

# DWEE Permitting Overview

Power Summit  
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Presented by:  
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Permitting and Engineering



# DWEE Permitting

## Permitting and Engineering Programs

- Air Construction and Operating
- Integrated Waste and RCRA
- National Pollutant Discharge Elimination System (NPDES)
- Drinking Water and Wastewater Construction
- Concentrated Animal Feeding Operation (CAFO)-Construction and Operating


## Other DWEE Permitting Programs

- Dam Safety
- CAFO NPDES Permit
- Mineral Exploration
- On-site Wastewater Treatment Operating Permit
- Underground Injection Control
- Surface Water Permit

<https://dwee.nebraska.gov/>



# Permitting Process Overview

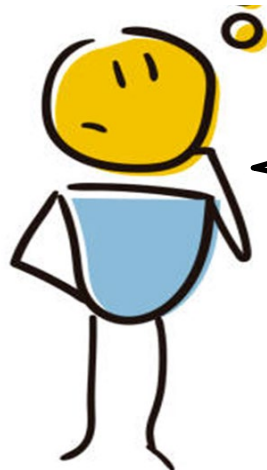
1. Application Submittal
  2. Administrative and Technical Review  
[Internal]
  3. Document Drafting
  4. Internal Review [Internal]
  5. Compliance Review  
[Internal]
  6. Supervisor Review [Internal]
  7. Courtesy Source Review  
[External]
  8. Public Notice (if applicable)  
[External]
  9. Public Hearing (if applicable)  
[External]
  10. Final Review and Issuance
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# Permitting Process Overview

## 2. Administrative and Technical Review:

### What is it?

This step involves review of different parts of the application to ensure it accurately portrays the project.



### Common speedbumps:

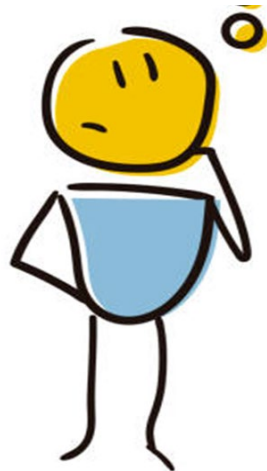
- ✓ Not being registered with Secretary of State;
- ✓ Responsible Official designation;
- ✓ Fee amount/submittal (if applicable);
- ✓ Not submitting proper documentation (i.e.: calculation sheets, specification sheets, etc.)

# Permitting Process Overview

## 3. Document Drafting:

### What is it?

This step involves preparing the permit documents (i.e: calculation sheet, permit, and fact sheet) based on the application.



### Common speedbumps:

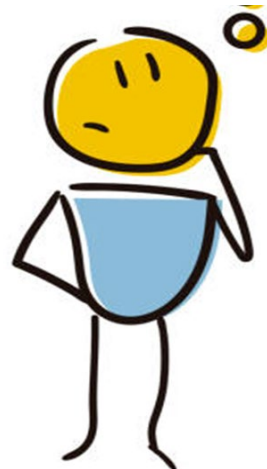
- ✓ Not submitting proper documentation (i.e.: calculation sheets, specification sheets, etc.)
- ✓ Changing scope of the project (i.e.: adding new things, modifying proposed limitations, etc.);
- ✓ Delays in responding to communication request timelines

# Permitting Process Overview

## 4. Internal Review, 5. Compliance Review, 6. Supervisor Review:

### What is it?

This step involves peer-reviewing the drafts to address any mistakes and to address enforceability.



### Common speedbumps:

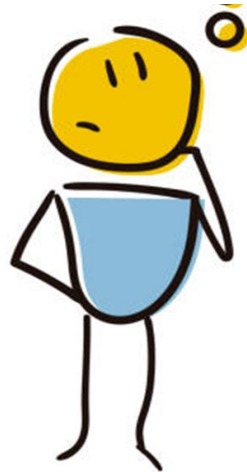
- ✓ Workload may delay peer-reviews;
- ✓ Changing scope of the project (i.e.: adding new things, modifying proposed limitations, etc.)

# Permitting Process Overview

## 7. Courtesy Source Review:

### What is it?

This step involves a courtesy source review to look over the draft documents and provide any comments they may have prior to public notice (if applicable) or issuance.



### Common speedbumps:

- ✓ Changing scope of the project (i.e.: adding new things, modifying proposed limitations, etc.);
- ✓ Asking for additional items that were not in the scope of the project;
- ✓ Delays in responding to communication request timelines.

# Permitting Process Overview

## 8. Public Notice – if applicable:

### What is it?

This step (if applicable) involves providing the public with an opportunity to review and comment on draft permit documents.

