

BEFORE THE NEBRASKA ENVIRONMENTAL QUALITY COUNCIL

_____) TRANSCRIPT
In the Matter of the Proposed)
Amendment of Title 129 of the) VOLUME I of I
Nebraska Administrative Code.) (Pages 1 through 27)
_____) EXHIBITS 1 through 9

NE Department of Water, Energy, and
Environment
245 Fallbrook Boulevard
Lincoln, Nebraska

Convened pursuant to notice at 10:10 a.m. on
November 12, 2025,

BEFORE:

STEVE THOMAS, Hearing Officer.

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BOARD MEMBERS PRESENT:

ALDEN ZUHLKE, Chair;

LANCE HEDQUIST; JESSICA KOLTERMAN; LISA LUNZ;
LYNN MAYHEW; KEVIN PETERSON; MARTY STANGE; AMY
STAPLES; TASSIA FALCON DA SILVA STEIDLEY; DR.
TIMOTHY TESMER; JAMES THEILER; AND ALLISON WILLIS.

OTHERS PRESENT:

JESSE BRADLEY, Director
LAUREN TRIPLETT, Administrative Assistant

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I N D E X

<u>EXHIBITS:</u>	<u>Marked</u>	<u>Offered</u>	<u>Ruled On</u>	<u>Found</u>
1 Order Appointing Hearing Officer (1 page)	3	4	5	Appendix
2 Affidavit of Publication of Legal Notice (4 pages)	3	4	5	Appendix
3 Declaration of C. Lara (4 pages)	3	4	5	Appendix
4 Title 129 Concise Statement to EQC (3 pages)	3	5	5	Appendix
5 EQC Fiscal Impact Statement (1 page)	3	5	5	Appendix
6 Title 129, All Chapters, Redlined (124 pages)	3	5	5	Appendix
7 Title 129 Crosswalk (42 pages)	3	5	5	Appendix
8 Amendments to Title 129, PowerPoint Presentation (22 pages)	3	5	5	Appendix
9 Title 129 Response Summary (5 pages)	3	5	5	Appendix
	- - -			
Appearances				1
Reuel Anderson, Testimony				5
Reporter's Certificate				27
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1 PROCEEDINGS:

2 (Exhibits Nos. 1 through 9 were marked for
3 identification.)

4 THE HEARING OFFICER: Good morning, I will now
5 formally open this public hearing. Today is Wednesday,
6 November 12th, 2025. It's approximately 10:10 a.m. My name
7 is Steve Thomas, and I've been appointed to act as a
8 hearing officer by order of Chairman Alden Zuhlke. This
9 hearing is being held in the Nebraska Department of Water,
10 Energy, and Environment's hearing room located at 245
11 Fallbrook Boulevard in Lincoln, Nebraska.

12 Pursuant to the Environmental Protection Act, the
13 Environmental Quality Council is adopted and promulgated in
14 the Nebraska Administrative Code, Title 129, Air Quality
15 Regulations. This hearing is on proposed amendments to
16 Title 129.

17 Notice of today's EQC meeting and this hearing
18 was published in the *Omaha World-Herald* on October 11th,
19 2025. Public notice provided for a public comment period
20 ending on November 11th at 5:00 p.m. Copies of the public
21 notice and the Department's recommended -- and the
22 Department's recommended -- or, sorry -- the Department's
23 amendments -- proposed amendments have also been available
24 on the Department's website for more than 30 days prior to
25 this public hearing.

1 I'll begin by calling on a staff member with the
2 Department to make some preliminary remarks regarding the
3 proposed amendments. I will then call on individuals in
4 the room who indicate they wish to speak to come forward to
5 provide testimony. We have a court reporter here to record
6 any testimony, so we ask those wishing to speak to please
7 state and spell your name, identifying any organizations
8 you may be representing. If you have any written testimony
9 or other materials you'd like to have considered, please
10 hand those to me, and I will distribute the materials to
11 the EQC members and the court reporter to be marked as an
12 exhibit for the record. Should a member of the EQC have a
13 question regarding the testimony provided, I will recognize
14 the member, and they will address the testifier directly.
15 After this hearing is closed, the EQC will vote on adopting
16 the promulgate- -- adopting and promulgating the proposed
17 amendments to Title 129 based on the comments received
18 during the comment period and the testimony provided at
19 this hearing.

20 I will now enter the following exhibits into the
21 record:

22 Exhibit 1: Order appointing the Hearing Officer;

23 Exhibit 2: Affidavit of Publication in the *Omaha*
24 *World-Herald*;

25 Exhibit 3: Declaration of Chris Lara,

1 publication of notice on the DWEE webpage;

2 Exhibit 4: Amendments to Title 129, explanatory
3 statement for November 12, 2025, EQC hearing, from Reuel
4 Anderson, dated September 25th, 2025;

5 Exhibit 5: Amendments to Title 129, Fiscal
6 Impact Statement;

7 Exhibit 6: Redline of Title 129;

8 Exhibit 7: Amendments to Title 129, Crosswalk;

9 Exhibit 8: Amendments to Title 129, PowerPoint
10 presented by Reuel Anderson;

11 Exhibit 9: Amendments to Title 129, Questions
12 and Response Summary.

13 (Exhibits Nos. 1 through 9 were received in
14 evidence. See Index.)

