if conducted in the non-process areas of the facility. If the principal activity of a site is laboratory services or research and development for other locations or under contract, such activities are significant for purposes of permitting;.

002.05C4 The Compilation of Air Pollutant Emission Factors (AP-42 emission factors) or comparable data may be considered when determining insignificant use or storage thresholds. For hazardous air pollutants, the Director may consider any de minimis emission level established by the EPA under ~~Part~~Section 112(g) of the Act or a storage or use level established in any federal or state standard.

002.05C5 Insignificant activities listed for exclusion in the permit application pursuant to 40 CFR § 70.5(c) will also apply to Class II sources.

002.05D The list of insignificant activities will describe classes of activities that may be excluded from the permit application or only listed with a limited amount of support data. The applicant will provide information which the list will specify necessary to determine if a specific activity, piece of equipment or group of items is subject to an applicable requirement under the Act or this Title. The Department may request additional information as determined necessary. Inclusion of an activity, emission unit or specific use or storage of a regulated pollutant on the list does not absolve an applicant from any applicable requirements under the Act or this Title to which such an activity or emission unit is otherwise subject.

002.05E Emissions from insignificant activities are included in the determination of whether a source will obtain a Class I or Class II operating permit.

002.06 Certification for Class I and Class II Permits. Any application form, report, or compliance certification submitted will comply with requirements found in 40 CFR Part 70.5(d).

002.07 For Class I permits, the regulations found at 40 CFR § 70.7(a)(2) and (5) are adopted and incorporated by reference.

002.08 The Department shall prepare a statement that sets forth the legal and factual basis for the draft Class I permit conditions, including references to the applicable statutory and regulatory provisions. This statement shall accompany the draft permit sent to EPA, and be made available to any person who requests it.

002.09 For Class I and Class II sources, the submittal of a complete application will not affect the requirement that any source have a construction permit.

003 Permit Content. The standard permit content for Class I and Class II operating permits is as follows:

003.01 Each Class I and Class II operating permit will specify emission limitations and standards in accordance with the requirements found at 40 CFR § 70.6(a). The source will propose permit terms and conditions to satisfy these requirements in its application.

003.02 Permit duration. Class I and Class II operating permits will be issued for a term pursuant to the standards found at 40 CFR § 70.6(a)(2).

003.02A Notwithstanding 003.02, the Director may issue a Class II operating permit to true minor sources for the life of the source and synthetic minor sources for a fixed term not to exceed 10 years, except synthetic minor sources belonging to the categories listed below may be issued a permit for the life of the source. The Director may issue a Class II permit for a shorter duration.

003.02A1 Municipal power plants.

003.02A2 General operating permits for incinerators, should that be the only operating permit required for the source.

003.02A3 Mobile power generation.

003.02B The term of an operating permit cannot be extended by modification.

003.02C The conditions of an expiring or expired operating permit continue until the effective date of a new operating permit in accordance with Sections 007 and 008.

003.03 Each Class I and Class II operating permit will contain monitoring and related recordkeeping and reporting requirements in accordance with the standards contained in 40 CFR § 70.6(a)(3). The permit may allow records to be maintained in computerized form.

003.03A Notwithstanding 003.03, for Class II operating permits, deviation reporting will be submitted on an annual basis unless more frequent reporting of deviations is identified in the permit.

003.03B In addition to the reporting requirements of 40 CFR § 70.6(a)(3)(iii), each Class I and Class II operating permit will at a minimum include the following:

003.03B1 Reporting of any deviation that poses an imminent and substantial danger to public health, safety, or the environment as soon as is practicable;

003.03B2 Reporting of any other deviations that are identified in the permit as needing more frequent reporting than the source's semi-annual report on a schedule specified in the permit; and

003.03B3 All reports of deviations will identify the probable cause of the deviations and any corrective actions or preventative measures taken.

003.03B4 Every report submitted under 003.03A and 003.03B is to be certified by a responsible official.

003.04 Acid Rain Permit Condition. Each Class I permit issued to an affected source will include a permit condition pursuant to 40 CFR § 70.6(a)(4).

003.05 Severability. Each Class I and Class II permit will contain a severability clause pursuant to 40 CFR § 70.6(a)(5).

003.06 General conditions. Each Class I and Class II operating permit will include the following provisions:

003.06A The source is to comply with all conditions of the operating permit. Any permit noncompliance constitutes a violation of the State Act and the Act, and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

003.06B It will not be a defense for a source in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

003.06C The permit may be modified; revoked, reopened, and reissued; or terminated for cause in accordance with this Title and Title 115. The filing of a request by the source for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not supersede any permit condition.

003.06D The permit does not convey any property rights of any sort, or any exclusive privilege.

003.06E The source will furnish to the Department, within the time specified by the Department, any information requested by the Department in writing to determine whether cause exists for modifying; revoking and reissuing; or terminating the permit or to determine compliance with the permit. Upon request, the source will also furnish to the Department copies of records required to be kept in accordance with the permit. Requirements for requesting confidentiality and for the processing of such request are found in Title 115.

003.07 Each Class I permit will contain a provision for payment of emission fees consistent with Section 009 of this ~~C~~chapter.

003.08 Alternative operating scenarios. Each operating permit will contain terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Director. Such terms and conditions will:

003.08A Require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which the source is operating;

003.08B Ensure that the terms and conditions of each alternative scenario meet all applicable requirements and the requirements of the permit; and

003.08C Include a permit shield, if requested, as described in 003.12 below for all terms and conditions under each operating scenario.

003.09 Reopening for cause. Each operating permit will include provisions specifying the conditions under which the permit will be reopened, as well as revoked and reissued, or terminated, in accordance with Chapter 9.

003.10 Risk Management Plans. For any source required to develop and register a risk management plan pursuant to Section 112(r) of the Act and regulations adopted by the Council, the permit will specify that the source will comply with the regulation to register such a plan. The content of the risk management plan will not be incorporated as a permit term. The operating permit will include:

003.10A Verification of plan preparation and submittal to the Department, the State Emergency Response Commission, and any Local Emergency Planning Committee; and

003.10B A requirement for annual certification by a responsible official that the risk management plan is being properly implemented per 40 CFR § 70.5(c)(9).

003.11 All Class I and Class II operating permits will contain elements with respect to compliance consistent with the requirements found at 40 CFR § 70.6(c), including any additional requirements specified in this Title, the applicable Implementation Plan, or any permit issued under this Title. Administrator, as used in 40 CFR § 70.6(c), means EPA Administrator.

003.12 Permit Shield for Class I Operating Permits. A permit shield will be included in the operating permit pursuant to 40 CFR § 70.6(f). Administrator, as used in 40 CFR § 70.6(f), means EPA Administrator.

003.13 Each Class I and Class II operating permit may include additional requirements the Director deems appropriate, including but not limited to, the following:

003.13A Emissions limitations and standards which are at least as stringent as any applicable requirement or other requirements contained in the State Implementation Plan.

003.13B Monitoring and related recordkeeping and reporting.

003.13C Compliance certification, testing, monitoring, reporting, and recordkeeping.

003.14 All terms and conditions in a Class I or Class II operating permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator of EPA and citizens under the Act except those terms and conditions which have been specifically designated in a Class I permit as not required and not federally enforceable under the Act or any of its applicable requirements.

003.15 A Class I or Class II operating permit may contain emissions trading pursuant to the requirements found at 40 CFR § 70.6(a)(10).

003.16 The Director will establish terms and conditions in the permit, if requested by the applicant in the application, allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The application will include proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. Emissions from emissions units which are not quantifiable and for which there are no replicable procedures will not be included in any trades. The permit will also require compliance with all applicable requirements.

004 Temporary Sources.

004.01 Except as provided in 004.04 of this ~~C~~chapter, the Director may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit subject to Department approval. No affected source will be permitted as a temporary source.

004.02 An operating permit for a temporary source includes the requirements specified in Section 003 of this ~~C~~chapter and the following:

004.02A Conditions that will assure compliance with all applicable requirements and ambient air quality standards established in Chapter 2 at all authorized locations; and

004.02B Conditions that the owner or operator notify the Director at least 20 days in advance of each change in location by providing the following information:

004.02B1 A specific description of the source, including SIC code;

004.02B2 A legal description of the proposed new location;

004.02B3 The anticipated dates of operation at the new proposed location;

004.02B4 A description of site location, adjacent surroundings, including proximity to occupied buildings;

004.02B5 A contact person for the source, including telephone number and e-mail address;

004.02B6 .The signature of a responsible official for the source certifying the information contained in the notification; and

004.02B7 A source facility identification number as assigned by the Department.

004.03 The Department may disapprove a new proposed location for a temporary source if the Director determines that operation in the new location would cause or contribute to a violation of standards or otherwise adversely affect human health or the environment.

004.04 In the case of temporary activities initiated to maintain or restore electrical power supply or prevent imminent power loss, the provisions of either 004.04A or 004.04B apply, as appropriate. Units complying with this section are exempt from all other provisions of this chapter.

004.04A Temporary power generation units maintained within the state will be covered by an operating permit which identifies them as temporary units, specifies their rating, fuel supply, non-working location, and routine operating practices, and establishes notification procedures for such activities.

004.04B The owners or operators of temporary power generation units which are maintained outside the state will notify the Department prior to bringing them into the state according to the following schedule:

004.04B1 In the case of a power loss or threat of imminent power loss, within 24 hours of dispatch;

004.04B2 In the case of maintenance activities, 20 days prior to dispatch, unless another notification schedule is established with the Department.

~~005 Emergency; Defense.~~

~~005.01 For the purposes of a Class I or Class II operating permit, the language of 40 CFR Part 70.6(g) is adopted and incorporated by reference.~~

~~005.02 A report submitted according to the requirements of 40 CFR § 70.6(g)(3)(iv) may be submitted without certification by a responsible official as long as a final report meeting the reporting requirements of 40 CFR § 70.6(g) is made with the appropriate responsible official certification within ten days of the preliminary report.~~

0056 Class I Operating Permit EPA Review, Affected State Review; Class II Operating Permit.

0056.01 Unless the Administrator waives or modifies this requirement, the Department shall provide to the Administrator of EPA a copy of each Class I operating permit application or modification, each proposed Class I permit, and each final Class I permit. The Department may require the permit applicant to provide a copy of the permit application, including the compliance plan, directly to the Administrator of EPA.

0056.02 The Director shall give notice of each draft Class I operating permit to any affected state on or before the time that the Department provides notice to the public. The Department shall notify the Administrator of EPA, TAS, and any affected State in writing of the reasons for any refusal by the Department to accept all recommendations for the proposed permit that the affected State submitted.

0056.03 The Director shall not issue a Class I operating permit if the Administrator of EPA objects to its issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information.

0056.04 If the Administrator of EPA objects to a Class I operating permit as a result of a petition for review filed pursuant to Section 505(b)(2) of the Act, the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review shall not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45 day EPA review period and prior to an EPA objection.

0056.05 If the Director has issued a Class I operating permit to which EPA objects as a result of a petition for review filed pursuant to Section 505(b)(2) of the Act, the permit may be reopened in accordance with the procedures in Chapter 9.

0056.06 Prohibition on Default Issuance.

0056.06A Notwithstanding the time period specified in Section 003 of this ~~C~~chapter, no Class I operating permit, including a permit renewal or revision, will be issued until:

0056.06A1 Affected States and the Administrator have had an opportunity to review the proposed permit, and

0056.06A2 The Director has acted on the application.

0056.06B No Class II operating permit, including a permit renewal or revision, will be issued until the Director has acted on the application.

0067 Permit Renewal, Termination. Class I or Class II operating permits, the requirements found at 40 CFR § 70.7(c)(1)(i) and (ii) apply.

0078 Permit Expiration, Denial.

007~~8~~.01 Conditions of an expired operating permit cannot be modified except with the issuance of a new permit or permit renewal.

007~~8~~.02 The conditions of an expired operating permit continue until the effective date of a new operating permit or until the application for a permit is denied provided:

007~~8~~.02A The source has submitted a timely application which has been deemed complete by the Department, and

007~~8~~.02B The Director, through no fault of the source, does not issue a new operating permit with an effective date before the expiration date of the previous operating permit.

007~~8~~.03 If the Director determines that any of the following are true, the application for permit renewal will be denied.

007~~8~~.03A The source is not in substantial compliance with the terms and conditions of the expired permit or with a stipulation, agreement, or compliance schedule designed to bring the source into compliance with the permit;

007~~8~~.03B The Department, as a result of an action or failure to act on the part of the source, has been unable to take final action on the application on or before the expiration date of the permit; or

007~~8~~.03C The source has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of the deficiencies.

008~~9~~ Emissions Fees.

008~~9~~.01 The provisions of this section apply to any owner or operator of a major source subject to pay an annual emission fee for each ton of a regulated pollutant for fee purposes emitted to the air by the facility in accordance with Neb. Rev. Stat. § 81-1505.04. For purposes of this ~~C~~chapter, a pollutant which may be regulated under more than one provision of this Title, need only be counted once.

008~~9~~.02 Any temporary source issued a Class I permit under this ~~C~~chapter will pay an annual emission fee for emissions during the time period the source was located and operated in the State.

008~~9~~.03 Any owner or operator who fails to submit an annual emissions inventory report will pay an annual emission fee based on the source's potential to emit.

008~~9~~.04 An owner or operator will submit the fees to the Department by check, or other authorized transfer, and identify the fees as an air emissions fee payment. The fees will be due and payable on July 1 of each year. All fees paid in accordance with this ~~C~~chapter will be non-refundable.

0089.05 Failure to submit the fees required by this ~~C~~chapter, in addition to other relief allowed by law, will be cause for:

0089.05A Revocation of the source's Class I operating permit; and

0089.05B Assessment of a late payment fee of 20 percent of the payment due, which late payment fee will be increased by an additional 10 percent of the original payment due for each additional 30 day period that the payment is late. Late payment fees are due immediately upon receipt of notice of assessed fees.

0089.06 If the Department determines that the annual emission inventory report ~~form~~ is incomplete or inaccurate for the purposes of calculation of annual emission fees, the Department may require the owner or operator of a source to submit additional data or other information, as well as an explanation of the source's calculation. If such additional data or information changes the annual emission inventory report and results in the assessment of additional fees, such additional fees will be due within 30 days of notice of the assessment.

00910 Compliance Assurance Monitoring. The provisions of 40 CFR Part 64, as in effect on July 1, 2023~~0~~, for purposes of implementing the compliance assurance monitoring program, is hereby adopted and incorporated by reference. Administrator, as used in 40 CFR § 64.2(b)(1)(i) and 40 CFR § 64.2(b)(1)(iv), means Administrator of EPA.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2); 81-1505(12)(16)

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 7 - GENERAL PERMITS

001 If the Director determines that numerous similar sources are subject to identical regulatory requirements, the Director may issue a general permit following the procedures specified in this ~~C~~chapter and the applicable procedures of Chapters 3, 6, and 10. The Director will not issue general permits for affected sources under the Acid Rain Program.

002 If the Director, in his or her discretion, determines a general permit is appropriate, he or she will initiate issuance of a general permit by publication of a notice which identifies the criteria for sources that qualify for the general permit. The notice will be published in accordance with Chapter 10.

003 The public notice of the draft general permit will contain:

003.01 Name, address, and telephone number of the Department;

003.02 A brief description of the activities and/or operations addressed by the permit;

003.03 A statement of the criteria for a source to qualify for coverage under the general permit;

003.04 A brief description of the comment procedures and the time and place of any hearing if already scheduled, including the procedures to request a hearing, unless a hearing has already been scheduled, and other procedures by which the public may participate in the final general permit decision; and

003.05 The name, address, and telephone number of the person from whom interested persons may obtain further information, and inspect and copy forms and related documents.

004 Any interested person will have thirty (30) days from issuance of the public notice to provide the Director with any written comments concerning the draft general permit or request a public hearing in writing. The Director may extend the thirty (30) day period.

005 If any written comment received during the public comment period raises substantial issues concerning the draft general permit, the Director may revise the draft general permit and issue a public notice on the revised draft general permit pursuant to Chapter 10.

006 Following the close of the public comment period and any public hearing, the Director may issue a general permit.

006.01 For a general operating permit, the Director will include:

006.01A All applicable requirements pertinent to Class I operating permits, if

the source category includes Class I sources; or

006.01B All applicable requirements pertinent to Class II operating permits, if the source category includes Class II sources.

006.02 For a general construction permit, the Director will include any stationary source or emission unit such that there is a net increase in potential emissions at the stationary source equal to or exceeding the levels identified in Chapter 3.

007 The owner of a source seeking coverage under a general permit will apply to the Department for coverage under the terms of the applicable general permit. Each application will include all information necessary to determine qualification for, and to assure compliance with, the applicable general permit. The Department may request additional information as necessary. The owner of a source seeking coverage under a general permit is to apply by submitting in a manner prescribed by the Department:

007.01 An application in accordance with Chapter 6 for a general operating permit; or

007.02 An application, along with the appropriate application fee in accordance with Chapter 3, for a general construction permit.

008 The Director will notify the applicant of the final determination whether the source qualifies and is covered under the general permit or not.

009 The Director may issue coverage under a general permit to an individual source without repeating the notice and comment procedures required under Sections 001 through 006 of this ~~C~~chapter.

010 The owner of a source that obtains general permit coverage may be subject to enforcement action for operation without a Class I or Class II operating permit or a construction permit if the source is later determined not to qualify for the terms and conditions of the general permit.

011 If some, but not all of a source's operations, activities, and emissions are eligible for coverage under one or more general permits, the owner may apply for coverage under one or more general permits for the operations, activities, and emissions that are so eligible. In such a case, the permit applicant will identify all operations, activities, and emissions that are subject to general permits or permits-by-rule. The Class I or Class II operating permit or construction permit will identify any general permits or permits by rule which have been issued or approved.

012 The Department will incorporate general permit coverage requirements into any subsequent construction permit, operating permit, or operating permit renewal that the source applies for as determined appropriate by the Department. If the general permit coverage requirements are incorporated into a construction permit, operating permit, or operating permit renewal, then the general permit coverage will expire with issuance of the permit or permit renewal without any further action needed by the Department.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2); 81-1505(12)(16)

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 8 - PERMITS-BY-RULE

001 General Provisions. This chapter applies to any source approved by the Department for coverage under a permit-by-rule before January 1, 2022. A permit-by-rule as described in this chapter will not be available to any source that has not been approved for coverage by the Department prior to January 1, 2022.

001.01 The permit-by-rule provisions do not supersede any applicable federal regulations such as New Source Performance Standards.

001.02 Records will be collected and maintained as described for each applicable permit-by-rule and retained for a period of not less than five years and will be made available to the Department upon request.

002 Construction Permits. Any source approved for coverage under a permit-by-rule will be considered to have fulfilled the owner or operator's duty to obtain a construction permit under this Title, unless required to do so elsewhere under this Title or the Act. Compliance with the permit-by-rule, will take precedence over requirements of previously issued construction permits applicable solely to the approved source, except for provisions in Sections 002.01 and 002.02.

002.01 The permit-by-rule provisions of this chapter may not supersede more stringent requirements which are contained in previously issued construction permits, unless, subject to Department approval, a site specific technical demonstration is submitted which shows that these more stringent requirements are unnecessary to protect the NAAQS or PSD increment.

002.02 The permit-by-rule provisions of this chapter may not supersede requirements to limit a source's potential to emit which are contained in previously issued construction permits, unless the owner or operator can demonstrate that there was no applicable regulation in effect or condition to limit the source's potential to emit in the previously issued construction permits.

003 Operating Permits. Any source approved for coverage under a permit-by-rule will be considered to have fulfilled the duty to obtain an operating permit under this Title, unless required to do so elsewhere under this Title, the State Act, or the Act, except for provisions in Sections 003.01 and 003.02.