### Common speedbumps:

- ✓ While it is within the public notice procedures, waiting until the end of the public notice period to submit comments usually slows the issuance process;
- ✓ Changing scope of the project (i.e.: adding new things, modifying proposed limitations, etc.)



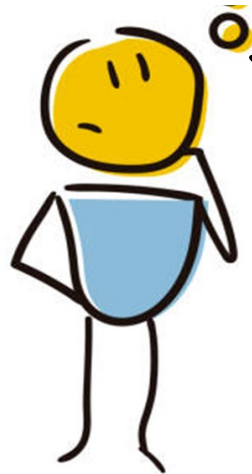


# Permitting Process Overview

## 9. Public Hearing – if applicable:

### What is it?

This step (if applicable) involves providing citizens with an additional opportunity to review and comment on draft permit documents via a public hearing.



### Common speedbumps:

- ✓ While it is within the public hearing procedures, if a hearing request is received (and granted) it necessitates an additional public notice period (30 days).
- ✓ While it is within the public hearing procedures, the number of comments received can delay the issuance process.

# Permitting Process Overview

## 10. Final Review and Issuance:

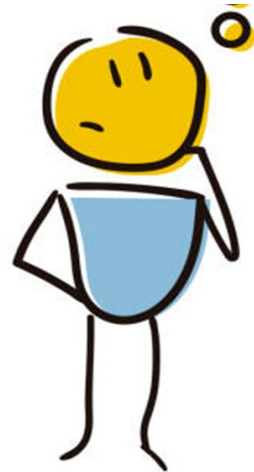
### What is it?

This step involves final review of the draft documents (including response summaries if warranted) and signature.

Note: if there are changes to the permit as a result of the public notice and/or public hearing, a new public comment period may be needed.

### Common speedbumps:

- ✓ Workload may delay reviews and issuance.



# Air Permitting Process Overview

## Processing Assistance Tools and Tips – the 6Cs:

**1. C**ommunicate early in the process.

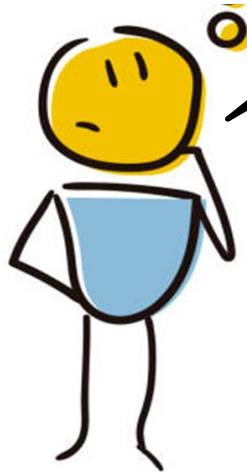
**2. C**ollect project information.

**3. C**alculate emission contributions to understand if you need a permit.

**4. C**ompare emission contributions to determine the need for a permit.

**5. C**omplete and submit application.

**6. C**ommunicate throughout the process.



# Air Permitting Process Overview

## Processing Assistance Tools and Tips – the 6Cs:

**The 6Cs of Preparing a Successful Air Construction Permit Application**

### 1. Communicate



Some of the advantages of pre-application meetings are:

- NDEE can provide answers to questions up front to help expedite completing the application.
- NDEE can provide examples of similar permitted facilities to help complete the application.
- NDEE can better understand the applicant's timeline.
- NDEE can start becoming familiar with the facility (especially when dealing with new technologies).
- NDEE can assist in identifying if other permits in other media (water, wastewater, stormwater, waste, etc.) are needed for the project.
- NDEE can provide information on air pollutant concentrations in the project area as it pertains to air dispersion modeling demonstrations (if needed).
- Applicants can understand NDEE's workload as it pertains to application submittal dates.
- Applicants can understand necessary items needed to complete the application which in turn will reduce the number of information requests during drafting of the permit.


All Construction Permits often are the first permit that facilities need to obtain prior to starting actual construction. Just like in any field, communication is key on executing a successful project.

NDEE encourages applicants to communicate early on the process of obtaining an air construction permit via pre-application meetings. While NDEE understands that many project details are not fully defined, there are many advantages of meeting with the NDEE as soon as the facility knows of a project.

NDEE welcomes in person and virtual pre-application meetings. To schedule a pre-application meeting for your project, please contact [ndes.airquality@nebraska.gov](mailto:ndes.airquality@nebraska.gov).

**The 6Cs of Preparing a Successful Air Construction Permit Application**

### 2. Collect



Components to consider when collecting information on the project, as specified in Title 129, Chapter 3, Section 002.02C:

- Operational parameters such as anticipated operating hours, throughputs, or other bottleneck processes.
- Manufacturer's guarantees for emission factors, performance testing, control efficiency, etc.
- Design specs detailing size, capacity, flow rates, etc.
- Chemical compositions, including the Safety Data Sheet (SDS) and identification as a HAP and/or VOC.
- Applicable NEHSA, NSR, federal, and state regulations that may impact the proposed project.
- Air dispersion modeling, including stack height, location, diameter, etc.
- Air dispersion modeling information, including background data, nearby sources, meteorological data, and, if applicable, NDEE air construction permit application forms, which are available at [www.nde.nebraska.gov](http://www.nde.nebraska.gov).
- Applicable NDEE air construction permit application forms, which are available at [www.nde.nebraska.gov](http://www.nde.nebraska.gov).
- If major NSR, applicable BACT information as available from the EPA website via the NBEC ([nbec.epa.gov/](http://nbec.epa.gov/)).

