

FACT SHEET

Proposed State Implementation Plan (SIP) Revision

May 2019

What is the proposed action and what will it accomplish?

This proposed action consists of a request to EPA for removal a portion of the State Implementation Plan (SIP) that addresses the authority of Lincoln-Lancaster County Health Department (LLCHD) regarding the Prevention of Significant Deterioration (PSD) Program; specifically:

*Article 2. Section 19. Prevention of Significant Deterioration of Air Quality (PSD)
Lincoln-Lancaster County Health Department (LLCHD)*

This portion of the SIP was approved for inclusion in the state plan on February 14, 1996 (61 Federal Register 5699). Although approved for inclusion in the SIP, the action by EPA did not create or acknowledge a PSD program separate and apart from the state of Nebraska's EPA-approved PSD program.

Removal of this portion will eliminate confusion regarding the authority to issue permits, as delegated by EPA.

What will be the impact of this action on sources in Lancaster County, Nebraska?

There will be no impacts on sources in Lancaster County, Nebraska. Sources in Lancaster County, Nebraska, are subject to Nebraska Title 129 Chapter 19 - Prevention of Significant Deterioration of Air Quality (PSD). Because LLCHD has been authorized, through a delegation agreement, by the state of Nebraska to issue PSD permits to sources in Lancaster County, sources will continue to submit PSD permit applications to and be issued PSD permits from LLCHD.

New PSD permits will contain a reference to Nebraska Title 129 Chapter 19 as opposed to a reference to LLCHD Article 2 section 19. Any active PSD permits issued by their agency will be revised to remove the reference to LLCHD Article 2 section 19 and replace it with a reference to Nebraska Title 129 Chapter 19.

Who is responsible for issuing Prevention of Significant Deterioration (PSD) permits in Lancaster County, Nebraska?

The state of Nebraska has an EPA-approved PSD program and is deemed responsible for issuing PSD permits. However, 40 CFR Part 51 §51.232(b) allows state agencies to authorize local agencies to carry out parts of the state plan (such as issuing and enforcing PSD permits), provided certain conditions are met. Nebraska has authorized

LLCHD to issue PSD permits by use of a delegation agreement that contains conditions with which LLCHD must comply, which include:

1. *Each PSD permit issued by LLCHD shall state that the permit is an NDEQ permit and is being issued pursuant to this delegation;*
 2. *Each permit issued by LLCHD pursuant to this delegation shall include the following statement immediately above the signature block: "Pursuant to the December 31, 1997 Delegation Letter, signed by the Director of the Department of Environmental Quality, the undersigned hereby executes this document on behalf of the Director of the Department.";*
 3. *Each permit issued by LLCHD pursuant to this delegation shall state the permit is being issued pursuant to Title 129 – Nebraska Air Quality Regulations (Title 129), Chapter 19, and is subject to all terms and conditions of Title 129 and the Nebraska Revised Statutes;*
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12. *The NDEQ reserves the right to determine that a particular permit has not been issued in accordance with the requirements of Title 129, Chapter 19, or this delegation. In such case, the permit shall not be deemed a permit issued pursuant to those requirements.*

Does Lincoln-Lancaster County Health Department (LLCHD) have its own EPA-Approved Prevention of Significant Deterioration (PSD) Program?

No, however, the delegation agreement between LLCHD and the state of Nebraska authorizes LLCHD to issue PSD permits, acting on the state's behalf.

Will this action result in changes to how LLCHD implements the PSD program? Will there be changes in how PSD permits are issued?

No, LLCHD will continue to issue PSD permits, provided it complies with conditions listed in the delegation agreement.