003.01 The permit-by-rule provisions of this chapter may not supersede more stringent requirements which are contained in previously issued operating permits, unless a site specific technical demonstration is submitted which shows that these more stringent requirements are unnecessary to protect the NAAQS or PSD increment.

003.02 The permit-by-rule provisions of this chapter may not supersede conditions to limit a source's potential to emit which are contained in previously issued

operating permits, unless the owner or operator can demonstrate that there was no regulation or condition to limit the source's potential to emit in the previously issued operating permits.

004 Temporary Sources. Temporary sources approved to construct and operate under a permit-by-rule will:

004.01 Notify the Director at least 20 calendar days in advance of each change in location by providing the information required by Chapter 6, Section 004.02B.

004.01A If the proposed location is in Lancaster County, the source will also notify the Air Quality Program of the Lincoln-Lancaster County Health Department at least 20 days in advance of the proposed change. A separate permit from the local air quality agency may be required pursuant to the regulations in effect in the local agency jurisdiction prior to relocation.

004.01B If the proposed location is in the jurisdictional area of the City of Omaha, the source will also notify the Omaha Air Quality Control Agency at least 20 days in advance of the proposed change. A separate permit from the local air quality agency may be required pursuant to the regulations in effect in the local agency jurisdiction prior to relocation.

004.02 The Director may disapprove a new proposed location for a temporary source if operation in the new location would cause or contribute to a violation of state or local standards or adversely affect human health or the environment. Local air quality agencies may have more stringent regulations than the Department.

005 Duty to Comply. Each source approved for coverage under a permit-by-rule will comply with all the sections of this chapter applicable to the source. Any non-compliance with the permit-by-rule constitutes a violation of the State Act and the Act, and is grounds for enforcement action; for requiring permits under Chapters 3 and/or 6; or for disapproving of the Notice of Intent to construct and/or operate under the permit-by-rule.

006 Compliance with Other Applicable Requirements. Compliance with the provisions of this chapter does not shield the owner or operator from the duty to comply with any other applicable requirement under this Title, the State Act, or the Act not specifically addressed in this chapter.

007 Duty to Provide Requested Information. Additional information, such as an annual emissions inventory as specified in Chapter 11, or information necessary to determine applicability or to determine that emissions from the source in conjunction with all other sources will not prevent attainment or maintenance of the ambient air quality standards specified in Chapter 2, will be provided upon Department request.

008 Annual Certifications of Compliance. Sources approved for coverage under a permit-by-rule will complete and submit to the Department an annual certification of compliance on forms acceptable to the Department by March 31.

009 Certifications. Each Notice of Intent Form, copy of records, annual emissions inventory, annual certification of compliance statements or other information submitted to the Department pursuant to this chapter will contain a certification signed by a responsible

official, stating that, based on information and belief formed after reasonable inquiry, the information provided is true, accurate, and complete.

010 Permit-by-Rule for Hot Mix Asphalt Plants. For purposes of this regulation, a hot mix asphalt plant is a facility that is comprised of any combination of the following: generators; heaters; dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing aggregate materials; systems for mixing hot mix asphalt; and associated emission control systems. Hot mix asphalt plants approved to be constructed or operated pursuant to the provisions of this chapter will comply with Sections 001 through 009 above and each of the following:

010.01 The owner or operator will use an air emissions computation program provided by the Department to establish hourly production limits and hourly generator combustion limits as described in Sections 010.03C and 010.05. Upon receipt of these files, the Department will use the submitted data to run an ambient air quality dispersion model to determine hourly limits that comply with the NAAQS. The source will comply with these limits.

010.02 Upon relocation of a temporary source, the owner or operator will use the parameters of the new site as input for an air emissions computation program provided by the Department. A responsible official for the source will certify the output files generated by the air emissions computation program and submit them to the Department for establishment of hourly limits as described in Section 010.01.

010.03 Production Limits.

010.03A For batch mix asphalt plants, the production of asphalt will not exceed a maximum rate of 250,000 tons per calendar month and 400,000 tons per consecutive 12 calendar months.

010.03B For drum mix asphalt plants, the production of asphalt will not exceed a maximum rate of 500,000 tons per calendar month and 850,000 tons per consecutive 12 calendar months.

010.03C The owner or operator will use an air emissions computation program provided by the Department to establish the plant capacity on a ton-per-hour basis. The Department will use the data provided by the owner or operator in a dispersion model to establish production limits that are in compliance with the NAAQS.

010.04 The generators will not combust more than 75,000 gallons of diesel fuel per calendar month and 250,000 gallons of diesel fuel per consecutive 12 calendar months; or if it is more practical for the source to keep track of hours of generator operation, and the generator is equipped with an hour meter, the following equation may be used to determine the maximum hours of generator operation per calendar month and consecutive 12 calendar months:

$$\frac{75{,}000 \text{ gallons}}{\text{month}} \times \frac{1}{\text{(Generator Capacity) gallons/hour}} = \text{Operating Hours/month}$$

$$\frac{250{,}000 \text{ gallons}}{12 \text{ months}} \times \frac{1}{\text{(Generator Capacity) gallons/hour}} = \text{Operating Hours/12mos}$$

010.05 The owner or operator will use an air emissions computation program provided by the Department to establish the plant capacity pound-per-hour limitations. The Department will use the data provided by the owner or operator in an ambient air quality dispersion model to establish generator operating limits that ~~are in~~ compl~~y~~iance ~~with~~ with the NAAQS.

010.06 Moisture and Fuel Content Requirements.

010.06A Storage pile and haul road moisture content must be maintained at a level that assures compliance with Section 003 of Chapter 15.

010.06B The sulfur content of diesel fuel must not exceed 0.5% and the sulfur content of non-diesel fuel must not exceed 1.0%.

010.07 The source will not exceed a particulate emissions rate of 0.04 grains per dry standard cubic foot of exhaust gas.

010.08 Control Technology. Appropriate emission control technology will be properly installed, maintained and operated whenever associated equipment is in operation. Manufacturer's instructions will be kept accessible on site or electronically and readily available to Department representatives.

010.08A Fabric Dust Collectors (Baghouses).

010.08A1 Each fabric dust collector will be equipped with an operational pressure differential indicator.

010.08A2 Fabric dust collector filter bags are to be inspected and/or replaced according to the manufacturer's recommendations or more frequently as indicated by pressure differential readings. To determine whether each fabric dust collector is functioning properly, routine observations (at least once each day of dust collector operation) will be conducted to determine whether there are visible emissions from the stack, leaks or noise, atypical pressure differential readings, or other indications that may necessitate corrective action. Corrective action will be taken immediately if necessary.

010.09 The opacity of visible emissions will not equal or exceed 20 percent as evaluated by Method 9 in Appendix A of 40 CFR Part 60 in accordance with 40 CFR 60.92(a)(2) and by Chapter 15, Section 001.

010.10 The source will not allow particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air.

010.10A Routine observations (at least once each day of operation) will be conducted to determine whether particulate matter is becoming airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premises where it originates, necessitating corrective action. Corrective action will be taken immediately if necessary.

010.11 Facilities constructed, reconstructed or modified after June 11, 1973 will comply with the provisions of Section 001.154 of Chapter 12 for Hot Mix Asphalt Facilities (asphalt concrete plants) - Subpart I.

010.12 Record keeping. The owner or operator of the facility will maintain on-site records, to demonstrate compliance, as follows:

010.12A Records will be updated at least monthly no later than 15 days after the end of the month.

010.12B Storage pile moisture content and haul road moisture content.

010.12C The quantity of diesel fuel combusted in the generators or the hours of generator operation.

010.12D Records demonstrating that the source has complied with the hourly limits established in Section 010.05.

010.12E The sulfur content of fuel used in the generator and main burner.

010.12F Inspection and maintenance records to ensure control equipment is operated and well maintained. Such records will at a minimum, include the following:

010.12F1 Routine visual inspections of control equipment were performed with a description including pressure differential readings and any atypical observations;

010.12F2 Routine maintenance performed, including bag replacement, preventive actions taken, and a description of actions taken;

010.12F3 Equipment failures, malfunctions, or other variations, including time of occurrence, remedial action taken, and the date and time when any corrections were made; and.

010.12F4 Records and notifications required under Chapter 12, Section 001.01 – General Provisions Subpart A.

010.12G Records documenting routine observations conducted and any corrective action taken to assure compliance with 010.10A.

010.13 Upon request, the owner or operator will provide Department personnel access to, or copies of, the records required under this chapter.

010.14 Startup notification. The owner or operator of a source approved to construct, reconstruct or modify and operate a hot mix asphalt plant under the provisions of this chapter will notify the Department of the actual date of startup within 15 calendar days after such date.

010.15 Performance Testing. The owner or operator of a source must conduct performance testing to demonstrate compliance with Sections 010.07 and 010.09 and as required under 010.11.

011 Permit-by-Rule for Small Animal Incinerators. For purposes of this regulation, a small animal incinerator has a maximum design burning capacity of 200 lbs/hr, is used to burn animal remains and is comprised of a dual-chamber design, consisting of a primary charging chamber and a secondary chamber (or afterburner) with burners located in each chamber. The minimum stack height is seven feet above ground. Small animal incinerators approved to be constructed or operated pursuant to the provisions of this chapter will comply with Sections 001 through 009 above, Chapter 14, Sections 0021 through 006, and each of the following.

011.01 Production Limits. Limits on incineration may not exceed the incineration rate, in lbs/hr, specified by the manufacturer, as measured by using the following:

011.01A Where the weight of the load is estimated, the incineration period will last for the maximum duration in hours specified by the manufacturer for a full load.

011.01B Where the weight of the load is known, the incineration period will be at least an amount of time equivalent to the weight of the load, in pounds, divided by the manufacturer's design incineration rate in lbs/hr.

011.02 Heat will be provided by the combustion of natural gas, liquefied petroleum gas, or distillate oil. The sulfur content of distillate oil may not exceed 0.05% by weight.

011.03 Materials Incinerated. Incineration will be limited to deceased animals and medical/infectious waste. Medical/infectious waste may not exceed 10% by weight of all waste incinerated in any single load. Medical/infectious wastes that may be incinerated include sharps that have been used in animal care or treatment, unused sharps, and carcasses, parts, or bedding of animals known to have been exposed to infectious agents.

011.04 Opacity. The opacity of visible emissions from the stack will not equal or exceed 20% as evaluated by Method 9 in Appendix A of 40 CFR Part 60 in accordance with 40 CFR 60.92(a)(2) and Chapter 15, Section 001.04.

011.05 Temperature. The temperature of the secondary chamber, as indicated by a temperature measuring device, will not be less than 1400° Fahrenheit with a minimum residence time of 0.5 seconds in which waste gases are released from the charged primary chamber.

011.06 Particulate matter caused by the combustion of fuel will not be emitted in excess of the hourly rate of 0.60 pounds of particulate matter per million British thermal units total heat input, in accordance with Chapter 15, Section 001.02.

011.07 Particulate matter will not be allowed to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premises where it originates, in accordance with Chapter 15, Section 003.01.

011.07A Routine observations (at least once each day of operation) will be conducted to determine whether particulate matter is becoming airborne in such quantities and concentrations that it remains visible in ambient air. Corrective action will be taken immediately if necessary.

011.08 Maintenance. The incinerator will be properly maintained at all times, in accordance with manufacturer's instructions.

011.09 Record keeping. The owner or operator of the facility will maintain on-site records as follows, for a minimum of five years:

011.09A Inspection and maintenance records to ensure equipment is properly operated and well maintained. Such records will, at a minimum, include the following:

011.09A1 Records documenting the type of materials incinerated during each charge, the weight of medical/infectious waste included in each charge, the total weight of each charge (estimated or actual), and the duration of each main burner operating cycle. The duration of an operating cycle is defined as the period of time starting at the initial charge after the preheat period and ending after all material in the final charge of the operating cycle is combusted; and, when the incineration period is less than the maximum period specified by the manufacturer, calculation of the incineration rate for each charge. The incineration rate is calculated by dividing the weight of each charge by the duration of each main burner operating cycle;

011.09A2 Records documenting the sulfur content of distillate fuel, if used;

011.09A3 Records documenting when routine maintenance and preventive actions were performed with a description of the maintenance and/or preventive action performed; and

011.09A4 Records documenting equipment failures, malfunctions, or other variations, including time of occurrence, remedial action taken, and the time and date when corrections were made.

011.09B Records documenting routine observations conducted and any corrective action taken to determine compliance with 011.07A.

011.10 Records Availability. Upon request, the owner or operator will provide Department personnel access to, or copies of, the records required under this chapter.

011.11 Startup Notification. The owner or operator of a source approved to construct, reconstruct or modify and operate a small animal incinerator under the provisions of this chapter will notify the Department of the actual date of startup within 15 calendar days after such date.

011.12 Performance Testing. The owner or operator of a source must conduct performance testing to demonstrate compliance with Sections 011.04 and 011.06 and with Chapter 14, Section 002, except the Director may waive performance testing provided that the owner or operator submits adequate documentation and emission test results of an animal incinerator identical or similar to the one proposed.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2)(11); 81-1505(12)(16)

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 9 – PERMIT REVISIONS; REOPENING FOR CAUSE

001 Administrative permit amendments.

001.01 An "administrative permit amendment" is a permit revision that:

001.01A Corrects typographical errors;

001.01B Identifies a change in the name, address, or telephone number of any person identified in the permit, provided that the owner or operator of the source is not changed;

001.01C Requires more frequent monitoring or reporting by the source;

001.01D Allows for a change in ownership or operational control of a source where the Department determines that no other change in the permit is necessary, when the following conditions are met:

001.01D1 A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new source has been submitted to the Department; or

001.01D2 A written certification is provided to the Department from the new owner or operator which states acceptance of all active permits as issued in cases where the previous owner(s) cannot be located or are not in existence.

001.01E For PAL permits, corrects typographical and calculation errors.

001.02 A source may request the Department to make an administrative permit amendment in writing by specifying the section of the permit that is to be changed and the reason for the change.

001.03 The source may implement the changes addressed in the request immediately upon submittal of the request, subject to the Department's final action on the request under 001.04.

001.04 The Department will take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes into the permit without providing notice to the public, EPA, or affected States.

001.05 The Department will make available a copy of the revised permit to the Administrator of the EPA for Class I operating permits and PSD construction permits.

001.06 The Department will notify the source if the request does not qualify as an administrative permit amendment.

001.07 The permit shield described in Chapter 6 will not apply to administrative permit amendments.

002 Permit revisions to the acid rain portion of a Class I permit will be governed by Chapter 5.

003 Minor Permit Revisions.

003.01 For minor permit revisions of Class I and Class II operating permits, the requirements of 40 CFR § 70.7(e)(2)(i) will apply.

003.02 The minor permit revision procedures of this section may be used for construction permit revisions provided the following conditions are met:

003.02A No emission limit in the original construction permit is exceeded.

003.02B No applicable requirement included in an operating permit to which the source is subject is violated.

003.02C No emissions limit, equipment or operational standard applicable to the source will be exceeded.

003.02D No emissions limit, equipment or operational standard assumed to avoid a classification that would render the source subject to an otherwise applicable requirement will be exceeded; and

003.02E The nature of the constructed facility will be consistent with that described in the original public notice materials.

003.03 A source may request a minor permit revision by submitting a request to the Department in writing that includes the following:

003.03A A description of the change, the emissions resulting from the change, and any new applicable requirements or applicable requirements under the Act that will apply if the change occurs;

003.03B The source's suggested draft permit language.

003.03C Certification by a responsible official, in accordance with Chapter 6 for operating permits or Chapter 3 for construction permits, that the proposed revision meets the criteria in section 003.01 or 003.02 above for use of minor revision procedures and a request that such procedures be used.;

003.03D For Class I operating permit revisions only, one (1) original and one (1) copy of the completed applications and information identified in 003.03A through 003.03C above for use by the Department to notify the Administrator of EPA, affected TAS, and affected States.

003.04 For Class I operating permit revisions only, within five working days of receipt of a complete minor permit revision application, the Department will notify the Administrator of EPA, affected TAS, and affected States of the requested permit revision pursuant to 40 CFR § 70.7(e)(2)(iii, iv, and vi). Administrator, as used in 40 CFR § 70.7(e)(2)(iii, iv, and vi), means Administrator of EPA.

003.05 For Class I and Class II operating permit revisions, a source may immediately make the proposed change upon the Department's receipt of the source's complete minor permit revision request. After the source makes the change, and until the Department takes action on the request, the source will comply with both the applicable requirements and applicable requirements under the Act governing the change and the proposed permit terms and conditions. If the source fails to comply with its proposed permit terms and conditions during this interim period, the existing permit terms and conditions the source seeks to revise may be enforced and such failure to comply will be cause for denial of the minor permit revision request.

003.05A For Class II operating permit minor revision requests, within 90 days of the Department's receipt of a complete application under the minor permit revision, the Department will:

003.05A1 Issue the permit revision;

003.05A2 Deny the permit revision application; or

003.05A3 Determine that the request revision does not meet the minor revision request criteria in Sections 003.01 and 003.02 above and should be reviewed under the significant permit revision procedures.

003.06 The permit shield described in Chapter 6 will not apply to a minor permit revision.

004 Group processing of minor operating permit revisions will occur pursuant to 40 CFR § 70.7(e)(3)(i, ii, iv, v, and vi).

004.01 For Class I permit revisions, the Department will require one original and one copy of completed forms for use in notifying the Administrator of EPA, affected States, and TAS.

005 Significant Permit Revisions.

005.01 A source may request a significant permit revision by submitting the application forms and information in accordance with Chapter 6 for operating permit revisions or Chapter 3 for construction permit revisions.

005.02 The Department will review an application for a significant permit revision following the applicable procedures for permit issuance, including public participation, EPA and affected States review.

005.03 For Class I operating permits, the permit shield described in Chapter 6 will apply to a significant permit revision only after the Director approves the permit revision, provided that the permit being revised contains a permit shield.

006 Reopening for cause; revocation and reissuance; and termination.

006.01 Any operating or construction permit issued by the Director will be reopened, revoked and reissued, or terminated pursuant to the standards in 40 CFR § 70.7(f)(1). Administrator, as used in 40 CFR § 70.7(f)(1)(ii) and 40 CFR § 70.7(f)(1)(iv), means Administrator of EPA.

006.02 A permit may be revoked during its term for cause, including but not limited to:

006.02A The existence at the source of unresolved noncompliance with applicable requirements or a term or condition of the permit, and refusal of the source to agree to an enforceable schedule of compliance to resolve the noncompliance;

006.02B The source has falsely certified or submitted false, incomplete, or misleading information to the Department or EPA;

006.02C The Director determines that the permitted source or activity endangers human health or the environment and that the danger cannot be removed by a revision of the permit; or

006.02D The source has failed to pay a penalty owed pursuant to a court order, stipulation and agreement, or an order issued by the Administrator of EPA.

006.03 The Department will initiate a reopening or revocation under 006.01 or 006.02 above pursuant to the procedures in 40 CFR § 70.7(f)(3).

006.04 If the Department receives a notification from the Administrator of EPA that a Class I operating permit should be reopened for cause, the Department will proceed pursuant to 40 CFR § 70.7(g). Administrator, as used in 40 CFR § 70.7(g), means Administrator of EPA.

007 Changes allowed for Class I and Class II operating permits only.

007.01 A source may make the following changes within a permitted facility without a permit revision pursuant to 40 CFR § 70.4(b)(12), provided the change is not a modification under Chapters 12 or 13, or the change does not require a construction permit under Chapters 3 or 4. Administrator, as used in 40 CFR § 70.4(b)(12), means Administrator of EPA.

007.01A For Class I sources, the written notifications above will also be submitted to the Administrator of EPA.

007.01B Notwithstanding any other part of this rule, the Director may, upon review of a notice submitted in accordance with 007.01, require a

source to apply for an operating permit if the change does not meet the requirements of Section 007.01.