NDEE encourages applicants to collect all information related to these equipment and processes as early as possible. Equipment and processes are referred to as emission units. An emission unit may combust fuel, crush rock or grain, or consist of spray painting, sand blasting, gasoline dispensing, fermentation, etc.

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### 3. Calculate

The project's PTE accounts for each emission unit being proposed as part of a project. The PTE is measured on a ton-per-year basis and is generally calculated based on emission factors coupled with the emission unit characteristics (e.g., capacity, size, throughput, etc.) on an annual basis.

Emission factors can generally be obtained from the following sources:

- AP-42, Compilation of Air Emissions Factors from Stationary Sources.
- Stack test results for a comparable unit (e.g., same manufacturer, rating, etc.).
- Manufacturer's emission guarantees or design specifications.
- Models.

The basis of each emission factor should be included in the permit application as prescribed in Title 129, Chapter 3, Section 002.02C. For example, if any software is used to model or estimate emissions (such as TANKS, Aspen, Toxchem, etc.), the inputs, model information, and results should be provided for appropriate verification.

In very limited circumstances, the use of compliance margins may be appropriate when calculating PTE. In those certain cases, detailed information must be provided explaining the rationale for the use of a compliance margin.

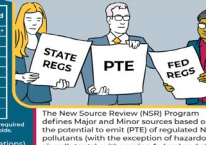
When submitting a construction permit application, please send the electronic calculation sheet (i.e., Excel workbook) to [ndes.airquality@nebraska.gov](mailto:ndes.airquality@nebraska.gov).

NDEE has provided application forms and sample calculations to assist in calculating PTE, which are available at [www.nde.nebraska.gov](http://www.nde.nebraska.gov).

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**The 6Cs of Preparing a Successful Air Permit Application**

### 4. Compare



An air construction permit is required for any project with a net potential to emit (PTE) increase above the pollutant emissions threshold as prescribed in Title 129, Chapter 3, Section 002.02C.

Regulated Pollutant	Emissions Threshold (tons per year (tpy))
PM <sub>10</sub>	10 tpy
SO <sub>2</sub> and/or SO <sub>x</sub>	40 tpy
NO <sub>x</sub>	<25 tpy
VOC	40 tpy
CO	100 tpy
Lead	0.5 tpy
Individual HAP	2.5 tpy
Total HAPs	10 tpy

A project with PTE (without any limitations) below the thresholds listed above may be considered a **No Permit Required (NPR)** project. It is the applicant's responsibility to maintain records of this project PTE calculations to confirm NPR status. NDEE can only provide a formal NPR evaluation if an NPR application is submitted with the appropriate application fee.

Most industries, regardless of capacity or PTE, require an air construction permit according to Title 129, Chapter 3.

**Additional General Construction Permits (GCPs)** are available online for selected operations that can meet certain requirements. These operations include aggregate processing plants, batch or drum mix hot mix asphalt plants, concrete batch plants, emergency engines, surface coating, etc., and incineration. More details on GCPs can be found at [www.nde.nebraska.gov](http://www.nde.nebraska.gov).

A MAJOR NSR Source is defined as follows:

A PTE of 100 tons per year (tpy) of any regulated NSR pollutant listed under a source category in 40 CFR 62.7(b)(3)(C), OR A PTE of ≥250 tpy of any regulated NSR pollutant for all other source categories.


Note: A Major NSR project requires additional application components, such as the evaluation of the Best Available Control Technology (BACT), an Air Quality Analysis, and an Additional Impacts Analysis.

A MINOR NSR Source is defined as a PTE less than applicable Major source thresholds.

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**The 6Cs of Preparing a Successful Air Permit Application**

### 5. Complete



An air construction permit application forms are provided on the NDEE website, [www.nde.nebraska.gov](http://www.nde.nebraska.gov). The complete application consists of seven forms, each form broken down into various sections for specific administrative, operational, or pollutant emissions information.

