

NDEQ Title 129 & Program Updates July 2009 – June 2010

- Regulatory Process
 - State and/or Federal Law
 - Clean Air Act
 - NE Environmental Protection Act
 - Title 40 Code of Federal Regulations
 - Court actions
 - State can be more stringent
 - Legislature → NDEQ → implement programs
 - Typically wait one year to adopt EPA rules
 - 1. Five months prior to Environmental Quality Council (EQC) meeting – Rule development & review
 - 2. One month prior to EQC meeting – Public notice
 - a. EQC meetings once per quarter
 - b. EQC adopts or denies proposals
 - 3. EQC Approval
 - 4. Attorney General
 - 5. Governor's signature
 - 6. Effective five days after signature
 - 7. Sec. of State files
 - May take six months or longer!
 - Process may be stopped at any point.
- Effective July 3, 2010
 - December 2009 Proposal
 - Chapter 1 - Definitions
 - VOC definition – five compounds exempted from definition
 - Chapters 1 (Definitions), 22 (Incinerators), & 30 (Open Burning)
 - Encourage use of air curtain incinerators
 - Definition of air curtain incinerator added
 - Exempt from construction and operating permit requirements – Ch. 22
 - Open burn permit required in Ch. 30
 - Chapter 18 - NSPS
 - Municipal Solid Waste Landfills
 - Define when alternate design of landfill gas collection & control system may be considered
- April 2010 Proposal
 - Adopted by EQC, not yet signed by Governor
 - Chapter 28 - NESHAP
 - Editorial changes to nine area source NESHAP adopted March 2009
 - Added Federal Register publication date & page references to rules in sections 001.102 through 001.110 to clarify that the standards were issued after July 1, 2007.

- July 2010 – EQC Proposal
 - Adopted by EQC, not yet signed by Governor
 - Chapter 18 - NSPS
 - Updating to July 1, 2009
 - Add Subparts GGGa (Equipment Leaks at Petroleum Refineries) and VVa (Equipment Leaks at Organic Chemical Manufacturing)
 - Add Subparts Ja (Petroleum Refineries), BB (Kraft Pulp Mills), and JJJJ (Spark Ignition Engines)
 - Chapter 28 – NESHAP
 - Updating to July 1, 2009
 - Add Subparts WWWWWW (Plating & Polishing), XXXXXX (Metal Fabrication), YYYYYY (Ferroalloys), & ZZZZZZ (Aluminum, copper, & other non-ferrous foundries).
 - Removal of throughput limit options for Subpart CCCCCC – Gasoline Dispensing.
 - Not needed to stay out of requirements as previously thought
- Program Updates
 - AIRNews Listserv
 - Replaces email distribution
 - More timely notices of information
 - Subscribe
 - Send command, SUBSCRIBE DEQ-AirNews (your name), in the body of an email message addressed to: listserv@listserv.nebraska.gov.
 - Federal Rules Update
 - Excel spreadsheet
 - Filterable, links to document, additional resource links
 - .PDF with all actions
 - Linked under AirWaves & Focus on Air
 - Updated monthly or more frequently
 - New Faces & Duties
 - Air Toxics - Melissa Ellis
 - Grants, AirWaves, & Events – Tracy Thompson
 - Operating Permits - Sarah Sewell
 - Vacancies
 - Permitting
 - Assistance
 - Ozone & NAAQS