007.02 A source may make changes within a permitted facility without a permit revision pursuant to 40 CFR § 70.4(b)(14), if the change is not: a modification under Chapters 12 or 13, or if the change is not a change which would require a construction permit under Chapters 3 or 4. Administrator, as used in 40 CFR § 70.4(b)(14), means Administrator of EPA.

007.02A Notwithstanding any other part of this rule, the Director may, upon review of a notice submitted in accordance with 007.02 require a source to apply for an operating permit if the change does not meet the requirements of Section 007.02.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2); 81-1505(12)

NEBRASKA ADMINISTRATIVE CODE

Title 129 – Air Quality Regulations

Chapter 10 - PERMITS - PUBLIC PARTICIPATION

001 Scope. Except for modifications qualifying for administrative or minor permit revisions in Chapter 9, all Class I and Class II operating permit proceedings, including initial permit issuance, significant modifications, and renewals, and unless otherwise provided by rule, all construction permit proceedings, will provide for public notice, an opportunity for comment, and an opportunity to request a public hearing pursuant to Nebraska Administrative Code Title 115 – Rules of Practices and Procedures.

002 Public Hearings.

002.01 The applicant, any affected State or TAS, any interstate agency, the Administrator, or any interested agency, person, or group, may request or petition the Director, in writing, within the 30 day comment period of the public notice, for a public hearing, and state the nature of the issues to be raised and all arguments and factual grounds supporting their position.

002.02 The Director may hold a public hearing if the comments, requests, or petitions raise legal, policy or discretionary questions of general application not pertaining solely to a particular party and significant public interest exists with respect to the application.

003 Public notice of hearing. In addition to the public notice described in 001 above, the public notice of a hearing under 002 will be published according to the procedures of 001 and include the following additional information:

003.01 Reference to the date of the previous notices relating to the permit;

003.02 Date, time, and place of hearing;

003.03 A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and

003.04 A concise statement of the issues raised.

004 At the time that any final permit decision is issued, the Department will issue a response to significant comments received during the comment period and public hearing. The response to comments will be made available to the public.

005 The Department will make and keep a record of the commenters and of the issues raised during the public participation process. This record will be made available to the Administrator of EPA in fulfillment of the obligation under Section 505(b)(2) of the Act to determine whether a citizen petition may be granted. Such record will also be available to the public.

006 The Department will notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments related to the source.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2); 81-1505(12)

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Title 129 - Air Quality Regulations

Chapter 11 EMISSIONS REPORTING, WHEN REQUIRED

001 Annual emissions inventory. Every source subject to a permit requirement under Chapters 3, 4, or 6 will complete and submit to the Department an annual emissions inventory, if requested, ~~on forms furnished by or acceptable to~~in a format approved by the Department by March 31, and will include emission information for the previous calendar year. This requirement applies whether or not a permit application has been filed or a permit issued. The inventory ~~form~~ will be certified in accordance with the requirements found at 40 CFR § 70.5(d).

002 The annual emissions inventory ~~form~~ will include the following information:

002.01 The source's name, description, mailing address, e-mail address, contact person and contact person's phone number, and physical address and location, if different than the mailing address.

002.02 A description of the existing (or proposed) facilities, modifications or operations including all processes employed; normal hours of operation; the nature and amounts of fuel and other materials involved; the probable nature, rate of discharge, and time duration of contaminant emissions; any other information relevant to air pollution control and available or capable of being assembled in the normal course of operation; and, if requested by the Director, ambient air quality and meteorological data.

002.03 The actual quantity of emissions, including documentation of the method of measurement, calculation or estimation, of:

002.03A Any single regulated air pollutant, not including any hazardous air pollutants as defined in Chapter 1, in a quantity greater than one ton.

002.03B Any single regulated hazardous air pollutant in a quantity greater than the reporting level listed in Appendix I of this Title.

002.03C Any combination of hazardous air pollutants in a quantity greater than 2.5 tons.

003 Actual emissions as defined in Chapter 1 will be calculated using one of the following methods, as appropriate, and subject to Department approval:

003.01 Source-specific emissions.

003.01A Any test method or procedure identified in Chapter 15.

003.01B Continuous emission monitor (CEM) data, provided that:

003.01B1 The CEM operation is, and has been for the reporting period, in compliance with all applicable requirements and applicable requirements under the Act;

003.01B2 The total operating time of the applicable emission unit and the CEM are included in the inventory report; and

003.01B3 The report includes an explanation of how the emissions were calculated using CEM data.

003.02 Where source-specific emission data are not available, the following may be used:

003.02A Any applicable method identified in the Compilation of Air Pollutant Emission Factors, Volume I, Stationary Point and Area Sources, Fifth Edition;

003.02B Any applicable method identified in Factor Information Retrieval System Version 5.0 Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA-454/R-95-012, August 1995; or

003.02C A material mass balance equation.

004 Except as otherwise provided in 003 above, any other test methods and procedures used in determining actual emissions for the annual emissions inventory require approval by the Director.

005 The Director may require the submittal of supplemental information to verify or otherwise assure the quality of emissions reported.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2); 81-1505(12)(16)

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Title 129 - Air Quality Regulations

Chapter 12- NEW SOURCE PERFORMANCE STANDARDS AND EMISSION LIMITS FOR EXISTING SOURCES

001 Standards of Performance for New Stationary Sources. Notwithstanding any other provisions of these regulations, the following "Standards of Performance for New Stationary Sources" published at 40 CFR Part 60, effective July 1, ~~2020~~2023, unless otherwise indicated are hereby adopted by reference and incorporated herein:

001.01 Subpart A – General Provisions

001.02 Subpart BBa – Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013

001.0~~3~~2 Subpart D – Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced after August 17, 1971

001.0~~4~~3 Subpart Da – Electric Utility Steam Generating Units

001.0~~5~~4 Subpart Db – Industrial-Commercial-Institutional Steam Generating Units

001.0~~6~~5 Subpart Dc - Small Industrial-Commercial-Institutional Steam Generation Units

001.0~~7~~6 Subpart E – Municipal Incinerators

001.0~~8~~7 Subpart Ea – Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994

001.0~~9~~8 Subpart Eb – Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996

001.1~~00~~9 Subpart Ec – New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators

001.1~~1~~0 Subpart F – Portland Cement Plants

001.1~~2~~1 Subpart G – Nitric Acid Plants

001.1~~3~~2 Subpart Ga – Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011

001.1~~4~~3 Subpart H – Sulfuric Acid Plants

001.1~~5~~4 Subpart I – Hot Mix Asphalt Facilities (Asphalt Concrete Plants)

001.165 Subpart J – Petroleum Refineries

001.176 Subpart Ja – Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007

001.187 Subpart K – Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978

001.198 Subpart Ka – Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984

001.2019 Subpart Kb – Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

001.210 Subpart L – Secondary Lead Smelters

001.221 Subpart M – Secondary Brass and Bronze Production Plants

001.232 Subpart N – Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973

001.243 Subpart Na – Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction Commenced After January 20, 1983

001.254 Subpart O – Sewage Treatment Plants

001.265 Subpart P – Primary Copper Smelters

001.276 Subpart Q – Primary Zinc Smelters

001.287 Subpart R – Primary Lead Smelters

001.298 Subpart S – Primary Aluminum Reduction Plants

001.3029 Subparts T through X – Phosphate Fertilizer Plants

001.310 Subpart Y – Coal Preparation Plants

001.321 Subpart Z – Ferroalloy Production Facilities

001.332 Subpart AA – Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983

001.343 Subpart – AAa Electric Arc Furnaces and Argon-Oxygen Decarbonization Vessels Constructed After August 17, 1983

001.354 Subpart BB – Kraft Pulp Mills

001.365 Subpart CC – Glass Manufacturing Plants

001.376 Subpart DD – Grain Elevators

001.387 Subpart EE – Surface Coating of Metal Furniture

001.398 Subpart GG – Stationary Gas Turbines

001.4039 Subpart HH – Lime Manufacturing Plants

001.410 Subpart KK – Lead-Acid Battery Manufacturing Plants

001.421 Subpart LL – Metallic Mineral Processing Plants

001.432 Subpart MM – Automobile and Light-Duty Truck Surface Coating Operations

001.443 Subpart NN – Phosphate Rock Plants

001.454 Subpart PP – Ammonium Sulfate Manufacture

001.465 Subpart QQ – Graphic Arts Industry: Publication Rotogravure Printing

001.476 Subpart RR – Pressure Sensitive Tape and Label Surface Coating Operations

001.487 Subpart SS – Industrial Surface Coating: Large Appliances

001.498 Subpart TT – Metal Coil Surface Coating

001.5049 Subpart UU – Asphalt Processing and Asphalt Roofing Manufacture

001.510 Subpart VV – Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981 and On or Before November 7, 2006

001.521 Subpart VVa – Equipment Leaks of VOC in Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006

001.532 Subpart WW – Beverage Can Surface Coating Industry

001.543 Subpart XX – Bulk Gasoline Terminals

001.554 Subpart AAA – New Residential Wood Heaters

001.565 Subpart BBB – Rubber Tire Manufacturing Industry

001.576 Subpart DDD – Volatile Organic Compound (VOC) Emissions from the

Polymer Manufacturing Industry

001.587 Subpart FFF – Flexible Vinyl and Urethane Coating and Printing

001.598 Subpart GGG – Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983 and On or Before November 7, 2006

001.6059 Subpart GGGa – Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006

001.610 Subpart HHH – Synthetic Fiber Production Facilities

001.621 Subpart III – Volatile Organic Compounds (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Process

001.632 Subpart JJJ – Petroleum Dry Cleaners

001.643 Subpart KKK – Equipment Leaks of VOC from Onshore Natural Gas Processing Plants

001.654 Subpart LLL – Onshore Natural Gas Processing; $SO_2$ emissions

001.665 Subpart NNN – Volatile Organic Compounds (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations

001.676 Subpart OOO – Nonmetallic Mineral Processing Plants

001.687 Subpart PPP – Wool Fiberglass Insulation Manufacturing Plants Constructed After February 7, 1984

001.698 Subpart QQQ – Volatile Organic Compounds (VOC) Emissions from Petroleum Refinery Wastewater Systems

001.7069 Subpart RRR – Volatile Organic Compounds (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes

001.710 Subpart SSS – Magnetic Tape Coating Facilities

001.721 Subpart TTT – Industrial Surface Coating: Plastic Parts for Business Machines

001.732 Subpart UUU – Calciners and Dryers in Mineral Industries

001.743 Subpart VVV – Polymeric Coating of Supporting Substrates Facilities

001.754 Subpart XXX~~WWW~~ – Municipal Solid Waste Landfills

001.765 Subpart AAAA – Small Municipal Waste Combustion Units

001.776 Subpart CCCC – Commercial & Industrial Solid Waste Incineration Units

001.787 Subpart DDDD – Emission Guidelines & Compliance Times for Commercial & Industrial Solid Waste Incineration Units

001.798 Subpart EEEE – Standards of Performance for Other Solid Waste Incineration Units for which Construction is Commenced After December 9, 2004, or for which Modification or Reconstruction is Commenced on or After June 16, 2006

001.8079 Subpart FFFF – Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004

001.810 Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

001.821 Subpart JJJJ – Stationary Spark Ignition Internal Combustion Engines

001.832 Subpart KKKK – Standards of Performance for Stationary Combustion Turbines

001.843 Subpart LLLL – New Sewage Sludge Incineration Units

001.854 Subpart MMMM – Emission Guidelines & Compliance Times for Existing Sewage Sludge Incineration Units

001.865 Subpart OOOO – Crude Oil & Natural Gas Production, Transmission & Distribution

001.87 – Subpart OOOOa – Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015

001.88 – Subpart QQQQ – New Residential Hydronic Heaters and Forced-Air Furnaces

001.89 – Subpart TTTT – Greenhouse Gas Emissions for Electric Generating AUnits

001.9086 Appendices A, B, C, and F

002 Except as provided in 003 below, standards of performance are applicable only to those new, modified, or reconstructed facilities specified or defined as an "affected facility".

003 Emission Limits for Existing Stationary Sources. Notwithstanding any other provisions of these regulations, the following emission limits are applicable to existing sources as follows:

003.01 Municipal solid waste (MSW) landfills. The designated facility to which these limits apply is each existing MSW landfill for which construction, reconstruction or modification was commenced before May 30, 1991, which has accepted waste at any time since November 8, 1987, or has additional capacity available for future waste deposition.

003.01A Each designated facility having an aggregate design capacity of 2.5 million megagrams or 2.5 million cubic meters or more will calculate and report nonmethane organic compound (NMOC) emissions as provided for new MSW landfills under Section 001.74 of this Chapter beginning 90 days after September 8, 1997.

003.01B Each designated facility having an NMOC emission rate of 50 megagrams per year or more will design, install and operate a landfill gas collection and control system (LGCCS) as provided for new MSW landfills under Section 001.74 of this Chapter. An alternate design plan may be approved by the Department provided the source demonstrates that:

003.01B1 Meeting the requirements of Section 001.74 of this Chapter will result in unreasonable costs of control due to plant age, location, or basic process design;

003.01B2 It will be physically impossible to install the necessary control equipment needed to meet the requirements of Section 001.74 of this Chapter; or

003.01B3 Other factors specific to the facility will make application of a less stringent standard significantly more reasonable than meeting the requirements of Section 001.74 of this Chapter.

003.01C Each designated facility subject to the control provisions of 003.01B above will submit the LGCCS design for Department review within 1 year of the first report in which NMOC emissions equal or exceed 50 megagrams per year, and will install the approved LGCCS within 30 months of that report, except as provided under Section 001.74 of this Chapter.

003.01D Each designated facility subject to the control provisions of 003.01B above will conduct testing, monitoring, recordkeeping and reporting for the LGCCS as provided for new MSW landfills under Section 001.74 of this Chapter.

003.01D1 If a source receives approval for an alternate design plan under Section 003.01B above the Department may also approve alternate testing and monitoring procedures for the source, provided the source demonstrates that the testing and monitoring requirements in Section 001.74 of this Chapter are not practical for the alternate design and that the alternate procedures are adequate to determine compliance with the approved alternate design plan.

2025 proposed revisions

Enabling Legislation:  Neb. Rev. Stat. §81-1504(1)(2); 81-1505(12)

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 13 - HAZARDOUS AIR POLLUTANTS

001 Notwithstanding any other provisions of these regulations, the following "National Emissions Standards for Hazardous Air Pollutants", published at 40 CFR Part 61 effective July 1, ~~2020~~2023, are hereby adopted and incorporated herein:

001.01 Subpart A - General Provisions

001.02 Subpart C - National Emission Standard for Beryllium

001.03 Subpart D - National Emission Standard for Beryllium Rocket Motor Firing

001.04 Subpart E - National Emission Standard for Mercury

001.05 Subpart F - National Emission Standard for Vinyl Chloride

001.06 Subpart J - National Emission Standard for Equipment Leaks (fugitive emission sources) of Benzene

001.07 Subpart L - National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants

001.08 Subpart M - National Emission Standards for Asbestos, and the following:

001.08A All asbestos-containing waste covered under 40 CFR § 61.144, § 61.145, § 61.146, and § 61.147 Subpart M will be maintained in an adequate wetted state until disposed of by acceptable methods.

001.08B All asbestos-containing waste bags will be transparent so that the asbestos-containing material (ACM) is visible after packaging.

001.08C Containment projects will use a viewing window or windows wherever practical.

001.09 Subpart N - National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants

001.10 Subpart O - National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters

001.11 Subpart P - National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities

001.12 Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources)

001.13 Subpart Y - National Emission Standard for Benzene Emissions from Benzene Storage Vessels

001.14 Subpart BB - National Emission Standard for Benzene from Benzene Transfer Operations

001.15 Subpart FF - National Emission Standard for Benzene Waste Operations

001.16 Appendices A, B, and C

002 Notwithstanding any other provisions of these regulations, the following "National Emission Standards for Hazardous Air Pollutants", published at 40 CFR Part 63, effective July 1, ~~2020~~2023, unless otherwise indicated are hereby adopted and incorporated herein:

002.01 Subpart A - General Provisions

002.02 Subpart F - Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry

002.03 Subpart G - Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater

002.04 Subpart H - Organic Hazardous Air Pollutants for Equipment Leaks

002.05 Subpart I - Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Rulemaking for Equipment Leaks

002.06 Subpart J – Polyvinyl Chloride and Copolymers Production

002.0~~7~~6 Subpart M - Perchloroethylene Dry Cleaning Facilities

002.0~~8~~7 Subpart N - Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

002.0~~9~~8 Subpart O - Ethylene Oxide Emissions from Sterilization Facilities

002.1~~00~~9 Subpart Q - Industrial Process Cooling Towers

002.1~~1~~0 Subpart R - Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)

002.1~~2~~1 Subpart S - Pulp and Paper Industry

002.1~~3~~2 Subpart T - Halogenated Solvent Cleaning,

002.1~~4~~3 Subpart U - Group 1 Polymers and Resins

002.1~~5~~4 Subpart W - Epoxy Resins Production and Non-Nylon Polyamides Production