- Form 1.0 is for general administrative information, including a primary contact, application fee, source classification, and project information.
- Form 2.0 is for air dispersion modeling information, including an emission point summary, stack parameters, and annual volume source information.
- Form 3.0 is for emissions summaries, including criteria pollutants, hazardous air pollutants (HAPs), and greenhouse gases (GHGs).
- Form 4.0 is for federal requirements, including New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Prevention of Significant Deterioration (PSD).
- Form 5.0 is for specific facility operations, including but not limited to grain handling, ethanol processing, surface coating, and natural gas, propane, and biodiesel production.
- Form 6.0 is for specific emissions sources, including internal or external combustion units, incinerators, controlled and uncontrolled emission points, storage tanks, coating booths, haul roads, equipment leaks, and storage piles.
- Form 7.0 is for emission control devices, including combustion flares, thermal oxidizers/regenerative thermal oxidizers, baghouses/cyclones, and scrubbers.

Not all forms may be applicable for a project once the application is submitted. To ensure a smooth permitting process, all relevant project information should be included in the application package.


In addition to filling out the NDEE application forms, other key components to consider and prepare when completing the air construction permit application include the following:

- Nebraska Secretary of State registration.
- Conservation and Environmental Review Report (CERR) from Nebraska Game and Parks Commission.
- Identification of a qualified Responsible Official as defined in Title 129, Chapter 3, Section 002.02 and 40 CFR 62.7.
- Two copies of application included upon submission.
- Hard copy mailed or dropped off to NDEE: 244 Railroad Blvd, Suite 300, Lincoln, NE 68502.
- Electronic copy submitted via ECM Upload: [NDEE.ECMUpload@nebraska.gov](mailto:NDEE.ECMUpload@nebraska.gov).
- Appropriate fee payment is submitted with application as required by Neb. Rev. Stat. §§ 15-1505. (Fees range from \$200 to \$5,000 based on potential-to-emit).

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**The 6Cs of Preparing a Successful Air Permit Application**

### 6. Communicate



Communication is still critical even after the Air Construction Permit application is submitted. A best practice for the applicant to communicate from NDEE regarding the project is information can be submitted in a timely manner.

NDEE may confirm or clarify administrative information prior to the technical review. All administrative information must be verified prior to the project being assigned to an engineer for technical review.

The engineer will notify the source once the project is assigned and may reach out with additional questions regarding technical information. It is important to provide timely responses to these information requests in order to avoid any delays with the permit.

NDEE will notify the applicant once the Air Construction Permit application has been deemed administratively and technically complete. At this point in the permitting process, pre-construction activities as prescribed in Title 129, Chapter 3, Section 002.02 may be conducted if the source qualifies.

Even after the project has been deemed "complete", NDEE may still require further off-site call or virtual meetings in order to facilitate understanding of the technical aspects of the project. Site visits, as allowed under Neb. Statute §§ 15-1504, are highly preferred and aid in the understanding of project specifics. These activities provide an opportunity for additional communication and for an effective working relationship between NDEE and the applicant.

To prevent any delays to the permit, it is important to avoid any changes to the project once the application is submitted. Any changes to project scope could need to be submitted as a new application. If the project owner is to be reviewed a new permit.

NDEE allows for a courtesy Source Review period, during which the source can review the draft permit documents and provide comments prior to the public notice period. If required, or prior to permit issuance, the courtesy Source Review period is usually two weeks while the Public Notice period as prescribed in Title 129, Chapter 3, Section 002.02 has a required period of 30 days.

Comments can be provided at any point during the courtesy Source Review or Public Notice period; however, providing comments early in the process will allow NDEE to promptly begin reviewing this information, which helps to expedite the project.

Once the permit application is submitted, applicants can track the current status of their project on the NDEE website at [www.nde.nebraska.gov](http://www.nde.nebraska.gov) on the Info Pending Construction Permit Application Status Report.

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For more information, please refer to the ND VEE website

# Air Permitting Process Overview

## Processing Assistance Tools and Tips

**Need to schedule a pre-application meeting?**

Please contact us at:  
[DWEE.airquality@nebraska.gov](mailto:DWEE.airquality@nebraska.gov)

**Have questions regarding air permitting?**

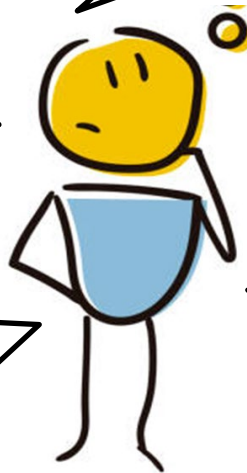
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Please sign up at:  
<https://listserv.nebraska.gov>

**Curious about permit status updates?**

Please check out our website:  
<https://dee.nebraska.gov>



# Questions?

Contact Information:

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Permitting and Engineering Division  
[reuel.anderson@nebraska.gov](mailto:reuel.anderson@nebraska.gov)

Telephone: (402) 471-2186