002.165 Subpart X - Secondary Lead Smelters

002.176 Subpart AA - Phosphoric Acid Manufacturing Plants

002.187 Subpart BB - Phosphate Fertilizers Production Plants

002.1918 Subpart CC - Petroleum Refineries

002.2019 Subpart DD - Off-Site Waste and Recovery Operations

002.210 Subpart EE - Magnetic Tape Manufacturing

002.221 Subpart GG - Aerospace Industry (Surface Coating)

002.232 Subpart HH - Oil and Natural Gas Production Facilities

002.243 Subpart JJ - Wood Furniture Manufacturing (Surface Coating)

002.254 Subpart KK - Printing and Publishing Industry

002.265 Subpart LL - Primary Aluminum Reduction Plants

002.276 Subpart MM - Chemical Recovery Combustion Source at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills

002.287 Subpart NN - Wool Fiberglass Manufacturing Area Sources, as published at 40 CFR Part 63, effective July 1, 2016

002.2928 Subpart OO - Tanks-Level 1

002.3029 Subpart PP - Containers

002.310 Subpart QQ - Surface Impoundments

002.321 Subpart RR - Individual Drain Systems

002.332 Subpart SS - Closed Vent Systems/Control Devices

002.343 Subpart TT - Equipment Leaks Control Level 1

002.354 Subpart UU - Equipment Leaks Control Level 2

002.365 Subpart VV - Oil-Water Separators and Organic-Water Separators

002.376 Subpart WW - Storage Tanks Control Level 2

002.387 Subpart XX - Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations

002.3938 Subpart YY - Generic MACT Standards

002.4039 Subpart CCC - Steel Pickling Plants (HCl Process and Hydrochloric Acid Regeneration Processes)

002.410 Subpart DDD - Mineral Wool Production

002.421 Subpart EEE - Hazardous Waste Combustion

002.432 Subpart GGG - Pharmaceutical Production

002.443 Subpart HHH - Natural Gas Transmission and Storage Facilities

002.454 Subpart III - Flexible Polyurethane Foam Production

002.465 Subpart JJJ Group IV Polymers and Resins

002.476 Subpart LLL - Portland Cement Manufacturing

002.487 Subpart MMM - Pesticide Active Ingredient Production

002.498 Subpart NNN - Wool Fiberglass Manufacturing

002.5049 Subpart OOO - Amino Phenolic Resins Production

002.510 Subpart PPP - Polyether Polyols Production

002.521 Subpart RRR - Secondary Aluminum Production

002.532 Subpart TTT - Primary Lead Smelting

002.543 Subpart UUU - Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

002.554 Subpart VVV - Publicly Owned Treatment Works

002.565 Subpart XXX - Ferromanganese and Silicomanganese Production

002.576 Subpart AAAA - Municipal Solid Waste Landfills

002.587 Subpart CCCC - Manufacturing of Nutritional Yeast

002.598 Subpart EEEE - Organic Liquids Distribution (Non-gasoline)

002.6059 Subpart FFFF - Miscellaneous Organic Chemical Manufacturing

002.610 Subpart GGGG - Solvent Extraction for Vegetable Oil Production

002.621 Subpart HHHH - Wet-Formed Fiberglass Mat Production

002.632 Subpart IIII - Surface Coating of Automobiles and Light Duty Trucks

2025 proposed revisions

002.643 Subpart JJJJ - Paper and Other Web Coating

002.654 Subpart KKKK - Surface Coating of Metal Cans

002.665 Subpart MMMM - Miscellaneous Metal Parts Surface Coating

002.676 Subpart NNNN - Large Appliance Surface Coating

002.687 Subpart OOOO - Printing, Coating, and Dying of Fabrics and Other Textiles

002.698 Subpart PPPP - Surface Coating of Plastic Parts and Products

002.7069 Subpart QQQQ - Wood Building Products Surface Coating

002.710 Subpart RRRR - Metal Furniture Surface Coating

002.721 Subpart SSSS - Metal Coil Surface Coating

002.732 Subpart TTTT - Leather Finishing Operations

002.743 Subpart UUUU - Cellulose Products Manufacturing

002.754 Subpart VVVV - Boat Manufacturing

002.765 Subpart WWWW - Reinforced Plastics Composite Manufacturing

002.776 Subpart XXXX - Tire Manufacturing

002.787 Subpart YYYY - Stationary Combustion Turbines

002.798 Subpart ZZZZ - Reciprocating Internal Combustion Engines

002.8079 Subpart AAAAA - Lime Manufacturing

002.810 Subpart DDDDD - Industrial, Commercial and Institutional Boilers and Process Heaters (major sources)

002.821 Subpart EEEEE - Iron and Steel Foundries

002.832 Subpart FFFFF - Integrated Iron and Steel

002.843 Subpart GGGGG - Site Remediation

002.854 Subpart HHHHH - Miscellaneous Coating Manufacturing

002.86 Subpart JJJJJ – Brick and Structural Clay Products Manufacturing

002.875 Subpart LLLLL - Asphalt Processing and Asphalt Roofing Manufacturing

002.886 Subpart MMMMM - Flexible Polyurethane Foam Fabrication

002.897 Subpart NNNNN - Hydrochloric Acid Production

002.9088 Subpart PPPPP - Engine Test Cells and Stands

002.9189 Subpart SSSSS - Refractory Products Manufacturing

002.920 Subpart UUUUU - Coal and Oil Fired Electric Utility Steam Generating Units

002.931 Subpart WWWWW - Hospital Ethylene Oxide Sterilizers

002.942 Subpart YYYYY - Electric Arc Furnace Steelmaking Facilities

002.953 Subpart ZZZZZ - Iron and Steel Foundries Area Sources

002.964 Subpart BBBBBB - Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

002.975 Subpart CCCCCC - Gasoline Dispensing Facilities

002.986 Subpart DDDDDD - Polyvinyl Chloride and Copolymers Production Area Sources

002.997 Subpart EEEEEE - Primary Copper Smelting Area Sources

002.10098 Subpart FFFFFF - Secondary Copper Smelting Area Sources

002.10199 Subpart GGGGGG Primary Nonferrous Metals Area Sources – Zinc, Cadmium, Beryllium

002.1020 Subpart HHHHHH - Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources

002.1031 Subpart JJJJJJ - Industrial, Commercial, and Institutional Boilers (area sources)

002.1042 Subpart LLLLLL Acrylic and Modacrylic Fibers Production Area Sources

002.1053 Subpart MMMMMM Carbon Black Production Area Sources,

002.1064 Subpart NNNNNN Chemical Manufacturing Area Sources: Chromium Compounds

002.1075 Subpart OOOOOO Flexible Polyurethane Foam Production and Fabrication Area Sources

002.1086 Subpart PPPPPP – Lead Acid Battery Manufacturing Sources

002.1097 Subpart QQQQQQ - Wood Preserving Area Sources

002.1108 Subpart RRRRRR - Clay Ceramics Manufacturing

002.11109 Subpart SSSSSS - Glass Manufacturing Area Sources

002.1120 Subpart TTTTTT - Secondary Nonferrous Metals Processing

002.1131 Subpart VVVVVV - Chemical Manufacturing Area Source

002.1142 Subpart WWWWWW - Plating and Polishing Area Sources

002.1153 Subpart XXXXXX - Metal Fabrication Area Sources

002.1164 Subpart YYYYYY - Ferroalloys Production

002.1175 Subpart ZZZZZZ - Aluminum, Copper, and Other Non-ferrous Foundries

002.1186 Subpart AAAAAAA - Asphalt Processing and Roofing Manufacturing

002.1197 Subpart BBBBBBB - Chemicals Preparation Facilities

002.12018 Subpart CCCCCCC - Paints and Allied Products Manufacturing Area Sources

002.12119 Subpart DDDDDDD - Prepared Feeds Manufacturing,

002.1220 Subpart EEEEEEE - Gold Ore Mining

002.1231 Subpart HHHHHHH - Polyvinyl Chloride and Copolymers Production

003 Operational Limits for Area Sources. Area sources subject to a standard adopted by reference in Section 002, and specifically referenced in Section 003, may accept operational limits to avoid the requirements associated with operating at the source's maximum design capacity or monthly throughput.

003.01 General Provisions. An owner or operator of a source may apply for coverage under this provision if the following criteria are met:

003.01A The Director has established operational limitations for the industry category in Section 003.06.

003.01B The responsible official for the source certifies that it will comply with the applicable section(s) of this ~~C~~chapter.

003.01C Records are collected and maintained as described for each applicable section and retained for a period of not less than five years and made available to the Department for review upon request.

003.01D A source may change its status under Section 003.06 without violating this rule by meeting the following requirements:

003.01D1 The owner or operator of the source will provide written notification to the Department of the intent to change status. The notification will be certified by the responsible official for the source; and

003.01D2 The source will comply with the requirements for its industry category.

003.02 Approval Procedures.

003.02A Notice of Intent. The owner or operator of a source intending to be covered under this provision will submit a completed Notice of Intent Form provided by the Department.

003.02B Department approval. Department approval of the Notice of Intent Form request will be in writing. Upon approval, the source must comply with the applicable limitations specified in Section 003.03 of this rule.

003.03 Duty to Comply. Each source approved for coverage under this provision will comply with all sections of this chapter applicable to the source. Any non-compliance will constitute a violation of the State Act and the Act, and is grounds for enforcement action and/or for disapproval of the Notice of Intent to operate under this provision.

003.04 Compliance with Other Applicable Requirements. Compliance with the provisions of this chapter does not shield the owner or operator from the duty to comply with any other applicable requirement under this Title, the State Act, or the Act not specifically addressed in this chapter.

003.05 Duty to Provide Requested Information. Additional information, such as an annual emissions inventory as required in Chapter 11, or information necessary to determine applicability or to determine that emissions from the source in conjunction with all other sources will not prevent attainment or maintenance of the ambient air quality standards specified in Chapter 2, will be provided upon Department request.

003.06 Industry Categories Eligible to Accept Operational Limits.

003.06A A bulk gasoline terminal subject to Section 002.94 Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, with a maximum calculated design throughput capacity greater than or equal to 20,000 gallons per day, may be approved to operate pursuant to the provisions of Section 003 if the owner or operator certifies that the source will comply with Sections 003.01 through 003.05 above and each of the following:

003.06A1 Limit actual gasoline throughput to less than 20,000 gallons per day;

003.06A2 Maintain a daily record of actual gasoline throughput, in accordance with the provisions of Section 003.01C; and,

003.06A3 Comply with the requirements specified in Section 002.94 for bulk gasoline plants with a maximum design throughput capacity of less than 20,000 gallons per day.

004 Maximum Achievable Control Technology (MACT).

004.01 Notwithstanding any other provisions of these regulations, Sections 63.70 through 63.81 of 40 CFR Part 63, Subpart D, effective December 29, 1992, pertaining to compliance extensions for early reductions, are hereby adopted and incorporated by reference.

004.02 For new, modified, or reconstructed sources of hazardous air pollutants. A permit as required under Section 001.03A8 of Chapter 3 will be issued for construction, reconstruction, or modification of a source with the potential to emit any hazardous air pollutant in an amount equal to or in excess of 2.5 tpy or more of any hazardous air pollutant or an aggregate of 10.0 tpy or more of any hazardous air pollutants only if best available control technology (BACT), as determined by the Director, is applied for each hazardous air pollutant and the source will comply with all other requirements of these regulations. In no event will application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under Chapters 12 or 13.

004.03 Requirements for new or reconstructed major sources of hazardous air pollutants. A permit as required under Section 001.03A8 of Chapter 3 for construction or reconstruction of a source with the potential to emit an amount equal to or in excess of 10 tpy of any hazardous air pollutant or 25 tpy or more of any combination of hazardous air pollutants, will only be issued if maximum achievable control technology (MACT), as determined by the Director, is applied, and the source is required to comply with all other requirements of these regulations.

004.03A For purposes of this Section, 40 CFR Part 63, Sections 63.40(b); 63. 41; 63.42(c); 63.43(a), (b), and (d); and 63.44, as in effect on July 1, 2020, are hereby adopted and incorporated by reference.

004.03B Except as provided in 003.01, the provisions and procedures of Chapter 3 and 004.02 above apply.

004.04 Notwithstanding any other provisions of these regulations, Sections 63.50 through 63.56 of 40 CFR Part 63, Subpart B, as in effect on July 1, 2023~~0~~, pertaining to maximum achievable control technology determinations for emission units subject to case-by-case determination of equivalent emission limitations, are hereby adopted and incorporated by reference.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2); 81-1505(1)(12)(16)

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 14 – INCINERATORS, EMISSION STANDARDS

001 The provisions of this ~~C~~chapter apply to all new and existing incinerators except for any incinerator meeting the exemption criteria listed in Sections 001.01 through 001.04 of this ~~C~~chapter. Incinerators not included in the exceptions listed in Sections 001.01 through 001.04 will comply with construction permit requirements listed in Chapter 3.

001.01 Incinerators located on residential premises containing five or less dwelling units and used exclusively for the disposal of residential waste originating on said premises.

001.02 Incinerators used solely for space heating that burn only trees, vegetation, and untreated lumber.

001.03 Incinerators owned and operated by law enforcement agency used solely for the disposal of contraband materials obtained during a law enforcement operation.

001.04 Air curtain incinerators subject to Chapter 12 Sections 001.7~~65~~ or 001.7~~76~~ or which operate in compliance with Chapter 15 Section 002.02G6 and combust only wood waste; clean lumber; or a mixture that only contains one or more of those two materials and complies with Section 007 of this ~~C~~chapter.

002 No person, except those operating an incinerator meeting the exemption criteria listed in Sections 001.01 through 001.04, will cause or permit particulate matter emissions from any incinerator to exceed 0.10 grains per dry standard cubic foot (gr/dscf) of exhaust gas, corrected to seven percent oxygen.

003 The burning capacity of an incinerator will be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practice.

004 Waste burned during performance testing required by Chapter 15 will be representative of the waste normally generated by the affected facility and will be charged at a rate equal to the burning capacity of the incinerator. Copies of any additional operational data recorded during the test will be submitted to the Department together with the completed performance test report.

005 Instructions for proper operation of each incinerator will be posted on site and written certification that each operator has read these instructions, understands them and intends to comply, will be kept on record by the source.

006 Except as provided in Sections 006.01 and 006.02 below, each incinerator will consist of (a) refractory lined combustion furnace(s) employing design parameters necessary for maximum combustion of the materials to be burned, and will be designed to vent the products of combustion through a stack, duct, or chimney.

006.01 An alternate design for a new unit may be permitted provided it can be shown that the alternative design is at least as effective in controlling pollutant emissions as the design criteria of this section.

006.02 An operating permit can be issued for an existing unit not meeting the design criteria set forth in Section 006 above, provided compliance with both Section 002 of this ~~C~~chapter and the visible emission standard in Section 001.06 of Chapter 15 can be demonstrated.

007 Air curtain incinerators that meet the requirements of Section 001.05 of this ~~C~~chapter will meet the following requirements:

007.01 Within 60 days after the air curtain incinerator reaches the charge rate at which it will operate, but no later than 180 days after its initial startup, the limitations in Sections 007.01A and 007.01B will be met:

007.01A The opacity limitation is 10 percent (6-minute average), except as described in Section 007.01B.

007.01B The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.

007.02 Except during malfunctions, the requirements of Section 007.01 apply at all times, and each malfunction will not exceed three hours.

007.03 Opacity monitoring of the air curtain incinerator will include:

007.03A Use of Method 9 of Appendix A of New Source Performance Standards (40 CFR Part 60) to determine compliance with the opacity limitation.

007.03B Conducting an initial test for opacity as specified in 40 CFR § 60.8.

007.03C After the initial test for opacity, conducting annual opacity tests no more than 12 calendar months following the date of the previous test.

007.04 Prior to commencing construction on the air curtain incinerator, submit all items described in Sections 007.04A through 007.04C:

007.04A Notification of intent to construct the air curtain incinerator.

007.04B Planned initial startup date.

007.04C Types of materials to be burned in the air curtain incinerator.

007.05 Recordkeeping requirements for air curtain incinerators:

007.05A Maintain records of results of all initial and annual opacity test reports onsite or readily available in either paper copy or electronic format, unless the Director approves another format, for at least five years.

007.05B Make all records available during an onsite inspection and available for submittal to the Director.

007.05C The results (each 6-minute average) of the initial opacity tests will be submitted no later than 60 days following the initial tests. Annual opacity test results will be submitted within 12 months following the previous tests. The opacity test reports will be submitted electronically or by paper copy within 60 days of the test.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2); 81-1505(1)(12)

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 15 - COMPLIANCE

001 Particulate Emissions; Limitations and Standards.

001.01 No person will cause, suffer, allow or permit the emission of particulates from any processing machine, equipment, device or other articles, or combination thereof, except indirect heating equipment and incinerators, in excess of the amounts allowed in Table 15-1 during any one hour.

001.01A Interpolation of the data in Table 15-1 for process weight rates up to 60,000 pounds per hour (lb/hr) will be accomplished by use of the equation $E = 4.10\ p^{.67}$ and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr will be accomplished by use of the equation $E = 55.0\ p^{.11}-40$, where E = rate of emission in lb/hr and P = process weight rate in Tons per Hour (tph). If two or more units discharge into a single stack, the allowable emission rate will be determined by the sum of all process weights discharging into the single stack.

Table 15-1

| Process Weight Rate | | Rate of Emissions | Process Weight Rate | | Rate of Emissions |
|---|---|---|---|---|---|
| lb/hr | tph | lb/hr | lb/hr | tph | lb/hr |
| 100 | 0.05 | 0.551 | 16,000 | 8.000 | 16.5 |
| 200 | 0.10 | 0.877 | 18,000 | 9.00 | 17.9 |
| 400 | 0.20 | 1.40 | 20,000 | 10. | 19.2 |
| 600 | 0.30 | 1.83 | 30,000 | 15. | 25.2 |
| 800 | 0.40 | 2.22 | 40,000 | 20. | 30.5 |
| 1,000 | 0.50 | 2.58 | 50,000 | 25. | 35.4 |
| 1,500 | 0.75 | 3.38 | 60,000 | 30. | 40.0 |
| 2,000 | 1.00 | 4.10 | 70,000 | 35. | 41.3 |
| 2,500 | 1.25 | 4.76 | 80,000 | 40. | 42.5 |
| 3,000 | 1.50 | 5.38 | 90,000 | 45. | 43.6 |
| 3,500 | 1.75 | 5.96 | 100,000 | 50. | 44.6 |
| 4,000 | 2.00 | 6.52 | 120,000 | 60. | 46.3 |
| 5,000 | 2.50 | 7.58 | 140,000 | 70. | 47.8 |
| 6,000 | 3.00 | 8.56 | 160,000 | 80. | 49.0 |
| 7,000 | 3.50 | 9.49 | 200,000 | 100. | 51.2 |
| 8,000 | 4.00 | 10.4 | 1,000,000 | 500. | 69.0 |
| 9,000 | 4.50 | 11.2 | 2,000,000 | 1,000. | 77.6 |

| | | | | | |
|---|---|---|---|---|---|
| 10,000 | 5.00 | 12.0 | 6,000,000 | 3,000. | 92.7 |
| 12,000 | 6.00 | 13.6 | | | |

001.02 No person will cause or allow particulate matter caused by the combustion of fuel to be emitted from any stack or chimney into the outdoor atmosphere in excess of the hourly rate set forth in Table 15-2.

Table 15-2

| Total Heat Input in Million British Thermal Units Per Hour (MMBtu/hr) | Maximum Allowable Emissions of Particulate Matter in Pounds per Million British Thermal Units (lb/MMBtu) |
|---|---|
| 10 or less | 0.60 |
| Between 10 and 10,000 | $\frac{1.026}{I^{0.233}}$<br>I = The total heat input in MMBtu/hr |
| 10,000 or more | 0.12 |

001.03 For the purpose of these regulations, the total heat input will be the aggregate heat content of all fuels whose products of combustion pass through a stack or chimney, or the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning units at a plant or on a premises will be used for determining the maximum allowable amount of particulate matter which may be emitted.

001.04 No person will cause or allow emissions, from any source, which are of an opacity equal to or greater than twenty percent (20%), as evaluated by an EPA-approved method, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B except as provided for in Section 001.05 of this ~~C~~chapter. Administrator, as used in 40 CFR Part 60 Appendix B, means Administrator of EPA.

001.05 Exceptions:

001.05A No person will cause or allow emissions from any existing teepee waste wood burner which are of an opacity equal to or greater than forty percent (40%).

001.05B No person will cause or allow emissions from any existing alfalfa dehydration plant dryer which are of an opacity equal to or greater than thirty percent (30%).

001.05C Emission sources subject to monitoring requirements of Section 005.06 of this ~~C~~chapter are allowed to have one six minute period per hour of not more than twenty seven percent (27%) opacity.

001.05D Incinerators owned and operated by a law enforcement agency to dispose of contraband obtained during a law enforcement operation are exempt from the provisions of this ~~C~~chapter solely while being used for this purpose.

001.05E An opacity standard applies as specified elsewhere in this Title or an underlying federal regulation.

001.06 Section 001.01 and 001.02 of this c~~C~~hapter applies unless a more stringent particulate matter standard is specified in the underlying requirements of an applicable federal regulation, is specified within a construction permit issued pursuant to this Title, or the potential-to-emit is below the rates allowed in Section 001.01 of this c~~C~~hapter.

002 Open Fires, Prohibitions; Exceptions.

002.01 No person will cause or allow any open fires.

002.02 Exceptions:

002.02A Fires set solely as part of a religious activity, for recreational purposes or for outdoor cooking of food for human consumption on non-commercial premises, provided no ~~nuisance or~~traffic hazard is created.

002.02B Fires set as part of Nebraska Fire Marshal approved training for public or industrial firefighting personnel.

002.02C Fires set in the operation of smokeless flare stacks for the combustion of waste gases, provided they meet the requirements of Section 001 of this Chapter.

002.02D Fires set in an agricultural operation where no ~~nuisance or~~ traffic hazard is created. For the purpose of this regulation, "fires set in an agricultural operation" means:

002.02D1 The burning of any trees or vegetation ~~indigenous to~~originating from the property of the owner or person in lawful possession of the land; and

002.02D2 The burning of any agriculturally related material that is potentially hazardous and where disposal by burning is recommended by the manufacturer. Such materials must have been used on the owner's property or person in legal possession of the said property.

002.02E Unless prohibited by local ordinances, fires set to destroy household refuse on residential premises containing ten or less dwelling

units, by individuals residing on the premises providing no ~~nuisance or~~ traffic hazard is created.

002.02F For the purpose of plant, ~~and~~ wildlife, and parks management, provided such burning is conducted by the Nebraska Game and Parks Commission, the United States Forest Service, the University of Nebraska, public power and irrigation districts, or other groups as determined by the Department.

002.02G Unless prohibited by local ordinances or regulations, fires set in compliance with a general open fire permit or a community open fire permit issued by the Department:

002.02G1 For the purpose of destruction of trees, brush and other vegetation removed from road and utility right-of-ways.

002.02G2 For the purpose of the destruction of trees, brush, and other vegetation ~~and untreated lumber generated~~ originating from the property as a result of land clearing~~, and construction activities~~.

002.02G3 For the purpose of the destruction of straw used as a winter insulating cover on agricultural products.

002.02G4 For the purpose of destroying untreated wood and trees at community burn sites. Items permitted for burning will be kept in a separate location from other materials not allowed to be burned.

002.02G5 For the purpose of destruction of materials after cleanup from a natural disaster.

002.02G6 In compliance with rules for air curtain incinerators in Chapter 14.

002.02H Permits for open fires as specified in this regulation will be granted only if there is no other practical means of disposal. Any burning of materials not specified in the burning permit may result in withdrawal of the permit.

003 Dust; Duty to Prevent Escape of.

003.01 Handling, Transportation, Storing. No person may cause or permit the handling, transporting or storage of any material in a manner which may allow particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premises where it originates.

003.02 Construction, Use, Repair, Demolition. No person may cause or permit a building or its appurtenances or a private road, or a driveway, or an open area to be constructed, used, repaired or demolished without applying all such reasonable measures to prevent particulate matter from becoming airborne so that it remains

visible beyond the premises where it originates. The Director may impose such reasonable measures as may be necessary to prevent particulate matter from becoming airborne, including but not limited to paving or frequent cleaning of roads, driveways and parking lots; application of dust-free surfaces; application of water; and the planting and maintenance of vegetative ground cover.

003.03 Notwithstanding any other provision of this section, the Department will not regulate emissions from normal farming practices, on-farm crop drying and handling, and animal feeding activities, provided that reasonable and practical measures to limit particulate matter from such sources are utilized.

004 Compliance; Schedule.

004.01 Except as otherwise noted in specific emission control regulations, compliance with these regulations will be according to this section. All new or modified installations that required approval under the provisions of Chapter 3 or 6 will ~~be in~~ compl**y**~~iance~~ with all applicable emission control regulations at start-up after the effective date of the applicable emission control regulation. Provided, however, such installation may, at the request of the operator and under conditions approved by the Department, be operated for such specified time periods as are required to make necessary adjustments on the equipment. Compliance is demonstrated via conformance with Section 005 of this ~~C~~**c**hapter.

004.02 Compliance schedules requiring more than 12 months to conform with applicable rules and regulations to meet National Primary and Secondary Ambient Air Quality Standards will be subject to interim deadlines established in permits or orders.

005 Emission Sources; Testing; Monitoring.

005.01 The Department may require any person responsible for the operation of an emission source to make or have tests made to determine the rate of contaminant emissions from the source whenever it has reason to believe on the basis of estimates of potential contaminant emissions rates from the source and due consideration of probable efficiency of any existing control device, or visible emission determinations made by an official observer, that existing emissions exceed the limitations required in these control regulations. Such tests may also be required pursuant to verifying that any newly installed control device meets performance specifications. Should the Department determine that the test did not represent normal operating conditions or emissions, additional tests may be required.

005.02 Required tests will be conducted in accordance with the following test methods and procedures, as applicable. Administrator, as used in the following appendices, means Administrator of EPA.

005.02A 40 CFR Part 51, Appendix M

005.02B 40 CFR Part 60, Appendices A, B, C, F.

005.02C 40 CFR Part 61, Appendix B.

005.02D 40 CFR Part 63, Appendix A.

005.02E 40 CFR Part 266, Appendix IX.

005.02F Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 (3rd Edition) (November 1986) and its Updates I, II, IIA, IIB, III, IIIA, IIIB, IVA, IVB, V, and VI.

005.02G Such tests will be conducted by qualified individuals. A certified written copy of the test results signed by the person conducting the test will be provided to the Department within 60 days of completion of the test unless a different period is specified in the underlying requirements of an applicable federal regulation.

005.03 The owner or operator of a source will provide the Department 30 days' notice prior to testing to afford the Department an opportunity to have an observer present. The Department may, in writing, approve a notice of less than 30 days. If the testing is pursuant to an underlying requirement contained in a federal regulation, the notice provisions of the underlying regulation apply.

005.04 The Department may conduct tests of emissions of contaminants from any stationary source.

005.04A Upon written request from the Department, the person responsible for the source to be tested will provide the Department with all necessary test ports in stacks or ducts and such other safe and proper facilities, exclusive of instruments and sensing devices, as may be reasonably necessary to conduct the test with due regard being given to expenditures and possible disruption of normal operations of the source.

005.04B A report concerning the findings of such tests will be furnished to the person responsible for the source upon request.

005.05 A continuous monitoring system for the measurement of opacity will be installed and placed in operation by the owner or operator of any fossil fuel-fired steam generator with greater than 250 million BTUs per hour heat input. Exemptions from this requirement will be made if gaseous fuel and oil is the only fuel burned and the source has never been out of compliance with Section 001 of this ~~C~~chapter. Installation, calibration, operation and reporting will be in accordance with the procedures specified in 40 CFR Part 60. Administrator, as used in 40 CFR Part 60, means Administrator of EPA.

005.06 The Director may require the owner or operator of any other emission source which is subject to the provisions of these regulations to install, use and maintain such monitoring equipment as is necessary to demonstrate continuing compliance with any applicable emissions limitations, and to maintain records and make reports regarding such measured emissions to the Department in a manner and on a schedule to be determined by the Director.

005.07 When a new or modified stationary source becomes operational, the owner or operator will conduct performance tests, if required, within 60 days after reaching maximum capacity but not later than 180 days after the start-up of operations. Failure to meet established performance standards will result in withdrawal of the provisional approval granted to operate the new or modified stationary source. Final approval and issuance of an operating permit will be withheld for operation of the affected facility until such time as the owner or operator has corrected the deficiencies determined by the performance tests. Upon satisfactory accomplishment of a valid series of performance tests, approval for operation of the new or modified stationary source will be granted through issuance of an operating permit in accordance with Chapter 6.

005.08 Notwithstanding any other provisions of this Title, the following methods may be used to determine compliance with applicable requirements:

005.08A A monitoring method approved for the source and incorporated in an operating permit pursuant to Chapter 6;

005.08B Any compliance test method specified in the State Implementation Plan;

005.08C Any test or monitoring method approved for the source in a permit issued pursuant to Chapters 3, 4, 12, or 13;

005.08D Any test or monitoring method provided for in this Title; or

005.08E Any other test, monitoring, or information-gathering method that produces information comparable to that produced by any method described in Sections 005.08A through 005.08D.

005.09 Predictive Emissions Monitoring System (PEMS) requirements. Where allowed by the Department, the owner or operator of any PEMS used to meet a pollutant monitoring requirement will comply with the following:

005.09A The PEMS will predict the pollutant emissions in the units of the applicable emission limitations.

005.09B Monitor diluent, either $O_2$ or $CO_2$ when applicable:

005.09B1 Using a CEMS:

005.09B1(a) In accordance with 40 CFR Part 60 Appendix B, Performance Specification 3 for diluent; or

005.09B1(b) With a similar alternative method approved by the Director and EPA; or

005.09B2 Using a PEMS with a method approved by the Director and EPA.

005.09C Any PEMS will meet the requirements of 40 CFR Part 75, Subpart E except as provided in Section 005.09E.

005.09D The owner or operator of any PEMS installed subsequent to adoption of Section 005.09E will perform the following initial certification procedures:

005.09D1 Conduct initial Relative Accuracy Test Audit (RATA) at low, medium, and high operating levels using 40 CFR Part 60, Appendix B:

005.09D1(a) Performance Specification 2, Subsection 8.4 (pertaining to NOx) in terms of the applicable standard (in ppmv, lb/MMBtu, or g/hp-hr). except the relative accuracy will be 10%, or within 2 ppm absolute difference;

005.09D1(b) Performance Specification 3, Subsections 8 and 13.2 (pertaining to $O_2$ or $CO_2$); and

005.09D1(c) Performance Specification 4, Subsections 8 and 13.2 (pertaining to CO), for owners or operators electing to use a CO PEMS; and

005.09D2 Conduct a t-test, an F-test, and a correlation analysis using 40 CFR Part 75, Appendix A, Section 7.6 and Section 75.41(c)(1) and (2) at low, medium, and high load levels.

005.09D2(a) Calculations will be based on a minimum of 27 successive emission data points at each tested level which are at least seven-minute averages;

005.09D2(b) The t-test and the correlation analysis will be performed using all data collected at the three tested levels;

005.09D2(c) The correlation analysis may be waived following review of the waiver request submittal if:

(~~a~~i) The process design is such that it is technically impossible to vary the process to result in a concentration change sufficient to allow a successful correlation analysis statistical test. Any waiver request will also be accompanied with documentation of the reference method measured concentration. The waiver is to be based on the measured value at the time of the waiver. Should a subsequent RATA effort identify a change in the reference method measured value by more than 30%, the statistical test must be repeated at the next RATA effort to verify the successful compliance with the correlation analysis statistical test requirement; or

(~~b~~ii) The data for a measured compound (e.g., NOx, $O_2$) are determined to be auto-correlated according to the procedures of 40 CFR Part 75.41(b)(2). A complete analysis of autocorrelation with support information will be submitted with the request for waiver. The statistical test will be repeated at the next RATA effort to verify the successful compliance with the correlation analysis statistical test requirement.

005.09D2(d) Allowable Test Adjustments.

(~~a~~i) For either NOx or CO and for the purpose of conducting an f-test, if the standard deviation of the EPA reference method is less than either 3% of the span or five parts per million (ppm), use an EPA reference method standard deviation of either five ppm or 3% of span.

(~~b~~ii) For the diluent $CO_2$ or $O_2$, and for the purpose of conducting an f-test, if the standard deviation of the reference method is less than 3% of span, use an EPA reference method standard deviation of 3% of span.

(~~c~~iii) For either NOx or CO and at any one test level, if the mean value of the EPA reference method is less than either ten ppm or 5% of the standard, all statistical tests are waived for that emission parameter at that specific test level.

(~~d~~iv) For the diluent $O_2$ or $CO_2$ and at any one test level, if the mean value of the reference method is less than 3% of span, all statistical tests are waived for that diluent parameter at that specific test level.

005.09D3 All requests for waivers will be submitted to the Department for review and approval. The Director will approve or deny each waiver request;

005.09D4 The owner or operator will , for each alternative fuel fired in a unit, certify the PEMS in accordance with Sections 005.09D1 or 005.09D2 unless the alternative fuel effects on NOx, CO, and $O_2$ (or $CO_2$) emissions were addressed in the model training process.

005.09D5 The PEMS will be subject to the approval of the Director.

005.09E The owner or operator may vary from sections 005.09C or 005.09D if the owner or operator:

005.09E1 Demonstrates to the satisfaction of the Director that the alternative is substantially equivalent to the requirements; or

005.09E2 Demonstrates to the satisfaction of the Director that the requirement is not applicable.

005.10 Applying for Approval of a PEMs System.

005.10A Approval to use PEMS will be limited to the specific unit and fuel type for which certification testing was conducted. Any future change in the type or composition of the fuel, or combustion characteristics of the boiler, will require that the PEMS be recertified, unless the PEMS was initially constructed to account for different fuel types and/or compositions. In this case, fuel switching would be permitted without recertification. Owners or operators may attempt to justify that a slight change in fuel composition does not affect emissions and the PEMS does not need be recertified. The approval of such justification will be determined by the Director.

005.10B Owners or operators will submit the following information in the application for certification or recertification of a predictive emissions monitoring system:

005.10B1 Source identification information including unit description, heat rate, and fuel type.

005.10B2 A general description of the software and hardware components of the PEMS including manufacturer, type of computer, name(s) of software product(s), and monitoring technique . Manufacturer literature and other similar information will also be submitted, as appropriate.

005.10B3 A detailed description of the predictive emissions monitoring system. Identify all operational parameters or ambient conditions which are determined to have an effect on the predicted emissions. If the PEMS is developed on the basis of physical principles, identify any specific physical assumptions or mathematical manipulations made that justify suitability of the model. If the PEMS is developed on the basis of linear or nonlinear regression analysis, submit the paired raw data used in developing or training the model and specifically identify the tested operating range for every input parameter and the number of data points used in the development of the model.

005.10B4 A detailed description of the hardware CEMS or the reference method used during the testing period.

005.10B5 Data collection procedures including location of the sampling probe and methods to ensure accurate representativeness of emissions being measured.

005.10B6 A detailed description of all PEMS operation, maintenance, and quality assurance and control procedures to be implemented.

005.10B7 Identification of all sensors pertaining to the PEMS and a detailed description of the sensor validation procedure and calibration frequency for each sensor.

005.10B8 Description of monitor reliability, accessibility, and timeliness analysis from Section 005.11.

005.10B9 A description of the method used to calculate heat input, if applicable.

005.10B10 Data, calculations, and results of the RATA test and the statistical tests performed at all three loads and fuel types as listed under 40 CFR § 75.48(a)(3).

005.10B11 Data plots as specified in 40 CFR § 75.41(a)(9) and 75.41(c)(2)(i).

005.10B12 A summary of all results and calculations which demonstrates that PEMS is equivalent in performance to that of the certified hardware CEMS or EPA reference method.

005.11 Quality Assurance Procedure for PEMS. The owner or operator will develop and implement a quality assurance and quality control (QA/QC) manual for the PEMS and its components. The manual should include daily, quarterly, and semiannual or annual assessment procedures or operations to ensure continuous and reliable performance of the PEMS. The QA/QC manual should also include a ready and detailed specific corrective action plan that can be executed at times when the monitoring systems are inoperative. The QA/QC manual will be placed in a readily accessible location on the plant site. Owners or operators will assign the responsibility of implementing the QA/QC manual to designated employees and will ensure at all times that these employees have the technical and practical training needed to execute this plan.

005.11A Daily Assessment. Identify any specific steps, measures, or maintenance plans that can be taken to ensure proper functioning of the monitoring systems. Develop a plan to detect any thermocouple, flow monitoring, and sensor failures. If the PEMS is developed to operate in a specific operating range, develop a plan that will ensure continuous operation within the specified operating range. It is the responsibility of the owner or operator to make sure that the model is trained over a wide range of operating parameters. Operation outside any of the operating ranges will be considered monitor downtime.

005.11B Quarterly Assessment. The owner or operator will develop and implement a plan that will ensure proper accuracy and calibration of all operational parameters that affect emissions and serve as input to the predictive monitoring system. All sensors will be calibrated as often as

needed but never to exceed the time recommended by the manufacturers, for the specific applications these sensors are being used.

005.11C Semiannual or Annual Assessment. Following initial RATA, conduct RATA semiannually, pursuant to 005.09D1, at normal load operations, for each unit. If the relative accuracy for the initial or most recent audit for the $NO_x$, CO, $CO_2$, (or $O_2$) monitors is 7.5 percent or less, subsequent RATA may be performed on an annual basis.

005.12 PEMS Partial Certification. In certain cases, the owner or operator may not be able to adjust all of the parameters of the model over the entire desired range of operation at one time. In this case, the owner or operator may certify the PEMS in a restricted range of operation in accordance with the PEMS certification procedure.

005.12A If, at a later date, the owner or operator wishes to operate outside the demonstrated range of the certified PEMS, the owner or operator may extend the demonstrated range by certifying at a new range within 60 days of cumulative operation of the parameter at that range.

005.13 Monitor downtime periods for PEMS include the following:

005.13A Operating out of range of any operational parameters that affect NOx.

005.13B One or more sensor failures.

005.13C Uncertified fuel switching or fuel composition changes unless approved.

005.13D Failing the RATA or any applicable statistical tests. If a PEMS fails the RATA or statistical tests, downtime is the time corresponding to the completion of the sampling that results in the failure, until the time corresponding to the completion of the subsequent successful sampling.

005.13E Failure of any quality assurance procedure specified in accordance with 005.11.

005.13F Failure to complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 15 minute period of emission unit operation.

005.14 PEMS Adjustments and Tuning. Adjustments and tuning are permissible provided that the date, reasons, and details of the PEMS adjustments are documented, submitted to the Department and the documentation placed in an accessible location on the plant site, suitable for inspection by the Department at any time, sufficient to identify that the PEMS for any unit has been inspected, the occurrence of the last PEMS adjustment, and the last RATA performed for that unit. The PEMS will be retrained on an augmented set of data which includes the set of data used for training the model prior to adjustment and the newly collected set of data needed for adjustment of the model. When PEMS retraining is

performed within the demonstrated range of certification, no RATA testing is required. No tampering with the PEMS is allowed during periods when no PEMS adjustments or tuning are being performed.

005.15 Notification, recordkeeping, and reporting. Owners or operators using predictive emissions monitoring systems will maintain for each unit a file of all measurements, data, reports, and other information in a form suitable for inspection for at least five years from the date of each record.

005.15A Notification.

005.15A1 The owner or operator will submit written notification to the Department in accordance with this ~~C~~chapter of the date of any predictive emissions monitoring system (PEMS) relative accuracy test audit (RATA).

005.15A2 The owner or operator will submit to the Department a copy of results of any PEMS RATA and statistical testing conducted in accordance with Section 005.11C.

005.15B Recordkeeping. The owner or operator will maintain written or electronic records of the data specified below. Such records will be kept for a period of at least five years and will be made available upon request by authorized representatives of the Department or EPA. The PEMs monitoring records will include:

005.15B1 Hourly emissions in units of the standard and fuel usage (or stack exhaust flow).

005.15B2 Records to verify minimum data collection requirement of one cycle of operation (sampling, analyzing and data recording) for each successive 15 minute period of emission unit operation.

005.15B3 Pounds per million British thermal units (lb/MMBtu) heat input.

005.15B4 Detailed records of any daily, quarterly, and semiannual or annual quality assurance programs or monitoring plans.

005.15B5 Compliance with the applicable recordkeeping requirements of 40 CFR § 75.57 (d) and (e).

005.15B6 Compliance with the certification, quality assurance and quality control record provisions of 40 CFR § 75.59(a)(5), (6), and (7).

005.15C Reporting. The owner or operator of a unit approved to utilize a PEMS for demonstrating continuous compliance, will report in writing to the Department on a quarterly basis the monitoring system performance and any exceedance of the applicable emission standard. All reports will be certified by a responsible official and received by Department on or before

the 30th day following the end of each calendar quarter. Written reports will include the following information:

005.15C1 The magnitude of excess emissions computed in accordance with 40 CFR § 60.13(h), any conversion factors used, the date and time of commencement and completion of each time period of excess emissions, and the unit operating time during the reporting period;

005.15C2 Specific identification of each period of excess emissions that occurs during start-ups, shutdowns, and malfunctions of the affected unit, the nature and cause of any malfunction (if known), and the corrective action taken or preventative measures adopted;

005.15C3 The date and time identifying each period during which the continuous monitoring system was inoperative or down as described in Section 005.13 and the nature of the system repairs or adjustments;

005.15C4 The results of any quality assurance assessments conducted during the quarter;

005.15C5 When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information will be stated in the report.

006 Compliance; Exceptions Due to Startup, Shutdown, or Malfunction.

006.01 Upon receipt of a notice of excess emissions issued by the Department the source to which the notice is issued may provide information showing that the excess emissions were the result of a malfunction, start-up, or shutdown. Based upon any information submitted by the source operator, and any other pertinent information available, the Director shall ~~make a~~ determin~~eation~~ whether the excess emissions constitute a malfunction, start-up, or shutdown, and whether the nature, extent and duration of the excess emissions warrant enforcement action. In determining whether enforcement action is warranted, the Director shall consider the following:

006.01A Whether the excess emissions during start-up, shutdown or malfunction, occurred as a result of safety, technological or operating constraints of the control equipment, process equipment, or process.

006.01B Whether the air pollution control equipment, process equipment, or processes were maintained and operated to the maximum extent practical for minimizing emissions.

006.01C Whether repairs were made as expeditiously as practicable when the operator knew or should have known when excess emissions were occurring.

006.01D Whether the amount and duration of the excess emissions were limited to the maximum extent practical during periods of such emissions.

006.01E Whether all practical steps were taken to limit the impact of the excess emissions on the ambient air quality.

006.02 The information provided by the source operator under 006.01 shall include, at a minimum, the following:

006.02A Name and location of installation.

006.02B Name, email address, and telephone number of the person responsible for the installation.

006.02C The identity of the equipment causing the excess emissions.

006.02D The time and duration of the period of excess emissions.

006.02E The cause of the excess emissions.

006.02F The air contaminants involved.

006.02G A best estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude.

006.02H The measures taken to mitigate the extent and duration of the excess emissions.

006.02I The measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of such situations.

006.03 The information specified in 006.02 shall be submitted to the Director not later than 15 days after receipt of the notice of excess emissions.

006.04 Planned Start-Up and Shutdown Reporting. The owner or operator of an installation subject to this chapter shall notify the Director, in writing, whenever a planned start-up or shutdown may result in excess emissions. This notice shall be mailed no later than 10 days prior to such action, and shall include, but not be limited to, the following information:

006.04A Name and location of the installation.

006.04B Name, email, and telephone number of the person responsible for the installation.

006.04C The identity of the equipment which may cause excess emissions.

006.04D Reasons for proposed shutdown or start-up.

006.04E Duration of anticipated period of excess emissions.

006.04F Date and time of proposed shutdown or start-up.

006.04G Physical and chemical composition of pollutants whose emissions are affected by the action.

006.04H Methods, operating data, and/or calculations used to estimate these emissions.

006.04I Quantification of emissions during such action in the units of the applicable emission control regulation.

006.04J All measures planned to minimize the extent and duration of excess emissions during the shutdown and ensuing start-up.

006.05 Malfunction and Unplanned Shutdown Reporting. The owner or operator of an installation subject to this chapter shall notify the Director whenever emissions due to malfunctions, unplanned shutdowns or ensuing start-ups are, or may be, in excess of applicable emission control regulations. Such notification shall be made in writing or by emailed within two working days of the beginning of each period of excess emissions, and a mailed written notification will be provided to the Director within five calendar days of the event. The notification shall include, but not be limited to, the information required by 006.04. This notice is not required provided the following conditions are met:

006.05A A certified continuous emissions monitor is in operation throughout the duration of the period of malfunction, shutdown or ensuing start-up; and

006.05B The period of malfunction, shutdown or ensuing start-up is less than 1 hour in duration.

006.06 The Director shall ~~make a~~ determin~~e~~ation ~~of~~ whether or not excess emissions were due to start-up, shutdown, or malfunction, and what, if any, enforcement action should be taken. The Director will consider the following in making his determination:

006.06A All notification requirements of the chapter have been met.

006.06B The malfunction, shutdown, or start-up did not result entirely or in part from poor maintenance, careless operation, or any other preventable upset conditions or equipment breakdowns.

006.06C All reasonable steps were taken to correct the conditions causing the excess emissions, as expeditiously as practicable, including the use of off-shift labor and overtime if necessary.

006.06D All reasonable steps were taken to minimize the emissions and their effect on air quality.

006.06E The malfunction or shutdown is not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

006.06F The excess emissions are not a threat to public health or ambient air quality.

006.07 If the Director determines that the reporting requirements of 006.02 and/or 006.04 of this ~~C~~chapter are inappropriate to a particular installation, he may establish other reporting requirements which are sufficient to allow the determinations described in 006.06.

006.08 Nothing in this regulation shall be construed to limit the authority of the Director to take appropriate action to enforce the provisions of the State Act, and the regulations promulgated thereunder.

007 Control Regulations; Circumvention, When Excepted.

007.01 No person will cause or permit the installation or use of any machine, equipment, device or other article, or alter any process in any manner which conceals or dilutes the emissions of contaminants without resulting in a reduction of the total amounts of contaminants emitted.

007.02 Exception to 007.01 may be granted by the Department, upon request, provided that such action is intended to convert the physical and/or chemical nature of the contaminant emission and that failure to reduce total contaminant emissions results solely from the introduction of contaminants which are not deemed to be detrimental to the public interest.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2)(4)(11)(25); 81-1505(12)(16); 81-1513(1) to (7)

2025 proposed revisions

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Air Quality Regulations

Chapter 16 - SULFUR COMPOUND AND NITROGEN OXIDES EMISSIONS STANDARDS

001 Sulfur Compound Emissions; Existing Sources Emissions Standards. No person will allow sulfur oxides to be emitted from any existing fossil fuel burning equipment in excess of two and one half (2.5) pounds per million BTU input, maximum 2-hour average. For purposes of these regulations, “existing fossil fuel burning equipment” means equipment, machines, devices, articles, contrivances, or installations in operation prior to February 26, 1974; and, the heat input will be the aggregate heat content of all fuels whose products of combustion pass through a stack, or the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater.

002 Nitrogen Oxides (Calculated as Nitrogen Dioxide) Emissions Standards for Stationary Sources. No owner or operator of an installation producing nitric acid, either as an end product or for use in intermediate steps in production of other products, will allow emissions of oxides of nitrogen (calculated as nitrogen dioxide) to exceed 5.5 pounds per ton of 100 percent nitric acid produced, or a concentration equivalent to 400 parts per million (ppm) by volume, whichever is more stringent. Compliance with the nitrogen oxides emission limit is determined using the arithmetic average of three contiguous one-hour periods. This will apply unless:

002.01 The installation is subject to 40 CFR ~~§~~Part 60, Subpart Ga;

002.02 A~~a~~ more stringent oxides of nitrogen standard for nitric acid production is specified in the underlying requirements of an applicable federal rule; or

002.03 A~~a~~ more stringent oxides of nitrogen standard for nitric acid production is specified within a construction permit issued pursuant to this Title.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2); 81-1505(1)(2)

## .Appendix I

Table 1
Hazardous Air Pollutants
Sorted by CAS Number

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|---|---|---|---|
| 1146 | Nickel Refinery Dust [8] | No | 80 |
| 14333 | Sodium Cyanide [8] | No | 100 |
| 50000 | Formaldehyde | Yes | 1,000 |
| 50328 | Benzo(a)pyrene | Yes | 20 |
| 51285 | 2,4-Dinitrophenol | Yes | 1,000 |
| 51796 | Ethyl Carbamate (Urethane) | No | 800 |
| 53703 | Dibenz(a,h)anthracene | Yes | 20 |
| 53963 | 2-Acetylaminofluorine [8] | Yes | 10 |
| 56235 | Carbon Tetrachloride | Yes | 1,000 |
| 56382 | Parathion | Yes | 100 |
| 56553 | Benz(a)anthracene | Yes | 20 |
| 57147 | 1,1-Dimethyl Hydrazine | Yes | 16 |
| 57578 | beta-Propiolactone | Yes | 100 |
| 57749 | Chlordane | Yes | 20 |
| 57976 | 7,12-Dimethylbenz(a)anthracene | Yes | 0 |
| 58899 | Lindane (all isomers) | No | 20 |
| 59892 | N-Nitrosomorpholine | Yes | 1,000 |
| 60117 | 4-Dimethyl Aminoazobenzene | Yes | 1,000 |
| 60344 | Methyl Hydrazine | Yes | 60 |
| 60355 | Acetamide | Yes | 1,000 |
| 62384 | Phenyl Mercuric Acetate [8] | No | 20 |
| 62533 | Aniline | Yes | 1,000 |
| 62737 | Dichlorvos | Yes | 200 |
| 62759 | N-Nitrosodimethylamine | Yes | 2 |
| 63252 | Carbaryl [8] | No | 2,000 |
| 64675 | Diethyl Sulfate | Yes | 1,000 |
| 67561 | Methanol | Yes | 2,000 |
| 67663 | Chloroform | Yes | 900 |
| 67721 | Hexachloroethane | No | 2,000 |
| 68122 | Dimethyl Formamide | Yes | 1,000 |
| 71432 | Benzene | Yes | 1,000 |
| 71556 | Methyl Chloroform (1,1,1-Trichlorethane) | No | 2,000 |
| 72435 | Methoxychlor | Yes | 2,000 |
| 74839 | Methyl Bromide (Bromomethane) | Yes | 2,000 |
| 74873 | Methyl Chloride (Chloromethane) | Yes | 2,000 |
| 74884 | Methyl Iodide (Iodomethane) | Yes | 1,000 |
| 74908 | Hydrogen Cyanide | No | 0 |
| 75003 | Ethyl Chloride (Chloroethane) | Yes | 2,000 |
| 75014 | Vinyl Chloride | Yes | 200 |
| 75058 | Acetonitrile | Yes | 1,000 |

| | | | |
|---|---|---|---|
| 75070 | Acetaldehyde | Yes | 2,000 |
| 75092 | Methylene Chloride (Dichloromethane) | No | 2,000 |
| 75150 | Carbon disulfide | Yes | 1,000 |
| 75218 | Ethylene Oxide | Yes | 100 |
| 75252 | Bromoform | Yes | 2,000 |
| 75343 | Ethylidene Dichloride (1,1-Dichloroethane) | Yes | 1,000 |
| 75354 | Vinylidene Chloride (1,1-Dichloroethylene) | Yes | 400 |
| 75445 | Phosgene | Yes | 100 |
| 75558 | 1,2-Propylenimine (2-Methyl aziridine) | Yes | 6 |
| 75569 | Propylene Oxide | Yes | 2,000 |
| 75741 | Tetramethyl Lead [8] | No | 20 |
| 76448 | Heptachlor | Yes | 20 |
| 77474 | Hexachlorocyclopentadiene | Yes | 100 |
| 77781 | Dimethyl Sulfate | Yes | 100 |
| 78002 | Tetraethyl Lead [8] | No | 20 |
| 78591 | Isophorone | Yes | 2,000 |
| 78875 | Propylene Dichloride (1,2-Dichloropropane) | Yes | 1,000 |
| 79005 | 1,1,2-Trichloroethane | Yes | 1,000 |
| 79016 | Trichloroethylene | Yes | 2,000 |
| 79061 | Acrylamide | Yes | 20 |
| 79107 | Acrylic Acid | Yes | 600 |
| 79118 | Chloroacetic Acid | Yes | 100 |
| 79345 | 1,1,2,2-Tetrachloroethane | Yes | 300 |
| 79447 | Dimethyl Carbamoyl Chloride | Yes | 20 |
| 79469 | 2-Nitropropane | Yes | 1,000 |
| 80626 | Methyl Methacrylate | Yes | 2,000 |
| 82688 | Pentachloronitrobenzene (Quintobenzene) | Yes | 300 |
| 84742 | Dibutylphthalate | Yes | 2,000 |
| 85449 | Phthalic Anhydride | No | 2,000 |
| 87683 | Hexachlorobutadiene | Yes | 900 |
| 87865 | Pentachlorophenol | Yes | 700 |
| 88062 | 2,4,6-Trichlorophenol | Yes | 2,000 |
| 90040 | 0-Anisidine | Yes | 1,000 |
| 91203 | Naphthalene | Yes | 2,000 |
| 91225 | Quinoline [8] | Yes | 12 |
| 91941 | 3,3-Dichlorobenzidene [8] | Yes | 200 |
| 92524 | Biphenyl [8] | Yes | 2,000 |
| 92671 | 4-Aminobiphenyl [8] | Yes | 1,000 |
| 92875 | Benzidine [8] | Yes | 0.6 |
| 92933 | 4-Nitrobiphenyl [8] | Yes | 1,000 |
| 94757 | 2,4-D, Salts, Esters (2,4-Dichlorophenoxy acetic acid) | Yes | 2,000 |
| 95476 | o-Xylenes [8] | Yes | 2,000 |
| 95487 | o-Cresol [8] | Yes | 1,000 |
| 95534 | o-Toluidine | Yes | 1,000 |
| 95807 | 2,4-Toluene Diamine | Yes | 20 |
| 95954 | 2,4,5-Trichlorophenol | Yes | 1,000 |
| 96093 | Styrene Oxide | Yes | 1,000 |
| 96128 | 1,2-Dibromo-3-chloropropane | Yes | 20 |

| | | | |
|---|---|---|---|
| 96457 | Ethylene Thiourea | No | 600 |
| 98077 | Benzotrichloride | Yes | 12 |
| 98828 | Cumene | Yes | 2,000 |
| 98862 | Acetophenone | Yes | 1,000 |
| 98953 | Nitrobenzene | Yes | 1,000 |
| 100027 | 4-Nitrophenol | Yes | 2,000 |
| 100414 | Ethyl Benzene | Yes | 2,000 |
| 100425 | Styrene | Yes | 1,000 |
| 100447 | Benzyl Chloride | Yes | 100 |
| 101144 | 4,4-Methylene Bis (2-chloroaniline) [8] | No | 200 |
| 101688 | Methylene Diphenyl Diisocyanate (MDI) [8] | No | 100 |
| 101779 | 4,4'-Methylenedianiline | No | 1,000 |
| 106423 | p-Xylenes [8] | Yes | 2,000 |
| 106445 | p-Cresol [8] | Yes | 1,000 |
| 106467 | 1,4-Dichlorobenzene(p) | Yes | 1,000 |
| 106503 | p-Phenylenediamine | Yes | 2,000 |
| 106514 | Quinone | Yes | 2,000 |
| 106887 | 1,2-Epoxybutane | Yes | 1,000 |
| 106898 | Epichlorohydrin (1-Chloro-2,3-epoxypropane) | Yes | 1,000 |
| 106934 | Ethylene dibromide (Dibromoethane) | Yes | 100 |
| 106945 | 1-Bromopropane (1-BP) (N-Proplyl Bromide) (nPB) | Yes | 20 |
| 106990 | 1,3-Butadiene | Yes | 70 |
| 107028 | Acrolein | Yes | 40 |
| 107051 | Allyl Chloride | Yes | 1,000 |
| 107062 | Ethylene Dichloride (1,2-Dichloroethane) | Yes | 1,000 |
| 107131 | Acrylonitrile | Yes | 300 |
| 107211 | Ethylene Glycol | Yes | 2,000 |
| 107302 | Chloromethyl Methyl Ether | Yes | 100 |
| 108054 | Vinyl Acetate | Yes | 1,000 |
| 108101 | Methyl Isobutyl Ketone | Yes | 2,000 |
| 108316 | Maleic anhydride | No | 1,000 |
| 108383 | m-Xylenes [8] | Yes | 2,000 |
| 108394 | m-Cresol [8] | Yes | 1,000 |
| 108864 | 2-Methoxy Ethanol [8] | No | 2,000 |
| 108883 | Toluene | Yes | 2,000 |
| 108907 | Chlorobenzene | Yes | 2,000 |
| 108952 | Phenol | Yes | 100 |
| 110543 | Hexane | Yes | 2,000 |
| 110805 | 2-Ethoxy Ethanol [8] | No | 2,000 |
| 111422 | Diethanolamine | Yes | 2,000 |
| 111444 | Dichloroethyl Ether (Bis(2-chloroethyl)ether) | Yes | 60 |
| 114261 | Propoxur (Baygon) | No | 2,000 |
| 117817 | Bis(2-ethylhexyl)phthalate (DEHP) | Yes | 2,000 |
| 118741 | Hexachlorobenzene | No | 20 |
| 119904 | 3,3'-Dimethoxybenzidine [8] | Yes | 100 |
| 119937 | 3,3'-Dimethyl Benzidine [8] | Yes | 16 |
| 120809 | Catechol | Yes | 2,000 |
| 120821 | 1,2,4-Trichlorobenzene | Yes | 2,000 |
| 121142 | 2,4-Dinitrotoluene | Yes | 20 |

| | | | |
|---|---|---|---|
| 121448 | Triethylamine | Yes | 2,000 |
| 121697 | N,N-Dimethylaniline | Yes | 1,000 |
| 122667 | 1,2-Diphenylhydrazine | Yes | 90 |
| 123319 | Hydroquinone | Yes | 1,000 |
| 123386 | Propionaldehyde | Yes | 2,000 |
| 123911 | 1,4-Dioxane (1,4-Diethyleneoxide) | Yes | 2,000 |
| 126998 | Chloroprene | Yes | 1,000 |
| 127184 | Tetrachloroethylene (Perchloroethylene) | No | 2,000 |
| 130618 | Cadmium Oxide [8] | No | 20 |
| 131113 | Dimethyl Phthalate | Yes | 2,000 |
| 132649 | Dibenzofurans [8] | No | 2,000 |
| 133062 | Captan | No | 2,000 |
| 133904 | Chloramben | No | 1,000 |
| 140885 | Ethyl Acrylate | Yes | 1,000 |
| 151508 | Potassium Cyanide [8] | No | 100 |
| 151564 | Ethyleneimine (Aziridine) | Yes | 6 |
| 156627 | Calcium Cyanamide | No | 2,000 |
| 189559 | 1,2:7,8-Dibenzoppyrene | Yes | 20 |
| 193395 | Ideno(1,2,3-cd)pyrene | Yes | 20 |
| 205992 | Benzo(b)fluoranthene | Yes | 20 |
| 218019 | Chrysene | Yes | 20 |
| 225514 | Benz(c)aridine | Yes | 20 |
| 302012 | Hydrazine | No | 8 |
| 334883 | Diazomethane | Yes | 1,000 |
| 463581 | Carbonyl Sulfide | Yes | 2,000 |
| 510156 | Chlorobenzilate [8] | Yes | 400 |
| 532274 | 2-Chloroacetophenone | Yes | 60 |
| 534521 | 4,6-Dinitro-o-cresol, and Salts | No | 100 |
| 540841 | 2,2,4-Trimethylpentane | Yes | 2,000 |
| 542756 | 1,3-Dichloropropene | Yes | 1,000 |
| 542881 | Bis(chloromethyl)ether | Yes | 0.6 |
| 584849 | 2,4-Toluene Diisocyanate | Yes | 100 |
| 593602 | Vinyl Bromide (bromoethene) | Yes | 600 |
| 624839 | Methyl Isocyanate | Yes | 100 |
| 680319 | Hexamethylphosphoramide | No | 20 |
| 684935 | N-Nitroso-N-methylurea | Yes | 0 |
| 748794 | Mercuric Chloride [8] | No | 20 |
| 822060 | Hexamethylene,-1,6-diisocyanate | No | 20 |
| 1120714 | 1,3-Propane Sultone | No | 30 |
| 1308389 | Trivalent Chromium Compounds (Chromium Oxide) | No | 2,000 |
| 1309644 | Antimony Trioxide [8] | No | 1,000 |
| 1319773 | Cresols/Cresylic Acid (isomers and mixture) [8] | Yes | 1,000 |
| 1330207 | Xylenes (isomers and mixture) [8] | Yes | 2,000 |
| 1332214 | Asbestos | No | 0 |
| 1336363 | Polychlorinated Biphenyls (Aroclors, PCBs) | Yes | 18 |
| 1345046 | Antimony Trisulfide [8] | No | 100 |
| 1582098 | Trifluralin | No | 2,000 |
| 1634044 | Methyl Tert Butyl Ether | Yes | 2,000 |
| 1746016 | 2,3,7,8-Tetrachlorodibenzo-p-dioxin [8] | No | 0.0012 |

| | | | |
|---|---|---|---|
| 3547044 | P,p'-Dichlorodiphenyl Ethane (DDE) [8] | Yes | 20 |
| 7439921 | Lead and Compounds (except those specifically listed) [5] | No | 20 |
| 7439965 | Manganese and Compounds (except those specifically listed) [5] [8] | No | 800 |
| 7439976 | Elemental Mercury [8] | No | 20 |
| 7440020 | Nickel Compounds (except those specifically listed) [5] [8] | No | 1,000 |
| 7440360 | Antimony Compounds (except those specifically listed) [5] [8] | No | 2,000 |
| 7440382 | Arsenic and Inorganic Arsenic Compounds [8] | No | 10 |
| 7440417 | Beryllium Compounds (except Beryllium Salts) [5] [8] | No | 16 |
| 7440439 | Cadmium Compounds (except those specifically listed) [5] [8] | No | 20 |
| 7440473 | Chromium Compounds (except Hexavalent and Trivalent) [5] [8] | No | 2,000 |
| 7440484 | Cobalt Compounds (except those specifically listed) [5] [8] | No | 100 |
| 7488564 | Selenium Sulfide (mono and di) [8] | No | 100 |
| 7550450 | Titanium Tetrachloride | No | 100 |
| 7647010 | Hydrochloric Acid | No | 2,000 |
| 7664393 | Hydrogen Fluoride (Hydrofluoric Acid) | No | 100 |
| 7723140 | Phosphorous | No | 100 |
| 7782492 | Selenium and Compounds (except those specifically listed) [5] [8] | No | 100 |
| 7782505 | Chlorine | No | 100 |
| 7783075 | Hydrogen Selenide [8] | No | 100 |
| 7783702 | Antimony Pentafluoride [8] | No | 100 |
| 7784421 | Arsine [8] | No | 10 |
| 7803512 | Phosphine | No | 2,000 |
| 8001352 | Toxaphene (Chlorinated Camphene) | No | 20 |
| 10025737 | Chromic Chloride | No | 100 |
| 10045940 | Mercuric Nitrate [8] | No | 0 |
| 10102188 | Sodium Selenite [8] | No | 100 |
| 10210681 | Cobalt Carbonyl [8] | No | 100 |
| 12035722 | Nickel Subsulfide [8] | No | 40 |
| 12108133 | Methylcyclopentadienyl Manganese | No | 100 |
| 13410010 | Sodium Selenate [8] | No | 100 |
| 13463393 | Nickel Carbonyl [8] | No | 0 |
| 14464461 | Silica (Crystalline) [8] | No | 0 |
| 14807966 | Talc (containing Asbestos form fibers) [8] | No | 0 |
| 18540299 | Hexavalent Chromium and Compounds [8] | No | 4 |
| 28300745 | Antimony Potassium Tartrate [8] | No | 1,000 |
| 62207765 | Fluomine | No | 100 |
| 65997173 | Glass Wool [8] | No | 0 |
| 66733219 | Erionite [8] | No | 0 |
| 99999918 | Radionuclides (including radon) [4] | No | [7] |
| 142844006 | Ceramic Fibers [8] | No | 0 |
| - | Beryllium Salts [8] | No | 0.04 |

| | | | |
|---|---|---|---|
| - | Cyanide Compounds (except those specifically listed) [1] [5] [8] | No | 2,000 |
| - | Coke Oven Emissions | No | 30 |
| - | Glycol Ethers (except those specifically listed) [2] [5] [8] | No | 0 |
| - | Mineral Fiber Compounds (except those specifically listed) [3] [5] [8] | No | 0 |
| - | Mercury Compounds (except those specifically listed) [5] [8] | No | 20 |
| - | Rock Wool [8] | No | 0 |
| - | Slag Wool [8] | No | 0 |
| - | Polycyclic Organic Matter-POM (except those specifically listed) [5] [8] | Yes | 20 |
| - | Dioxins and Furans (TCDD equivalent) [6] | No | 0 |

[1] XCN where X=H or any other group where a formal dissociation may occur

[2] Include mono-and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH2CH2)n-OR' where n=1, 2, or 3; R=alkyl or aryl groups, R'=R,H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH2CH)n-OH. Polymers are excluded from the glycol category. Ethylene glycol monobutyl ether is excluded from this category.

[3] Includes glass microfibers, glass wool fibers, rock wool fibers and slag wool fibers, each characterized as "respirable" (fiber diameter < 3.5 micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) > 3.

[4] A type of atom which spontaneously undergoes radioactive decay.

[5] For this chemical group, specific compounds or subgroups are named specifically in this table. For the remainder of the chemicals in the chemical group, a single de minimis value is listed, and this value applies to the sum of the compounds in the group which are not named specifically.

[6] The "toxic equivalent factor" method in EPA/625/3-89-016, [U.S. EPA (1989) Interim procedures for estimating risk associated with exposure to mixtures] should be used for PCDD/PCDF mixtures. A different de minimis level will be determined for each mixture depending on the equivalency factors which are compound specific.

[7] The EPA relies on Subparts B and I, and Appendix E of 40 CFR Part 61 and assigns a de minimis level based on an effective dose equivalent of 0.3 millirem per year for a 7 year exposure period that would result in a cancer risk of 1 per million. The individual radionuclides subject to de minimis levels used for section 112(g) are also contained in 40 CFR Part 61.

[8] Emissions from all substances in each set below should be aggregated for the purpose of determining major source status as described in Chapter 1, Section 001:

- Cresols/Cresylic Acid (isomers and mixture); m-Cresol; o-Cresol; p-Cresol
- Xylenes (isomers and mixture); m-Xylenes; o-Xylenes, p-Xylenes

- Antimony Compounds; Antimony Pentafluoride; Antimony Po~~s~~tassium Tartrate; Antimony Trioxide; Antimony Trisulfide
- Arsenic and Inorganic Arsenic Compounds; Arsine
- Beryllium Compounds (except Beryllium Salts); Beryllium Salts
- Cadmium Compounds; Cadmium Oxide
- Chromium compounds (except Hexavalent and Trivalent); Hexavalent Chromium compounds; Trivalent Chromium Compounds (Chromium Oxide)
- Cobalt Compounds; Cobalt Carbonyl
- Cyanide Compounds; Potassium Cyanide; Sodium Cyanide
- Glycol Ethers; 2-Ethoxy Ethanol; 2-Methoxy Ethanol
- Lead and Compounds; Tetraethyl Lead; Tetramethyl Lead
- Mercury Compounds; Elemental Mercury; Mercuric Chloride; Mercuric Nitrate; Phenyl Mercuric Acetate
- Mineral Fiber Compounds; Ceramic Fibers; Erionite; Glass Wool; Rock Wool;
- Silica (Crystalline); Slag Wool; Talc (containing Asbestos form fibers);
- Nickel Compounds; Nickel Carbonyl; Nickel Refinery Dust; Nickel Subsulfide
- Polycyclic Organic Matter (POM); 2-Acetylaminofluorene; 4-Aminobiphenyl; Benzidine; Biphenyl; Carbaryl; Chlorobenzilate; Dibenzofurans; 3,3-Dichlorobenzidine; p,p'-Dichlorodiphenyl Ethane (DDE); 3,3-Dimethoxybenzidine; 3,3'-Dimethylbenzidine; 4,4-Methylene bis(2 Chloroaniline); Methylene Diphenyl Diisocyanate; 4-Nitrobiphenyl; Quinoline; 2,3,7,8-Tetrachlorodibenzo-p-dioxin
- Selenium and Compounds; Hydrogen Selenide; Selenium Sulfide (mono and di); Sodium Selenate; Sodium Selenite

Table 2
Hazardous Air Pollutants
Sorted by Chemical Name

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|---|---|---|---|
| 75070 | Acetaldehyde | Yes | 2,000 |
| 60355 | Acetamide | Yes | 1,000 |
| 75058 | Acetonitrile | Yes | 1,000 |
| 98862 | Acetophenone | Yes | 1,000 |
| 53963 | 2-Acetylaminofluorine [8] | Yes | 10 |
| 107028 | Acrolein | Yes | 40 |
| 79061 | Acrylamide | Yes | 20 |
| 79107 | Acrylic Acid | Yes | 600 |
| 107131 | Acrylonitrile | Yes | 300 |
| 107051 | Allyl Chloride | Yes | 1,000 |
| 92671 | 4-Aminobiohenyl [8] | Yes | 1,000 |
| 62533 | Aniline | Yes | 1,000 |
| 90040 | o-Anisidine | Yes | 1,000 |
| 7440360 | Antimony Compounds (except those specifically listed) [5] [8] | No | 2,000 |
| 7783702 | Antimony Pentafluoride [8] | No | 100 |
| 28300745 | Antimony Potassium Tartrate [8] | No | 1,000 |
| 1309644 | Antimony Trioxide [8] | No | 1,000 |
| 1345046 | Antimony Trisulfide [8] | No | 100 |
| 7440382 | Arsenic and Inorganic Arsenic Compounds [8] | No | 10 |
| 7784421 | Arsine [8] | No | 10 |
| 1332214 | Asbestos | No | 0 |
| 56553 | Benz(a)anthracene | Yes | 20 |
| 225514 | Benz(c)aridine | Yes | 20 |
| 71432 | Benzene | Yes | 1,000 |
| 92875 | Benzidine [8] | Yes | 0.6 |
| 50328 | Benzo(a)pyrene | Yes | 20 |
| 205992 | Benzo(b)fluoranthene | Yes | 20 |
| 98077 | Benzo Trichloride | Yes | 12 |
| 100447 | Benzyl Chloride | Yes | 100 |
| 7440417 | Beryllium Compounds (except Beryllium Salts) [5] [8] | No | 16 |
| - | Beryllium Salts [8] | No | 0.04 |
| 92524 | Biphenyl [8] | Yes | 2,000 |
| 117817 | Bis(2-ethvlhexyl)phthalate (DEHP) | Yes | 2,000 |
| 542881 | Bis(chloromethyl)ether | Yes | 0.6 |
| 75252 | Bromoform | Yes | 2,000 |
| 106945 | 1-Bromopropane (1-BP) (N-Propyl Bromide) (nPB) | Yes | 20 |
| 106990 | 1,3-Butadiene | Yes | 70 |

| | | | |
|---|---|---|---|
| 7440439 | Cadmium Compounds (except those specifically listed) [5] [8] | No | 20 |
| 130618 | Cadmium Oxide [8] | No | 20 |
| 156627 | Calcium Cyanamide | No | 2,000 |
| 133062 | Captan | No | 2,000 |
| 63252 | Carbary l[8] | No | 2,000 |
| 75150 | Carbon Disulfide | Yes | 1.000 |
| 56235 | Carbon Tetrachloride | Yes | 1,000 |
| 463581 | Carbonyl Sulfide | Yes | 2,000 |
| 120809 | Catechol | Yes | 2.000 |
| 142844006 | Ceramic Fibers [8] | No | 0 |
| 133904 | Chloramben | No | 1,000 |
| 57749 | Chlordane | Yes | 20 |
| 7782505 | Chlorine | No | 100 |
| 79118 | Chloroacetic Acid | Yes | 100 |
| 532274 | 2-Chloroacetophenone | Yes | 60 |
| 108907 | Chlorobenzene | Yes | 2,000 |
| 510156 | Chlorobenzilate [8] | Yes | 400 |
| 67663 | Chloroform | Yes | 900 |
| 107302 | Chloromethyl Methyl Ether | Yes | 100 |
| 126998 | Chloroorene | Yes | 1,000 |
| 10025737 | Chromic Chloride | No | 100 |
| 7440473 | Chromium Compounds (except Hexavalent and Trivalent) [5] [8] | No | 2,000 |
| 218019 | Chrysene | Yes | 20 |
| 10210681 | Cobalt Carbonyl [8] | No | 100 |
| 7440484 | Cobalt Compounds (except those specifically listed) [5] [8] | No | 100 |
| - | Coke Oven Emissions | No | 30 |
| 108394 | m-Cresol [8] | Yes | 1,000 |
| 95487 | o-Cresol [8] | Yes | 1,000 |
| 106445 | p-Cresol [8] | Yes | 1,000 |
| 1319773 | Cresols/Cresylic Acid (isomers and mixture) [8] | Yes | 1,000 |
| 98828 | Cumene | Yes | 2,000 |
| - | Cyanide Compounds (except those specifically listed) [1] [5] [8] | No | 2,000 |
| 94757 | 2.4-D, Salts, Esters (2,4-Dichlorophenoxy acetic acid) | Yes | 2,000 |
| 334883 | Diazomethane | Yes | 1,000 |
| 53703 | Dlbenz(a,h)anthracene | Yes | 20 |
| 132649 | Dibenzofurans [8] | No | 2,000 |
| 189559 | 1,2:7,8-Dibenzopvrene | Yes | 20 |
| 96128 | 1,2-Dibromo-3-chloropropane | Yes | 20 |
| 84742 | Dibutyl phthalate | Yes | 2,000 |
| 106467 | 1,4-Dichlorobenzene(p) | Yes | 1,000 |
| 91941 | 3,3'-Dichlorobenzidene [8] | Yes | 200 |
| 3547044 | o,o'-Dichlorodiphenvl ethane (DOE) [8] | Yes | 20 |
| 111444 | Dichloroethyl Ether (Bis(2-chloroethyl)ether) | Yes | 60 |
| 542756 | 1,3-Dichloropropene | Yes | 1,000 |

| | | | |
|---|---|---|---|
| 62737 | Dichlorvos | Yes | 200 |
| 111422 | Diethanolamine | Yes | 2,000 |
| 64675 | Diethyl sulfate | Yes | 1,000 |
| 119904 | 3,3'-Dimethoxybenzidine [8] | Yes | 100 |
| 60117 | 4-Dimethyl Amino Azobenzene | Yes | 1,000 |
| 119937 | 3,3' Dimethyl Benzidine [8] | Yes | 16 |
| 79447 | Dimethyl Carbamoyl Chloride | Yes | 20 |
| 68122 | Dimethyl Formamide | Yes | 1,000 |
| 57147 | 1.1-Dimethyl Hydrazine | Yes | 16 |
| 131113 | Dimethyl Phthalate | Yes | 2,000 |
| 77781 | Dimethyl Sulfate | Yes | 100 |
| 121697 | N,N-Dimethylaniline | Yes | 1,000 |
| 57976 | 7,12-Dimethylbenz(a)anthracene | Yes | 0 |
| 534521 | 4,6-Dinitro-o-cresol and Salts | No | 100 |
| 51285 | 2,4-Dinitrophenol | Yes | 1,000 |
| 121142 | 2,4-Dinitrotoluene | Yes | 20 |
| 123911 | 1,4-Dioxane (1,4-Diethyleneoxide) | Yes | 2,000 |
| - | Dioxins & Furans (TCDD equivalent) [6] | No | 0 |
| 122667 | 1,2-Diphenylhydrazine | Yes | 90 |
| 7439976 | Elemental Mercury [8] | No | 20 |
| 106898 | Epichlorohydrin (1-Chloro-2,3-epoxypropane) | Yes | 1,000 |
| 106887 | 1,2-Epoxybutane | Yes | 1,000 |
| 66733219 | Erionite [8] | No | 0 |
| 110805, | 2-Ethoxy Ethanol [8] | No | 2,000 |
| 140885, | Ethyl Acrylate | Yes | 1,000 |
| 100414- | Ethyl Benzene | Yes | 2.000 |
| 51796, | Ethyl Carbamate (Urethane) | No | 800 |
| 75003 | Ethyl Chloride (Chloroethane) | Yes | 2,000 |
| 106934 | Ethylene Dibromide (Dibromoethane) | Yes | 100 |
| 107062 | Ethylene Dichloride (1,2-Dichloroethane) | Yes | 1,000 |
| 107211 | Ethylene Glycol | Yes | 2,000 |
| 151564 | Ethyleneimine (Aziridine) | Yes | 6 |
| 75218 | Ethylene Oxide | Yes | 100 |
| 96457 | Ethylene Thiourea | No | 600 |
| 75343 | Ethylidene Dichloride (1,1-Dichloroethane) | Yes | 1,000 |
| 62207765 | Fluomine | No | 0 |
| 50000 | Formaldehyde | Yes | 1,000 |
| 65997173 | Glass Wool [8] | No | 0 |
| - | Glycol Ethers (except those specifically listed) [2] [8] [8] | No | 0 |
| 76448 | Heptachlor | Yes | 20 |
| 118741 | Hexachlorobenzene | No | 20 |
| 87683 | Hexachlorobutadiene | Yes | 900 |
| 77474 | Hexachlorocyclopentadiene | Yes | 100 |
| 67721 | Hexachloroethane | No | 2.000 |
| 822060 | Hexamethylene,-1,6-diisocvanate | No | 20 |
| 680319 | Hexamethylphosphoramide | No | 20 |
| 110543 | Hexane | Yes | 2,000 |
| 18540299 | Hexavalent Chromium Compounds [8] | No | 4 |

| | | | |
|---|---|---|---|
| 302012 | Hydrazine | No | 8 |
| 7647010 | Hydrochloric Acid | No | 2,000 |
| 74908 | Hydrogen Cyanide | No | 0 |
| 7664393 | Hydrogen Fluoride (Hydrofluoric Acid) | No | 100 |
| 7783075 | Hydrogen Selenide [8] | No | 100 |
| 1233191 | Hydroquinone | Yes | 1,000 |
| 193395 | Ideno(1,2,3-cd}pyrene | Yes | 20 |
| 78591 | Isophorone | Yes | 2,000 |
| 7439921 | Lead and Compounds (except those specifically listed) [5] [8] | No | 20 |
| 58899 | Lindane (all isomers) | No | 20 |
| 108316 | Maleic anhydride | No | 1,000 |
| 7439965, | Manganese and Compounds (except those specifically listed) [5] [8] | No | 800 |
| 748794 | Mercuric Chloride [8] | No | 20 |
| 10045940 | Mercuric Nitrate [8] | No | 20 |
| - | Mercury Compounds (except those specifically listed) [8] [8] | No | 20 |
| 67561 | Methanol | Yes | 2,000 |
| 108864 | 2-Methoxy Ethanol [8] | No | 2,000 |
| 72435 | Methoxychlor | Yes | 2,000 |
| 74839 | Methyl Bromide (Bromomethane) | Yes | 2,000 |
| 74873 | Methyl Chloride (Chloromethane) | Yes | 2,000 |
| 71556 | Methyl Chloroform (1,1,1-Trichlorethane) | No | 2,000 |
| 60344 | Methyl Hydrazine | Yes | 60 |
| 74884 | Methyl Iodide (Iodomethane) | Yes | 1,000 |
| 108101 | Methyl Isobutyl Ketone | Yes | 2,000 |
| 624839 | Methyl Isocyanate | Yes | 100 |
| 80626 | Methyl Methacrylate | Yes | 2,000 |
| 1634044 | Methyl Tert Butyl ether | Yes | 2,000 |
| 12108133 | Methylcyclopentadienyl Manganese | No | 100 |
| 101144 | 4,4-Methylene Bis (2-Chloroaniline) [8] | No | 200 |
| 75092 | Methylene chloride (Dichloromethane) | No | 2,000 |
| 101688 | Methylene Diphenyl Diisocyanate (MDI) [8] | No | 100 |
| 101779 | 4,4'-Methylenedianiline | No | 1,000 |
| - | Mineral Fiber Compounds (except those specifically listed) [3] [5] [8] | No | 0 |
| 91203 | Naphthalene | Yes | 2,000 |
| 13463393 | Nickel Carbonyl [8] | No | 100 |
| 7440020 | Nickel Compounds (except those specifically listed) [5] [8] | No | 1,000 |
| 1146 | Nickel Refinery Dust [8] | No | 80 |
| 12035722 | Nickel Subsulfide [8] | No | 40 |
| 98953 | Nitrobenzene | Yes | 1,000 |
| 92933 | 4-Nitrobiphenyl [8] | Yes | 1,000 |
| 100027 | 4-Nltrophenol | Yes | 2,000 |
| 79469 | 2-Nitropropane | Yes | 1,000 |
| 62759 | N-Nitrosodimethylamine | Yes | 2 |
| 59892 | N-Nitrosomorpholine | Yes | 1,000 |

| | | | |
|---|---|---|---|
| 684935 | N-Nitroso-N-methylurea | Yes | 0.4 |
| 56382 | Parathion | Yes | 100 |
| 82688 | Pentachloronitrobenzene (Quintobenzene) | Yes | 300 |
| 87865 | Pentachlorophenol | Yes | 700 |
| 108952 | Phenol | Yes | 100 |
| 62384 | Phenyl Mercuric Acetate [8] | No | 20 |
| 106503 | p-Phenylenediamine | Yes | 2,000 |
| 75445 | Phosgene | Yes | 100 |
| 7803512 | Phosphine | No | 2,000 |
| 7723140 | Phosphorous | No | 100 |
| 85449 | Phthalic Anhydride | No | 2.000 |
| 1336363 | Polychlorinated Biphenyls (Aroclors, PCBs) | Yes | 18 |
| - | Polycyclic Organic Matter- POM (except those specifically listed) [5] [8] | Yes | 20 |
| 151508 | Potassium Cyanide [8] | No | 100 |
| 1120714 | 1,3-Propane Sultone | No | 30 |
| 57578 | beta-Propiolactone | Yes | 100 |
| 123386 | Propionaldehyde | Yes | 2,000 |
| 114261 | Propoxur (Baygon) | No | 2,000 |
| 78875, | Propylene Dichloride (1,2-Dichloropropane) | Yes | 1,000 |
| 75569 | Propylene Oxide | Yes | 2,000 |
| 75558 | 1,2-Propylenimine (2-Melhyl Aziridine) | Yes | 6 |
| 91225, | Quinoline [8] | Yes | 12 |
| 106514 | Quinone | Yes | 2,000 |
| 99999918 | Radionuclides (including Radon) [4] | No | [7] |
| - | Rock Wool [8] | No | 0 |
| 7782492: | Selenium and Compounds (except those specifically listed) [5] [8] | No | 100 |
| 7488564 | Selenium Sulfide (Mono and Di) [8] | No | 100 |
| 14464461 | Silica (Crystalline) [8] | No | 0 |
| - | Slag Wool [8] | No | 0 |
| 14333 | Sodium Cyanide [8] | No | 100 |
| 13410010 | Sodium Selenate [8] | No | 100 |
| 10102188 | Sodium Selenite [8] | No | 100 |
| 100425 | Styrene | Yes | 1,000 |
| 96093 | Styrene Oxide | Yes | 1,000 |
| 14807966 | Talc (containing asbestos form fibers) [8] | No | 0 |
| 1746016 | 2,3,7,8-Tetrachlorodibenzo-o-dioxin [8] | No | 0.0012 |
| 79345 | 1,1,2,2-Tetrachloroelhane | Yes | 300 |
| 127184 | Tetrachloroethylene (Perchloroethylene) | No | 2,000 |
| 78002 | Tetraethyl Lead [8] | No | 20 |
| 75741 | Tetramethyl Lead [8] | No | 20 |
| 7550450 | Titanium Tetrachloride | No | 100 |
| 108883 | Toluene | Yes | 2,000 |
| 95807 | 2,4-Toluene Diamine | Yes | 20 |
| 584849 | 2,4-Toluene Diisocyanate | Yes | 100 |
| 95534 | o-Toluidine | Yes | 1,000 |
| 8001352 | Toxaphene (Chlorinated Camphene) | No | 20 |
| 120821 | 1,2,4-Trichlorobenzene | Yes | 2,000 |

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|---|---|---|---|
| 79005 | 1,1,2-Trichloroethane | Yes | 1,000 |
| 79016 | Trichloroethylene | Yes | 2,000 |
| 95954 | 2,4,5-Trichlorophenol | Yes | 1,000 |
| 88062 | 2,4,6-Trichlorophenol | Yes | 2,000 |
| 121448, | Triethylamine | Yes | 2,000 |
| 1582098, | Trifluralin | No | 2,000 |
| 540841 | 2,2,4-Trimethylpentane | Yes | 2,000 |
| 1308389 | Trivalent Chromium Compounds (Chromium Oxide) [8] | No | 2,000 |
| 108054 | Vinyl Acetate | Yes | 1,000 |
| 593602 | Vinyl Bromide (Bromoethene) | Yes | 600 |
| 75014 | Vinyl Chloride | Yes | 200 |
| 75354 | Vinylidene Chloride (1,1-Dichloroethylene) | Yes | 400 |
| 108383 | m-Xylenes [8] | Yes | 2,000 |
| 95476 | o-Xylenes [8] | Yes | 2,000 |
| 106423 | p-Xylenes [8] | Yes | 2,000 |
| 1330207 | Xylenes (isomers and mixture) [8] | Yes | 2,000 |

[1] XCN where X=H or any other group where a formal dissociation may occur

[2] Include mono-and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH2CH2)n-OR' where n=1, 2, or 3; R=alkyl or aryl groups, R'=R,H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH2CH)n-OH. Polymers are excluded from the glycol category. Ethylene glycol monobutyl ether is excluded from this category.

[3] Includes glass microfibers, glass wool fibers, rock wool fibers and slag wool fibers, each characterized as "respirable" (fiber diameter < 3.5 micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) > 3.

[4] A type of atom which spontaneously undergoes radioactive decay.

[5] For this chemical group, specific compounds or subgroups are named specifically in this table. For the remainder of the chemicals in the chemical group, a single de minimis value is listed, and this value applies to the sum of the compounds in the group which are not named specifically.

[6] The "toxic equivalent factor" method in EPA/625/3-89-016, [U.S. EPA (1989) Interim procedures for estimating risk associated with exposure to mixtures] should be used for PCDD/PCDF mixtures. A different de minimis level will be determined for each mixture depending on the equivalency factors which are compound specific.

[7] The EPA relies on Subparts B and I, and Appendix E of 40 CFR Part 61 and assigns a de minimis level based on an effective dose equivalent of 0.3 millirem per year for a 7 year exposure period that would result in a cancer risk of 1 per million. The individual radionuclides subject to de minimis levels used for section 112(g) are also contained in 40 CFR Part 61.

2025 proposed revisions

[8] Emissions from all substances in each set below should be aggregated for the purpose of determining major source status as described in Chapter 1, Section 001:

- Cresols/Cresylic Acid (isomers and mixture); m-Cresol; o-Cresol; p-Cresol
- Xylenes (isomers and mixture); m-Xylenes; o-Xylenes, p-Xylenes
- Antimony Compounds; Antimony Pentafluoride; Antimony Potassium Tartrate; Antimony Trioxide; Antimony Trisulfide
- Arsenic and Inorganic Arsenic Compounds; Arsine
- Beryllium Compounds (except Beryllium Salts); Beryllium Salts
- Cadmium Compounds; Cadmium Oxide
- Chromium compounds (except Hexavalent and Trivalent); Hexavalent Chromium compounds; Trivalent Chromium Compounds (Chromium Oxide)
- Cobalt Compounds; Cobalt Carbonyl
- Cyanide Compounds; Potassium Cyanide; Sodium Cyanide
- Glycol Ethers; 2-Ethoxy Ethanol; 2-Methoxy Ethanol
- Lead and Compounds; Tetraethyl Lead; Tetramethyl Lead
- Mercury Compounds; Elemental Mercury; Mercuric Chloride; Mercuric Nitrate; Phenyl Mercuric Acetate
- Mineral Fiber Compounds; Ceramic Fibers; Erionite; Glass Wool; Rock Wool;
- Silica (Crystalline); Slag Wool; Talc (containing Asbestos form fibers);
- Nickel Compounds; Nickel Carbonyl; Nickel Refinery Dust; Nickel Subsulfide
- Polycyclic Organic Matter (POM); 2-Acetylaminofluorene; 4-Aminobiphenyl; Benzidine; Biphenyl; Carbaryl; Chlorobenzilate; Dibenzofurans; 3,3-Dichlorobenzidine; p,p'-Dichlorodiphenyl Ethane (DDE); 3,3-Dimethoxybenzidine; 3,3'-Dimethylbenzidine; 4,4-Methylene bis(2 Chloroaniline); Methylene Diphenyl Diisocyanate; 4-Nitrobiphenyl; Quinoline; 2,3,7,8-Tetrachlorodibenzo-p-dioxin
- Selenium and Compounds; Hydrogen Selenide; Selenium Sulfide (mono and di); Sodium Selenate; Sodium Selenite

## Appendix II

AIR POLLUTION EMERGENCY EPISODES

### 1.0 EMERGENCY EMISSION REDUCTION REGULATIONS

The following action plan defines the actions that shall be taken by the general populace and by specific point sources to prevent the excessive buildup of air pollutant concentrations.

### 1.1 ALERT LEVEL

(a) General

(1) There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

(2) The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 noon and 4:00 p.m.

(3) Persons operating fuel-burning equipment which require boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.

(4) Persons operating motor vehicles shall eliminate all unnecessary operations.

(b) Source Curtailment

(1) Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert level.

| Source of Air Pollution | Control Actions |
|---|---|
| (1) Coal or oil-fired electric power generating facilities | a. Substantial reduction by utilization of fuel having low ash and sulfur content.<br>b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.<br>c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area. |

| | |
|---|---|
| (2) Coal and oil-fired process steam generating facilities | a. Substantial reduction by utilization of fuels having low ash and sulfur content.<br><br>b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.<br><br>c. Substantial reduction of steam load demands consistent with continuing plant operations. |
| (3) Manufacturing industries of the following classification:<br>Primary Metals Industry<br>Petroleum Refining Operations<br>Chemical Industries<br>Mineral Processing Industries<br>Paper and Allied Products<br>Grain Industry | a. Substantial reduction of air pollutants from manufacturing operations by curtailing, postponing, or deferring production and all operations.<br><br>b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors or malodorous substances.<br><br>c. Maximum reduction of heat load demands for processing.<br><br>d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. |

**1.2 WARNING LEVEL**

(a) General

(1) There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form.

(2) The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

(3) Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.

(4) Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

(b) Source Curtailment

(1) Any person responsible for the operation of a source of air pollution listed below shall take all required control actions for this warning level.

| | Source of Air Pollution | Control Action |
|---|---|---|
| (1) | Coal or oil-fired electric power generating facilities | a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.<br><br>b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.<br><br>c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area. |
| (2) | Coal or oil-fired process steam generating facilities | a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.<br><br>b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.<br><br>c. Making ready for use a plan of action to be taken if an emergency develops. |
| (3) | Manufacturing industries which require considerable lead time for shut-down including the following classifications:<br><br>Petroleum Refining<br>Chemical Industries<br>Primary Metals Industries<br>Grain Industries<br>Paper and Allied Products | a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation.<br><br>b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, |

| | | |
|---|---|---|
| | | vapors, or malodorous substances.<br><br>c. Maximum reduction of heat load demands for processing.<br><br>d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. |
| (4) | Manufacturing industries which require relatively short lead times for shutdown including classifications:<br>Petroleum Refining<br>Chemical Industries<br>Primary Metals Industries<br>Grain Industries<br>Paper and Allied Products | a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, post-poning, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.<br><br>b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.<br><br>c. Maximum reduction of heat Load demands for processing. demands for processing.<br><br>d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing. |

**1.3 EMERGENCY LEVEL**

(a) General

(1) There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

(2) The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

(3) All places of employment described below shall immediately cease operations:

a. Mining and quarrying of non-metallic minerals.

b. All construction work except that which must proceed to avoid emergent physical harm.

c. All manufacturing establishments except those required to have in force an air pollution emergency plan.

d. All wholesale trade establishments; i.e. places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.

e. All offices of local, county and state government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county or state government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.

i. Advertising offices, consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services, equipment rental services, commercial testing laboratories.

j. Automobile repair, automobile services, garages.

k. Establishments rendering amusement and recreational services including motion picture theaters.

l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

(4) All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.

(5) The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

(b) Source Curtailment

(1) Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency level.

| | Source of Air Pollution | Control Action |
|---|---|---|
| (1) | Coal or oil-fired electric power generating facilities | a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.<br><br>b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.<br><br>c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area. |
| (2) | Coal and oil-fired process steam generating facilities | a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.<br><br>b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.<br><br>c. Taking the action called for in the emergency plan. |
| (3) | Manufacturing industries of the following classifications:<br>Primary Metals Industries<br>Petroleum Refining<br>Chemical Industries<br>Mineral Processing Industries<br>Grain Industry<br>Paper and Allied Products | a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. |

b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

c. Maximum reduction of heat load demands for processing.

d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

## 1.4 MAJOR POINT SOURCES EMERGENCY REDUCTION PLAN

Any source of air pollution shall submit within thirty days of request by the Department, or delegated local air agencies, a plan designed to reduce or eliminate the emission of air pollutants in accordance with the objectives specified in Sections 1.1, 1.2, and 1.3. Each such plan shall be subject to review and approval by the Department. If, in the opinion of the Department or delegated agency, a submitted plan does not effectively carry out the objectives specified, the Department or agency may disapprove it, state reasons for disapproval and require preparation of an amended/revised plan within a specified time period.

(a) Plan Description.

Each plan shall be submitted in writing, shall identify the emitted pollutants, shall state the approximate amount (percentage) of expected reduction of pollutants and shall briefly describe the manner, method or technology employed to achieve the reduction during each severity level of an episode. Each plan, when approved by the Department, is (becomes) legally enforceable. During declared episodic conditions, a copy of the plan for a given source shall be made available on source premises to any person(s) authorized to enforce the provisions of the plan.

(b) Emergency Reduction Plans will be obtained from point sources within one (1) year after submission of this Plan. These will be submitted in semi-annual progress reports until such legally enforceable schedules are obtained from all point sources.

## 2.0 COMMUNICATION AND CONTROL PROCEDURES

The following paragraphs are designed to "stand alone" as a "Manual of Operation". It should be distributed as required to individuals as designated by the Director.

## 2.1 COMMUNICATIONS

The Nebraska Emergency Management Agency (NEMA) was created and charged by Nebraska State Statute Section 81-829.31, Sections 81-829.36 to 81.829.75 to respond to emergencies within Nebraska. Amongst other duties, NEMA is responsible for providing an emergency management system and coordination of emergency response and recovery activities by agencies and officers of this state. NEMA is the primary agency for maintaining and coordinating the communications between and among the various public, state, and federal agencies; the National Weather Service; hospital and medical facilities; the emitting sources, the air quality monitoring station; and news media. Control of the system is focused in the State Emergency Operations Center (SEOC) located at NEMA headquarters in Lincoln, Nebraska.

(a) Meteorological Information

NEMA will coordinate with the National Weather Service for any necessary meteorological information, and information input at the SEOC, and provide that to agencies under an electronic reporting system (e.g. Knowledge Center or the electronic reporting system in use at time of emergency).

(b) Air Quality Information

The normal reporting frequency of the various stations in the Nebraska Ambient Air Monitoring Network is accelerated when first indications of a possible episode occurrence are recognized.

(c) Directives

Instructions to emitting sources, public agencies, police, and medical facilities will be coordinated through and issued by NEMA in coordination with the Governor and the ~~N~~DWEE as the situation dictates per existing NEMA procedures and protocols under and through the State Emergency Operations Plan in coordination with the various Emergency Support Function agencies.

(d) Public Information

The requirement to inform the populace of the situation in case of an episode occurrence, and to direct their appropriate/mandatory responses is met through existing NEMA procedures and protocols as directed by the Governor with the assistance of ~~N~~DWEE under the State Emergency Operations Plan.

(e) Effectiveness Reporting

The need for the SEOC to monitor the effectiveness of abatement actions and to access the adherence to planned strategies of sources is coordinated through the Department (under Emergency Support Function 10 and 12 of the State Emergency Operations Plan), supplemented by NEMA as necessary. Reporting of apparent violators or obvious ineffective results will be relayed to the SEOC (by Local Officials, State Officials,

Emergency Managers, etc.). Dependent on the circumstances and what is reported, NEMA, will work in coordination with ~~N~~DWEE in acquiring resources to issue instructions to correct the reported deficiency or violation. (NEMA's role is in the collection of resources and directing requests to state and locals to address problems; it has no law enforcement capability as that rests with State Patrol (ESF13 and National Guard ESF15) and the local Emergency Manager(s)).

## 2.2 PROCEDURES

For each of the episode levels – 1.1 Alert Level, 1.2 Warning Level, and 1.3 Emergency Level – the Department will coordinate its required actions, as stated in 1.0 EMERGENCY EMISSION REDUCTION ACTION PLAN above, with NEMA and the State Emergency Operations Center; following existing SOEC procedures and protocols.

(a) When Emergency Support Function #10 (ESF10), Oil and Hazardous Materials Response, is activated, the following operational requests may be made of other ~~N~~DWEE personnel. The extent of the response will vary depending on the scope of the event and the resources that are available with which to respond.

1) Respond to the scene, inform the incident commander (IC) of arrival, and work within the Incident Command System (ICS). Tasks performed will not exceed the scope of Operations Level as described in 29 CFR 1910.120 (OSHA HAZWOPER).
2) After assessing the incident scene, provide technical guidance to the IC concerning immediate response actions in order to minimize threat and impact to public health and safety and the environment.
3) Determine the need for technical assistance from other agencies.
4) Consult with ~~N~~DWEE, DHHS, and/or Agriculture about activation of ESF #10 and coordinate the response by the ESF state agencies.
5) Request activation of the federal Regional Response Team as per the EPA Region 7 Response Plan when necessary.
6) Share with other agencies any available environmental and/or facility information critical to response actions.
7) Following consultation with local and state agencies, determine if environmental variances or waivers are necessary due to the scope of the event.
8) Establish a joint information center and coordinate the flow of information to the public.
9) Coordinate with state PIOs the release of information regarding the incident to the media and public.
10) Provide, either directly or in concert with DHHS and/or NEMA, press releases to the media and public concerning environmental and public health recovery actions, public safety.
11) Provide overall coordination, leadership, assessment, and technical assistance for public health needs for potential or actual events.

12) Supplement local law enforcement and/or Nebraska National Guard efforts to protect public safety and property during an event.

Forecast

Determination of specific actions to be taken during the period of an Episode Forecast involves many factors which will vary with each Forecast situation. Therefore, they cannot be considered in this planned set of procedures. However, some general guides are included below:

1) Although it should not be necessary to put all members of the Emergency Action team on duty during a Forecast situation each member should be notified of the possibility/probability of spending extra duty time should the situation worsen.

2) Selection of emitting sources to be notified should take into consideration the length of lead time each may need to implement their emergency reduction plans.

3) Any press release(s) supporting the declaration statement should emphasize that only a "conservative" response by the public is called for.

Termination

Except for episodes caused by unusually high emissions from one or more specific sources, termination of any level of episode severity will occur only with an improvement in meteorological conditions. The Department will follow NEMA communications and procedures and protocols for declaring a termination.

Episode Reporting

Following termination of an episode of any level of severity, a report must be prepared for the Department Director's signature including:

1) Summary of significant events, including dates and times, identification of difficulties, effectiveness of reduction actions, etc.

2) Summary of estimated costs to:

a) NEMA and SEOC (using electronic reporting, e.g. Knowledge Center system)
b) Other public agencies involved
c) Sources
d) Public response
e) Detrimental health results - casualties, etc.

This report must be submitted to the Environmental Protection Agency Region VII Administrator within ten (10) days of the termination date.