15 I now recognize Reuel Anderson.

16 REUEL ANDERSON

17 Good morning, Chairman Zuhlke, members of the
18 Environmental Quality Council, my name is Reuel Anderson,
19 spelled R-e-u-e-l, A-n-d-e-r-s-o-n. I am the Division
20 Administrator of the Permitting and Engineering Division.
21 Today I will be presenting the proposed changes to Title
22 129, Nebraska Air Quality Regulations. Before I begin, I
23 would like to recognize the efforts of the team who helped,
24 who have worked on these proposed amendments before you for
25 consideration today: Dave Christensen, Pati West, Tracy

1 Ward (phonetic), and Ryan Green (phonetic). Tracy and Ryan
2 are here today to help me answer any questions, should they
3 arise, and then give a better explanation than I could.

4 Okay. Presentation overview. Today, I'll talk
5 briefly about the DWEE Air Quality Program structure, the
6 development of proposal -- proposed changes, and then give
7 a summary at the end.

8 In late 2020, the NDEE underwent a reorganization
9 from a media-based focus to a function-based focus. In
10 2025, with NDEE and DNR merging, some functions were
11 adjusted as well. With that, we took the opportunity to
12 kind of see what things happened, how we could make it a
13 little bit better with the opportunity during the merger.
14 And what we went ahead and did is we took the air planning,
15 which had been under the Legal Division, and the
16 monitoring, which had been previously under the Monitoring
17 Division, and put those back into the Air Program under the
18 -- in the Air Operating Permit Section.

19 The -- the Stack testing and inspections are in
20 the Compliance Division again.

21 The Planning and Aid Division continues to handle
22 pass-through grants and coordination with three local
23 agencies: Lincoln, Lancaster County Health Department;
24 Omaha Air Quality Control; and Douglas County Health
25 Department.

1 The development of the Title 129 proposal. The
2 current version of Title 129 was signed by Governor
3 Ricketts in September of 2022. The Environmental
4 Protection Agency approved Nebraska's state implementation
5 plan based on the 2022 version of Title 129 in August 2024.
6 Air construction and operating permits issued between that
7 time required both dual referencing of the pre-2022 and
8 2022 versions. That period has passed, and any new permits
9 issued use the chapter and section references up to the
10 September 2022 version.

11 The proposed changes I will present today are the
12 result of changes deemed necessary by the EPA following
13 review of Nebraska's submitted state implementation plan
14 package or the result of changes the Department felt were
15 necessary or beneficial.

16 On these proposed changes, in Chapter 1, the
17 definition for air pollutant and air pollution were in the
18 previous version of Title 129, but were removed in the 2022
19 version due to incorporation by reference. EPA and the
20 Department believe it is necessary to add this definition
21 back to the regulations for clarity and simplicity.

22 We proposed modifying the definition of
23 “complete” to better clarify what actions are permissible
24 with respect to pre-construction activities in Chapter 3,
25 Section 001. And this is to state that complete -- a

1 complete application is something that has all the
2 necessary information in it that we can process and develop
3 a permit for that.

4 And then, we added the definition of the
5 "Council" back into the title to clarify that that term
6 means the Environmental Quality Council.

7 MS. KOLTERMAN: Are you taking questions or --

8 MR. ANDERSON: I'm --

9 MS. KOLTERMAN: I'm not -- you -- you referenced
10 Section 001 --

11 MR. ANDERSON: Uh-huh.

12 MS. KOLTERMAN: -- .01(C)(3), but I'm not seeing
13 anything on your screen related to that section
14 specifically, so I was a little confused.

15 MR. ANDERSON: My -- I apologize. My -- there,
16 it came back.

17 MS. KOLTERMAN: There we go.

18 MR. ANDERSON: Okay. I want to make sure I'm on
19 the right one here.

20 MS. KOLTERMAN: There's Chapter 1.

21 MR. ANDERSON: Okay. This is where we're at.

22 Oh --

23 MS. KOLTERMAN: I have some specific questions
24 about Chapter 3, so when you were talking about Chapter 3,
25 that's why I was asking.

1 MR. ANDERSON: Okay. Yeah, I think -- I think
2 there's a little bit further on.

3 MS. KOLTERMAN: That's fine.

4 MR. ANDERSON: It's all right?

5 MS. KOLTERMAN: Yes.

6 MR. ANDERSON: Okay. Okay. Chapter 1, proposed
7 to update the name for the Department as of July 1st, 2025,
8 to DWEE to accommodate the merger. We are adding the
9 definition of "person" into the title. That was -- it was
10 removed in the -- in the incorporation by reference we had
11 before. EPA and Department believe it's beneficial to add
12 this definition back to the regulations for clarity and
13 simplicity.

14 The Department proposes that there's still
15 language to clarify project eligibility for pre-
16 construction work. And this is Chapter 3.

17 MS. KOLTERMAN: Yeah. You let me know if you
18 want me to ask questions now or wait.

19 THE HEARING OFFICER: Let's move through the
20 presentation, and then we'll address questions afterwards.

21 MS. KOLTERMAN: Perfect. Thank you.

22 MR. ANDERSON: Projects considered ineligible for
23 pre-construction work include those that are subject to
24 review in non-attainment areas, which we don't have any
25 currently in the State; and those considered to be major

1 NSRs or subject to the best available control technology or
2 maximum achievable control technology. Sources that rely
3 on a federally enforceable permit restriction to avoid
4 those particular aspects of the program are also not
5 eligible. Pre-construction activities will not be allowed
6 if the start of actual construction has occurred, if an
7 application for a permit approval has not been filed, or if
8 the source makes changes to the complete application as it
9 relates to the project's scope. Pre-construction
10 activities will also not be allowed if the source has
11 submitted a construction permit application for no -- or a
12 application for a no construction permit required
13 applicability determination. The other aspect is that we
14 are shortening the time frame for Department notification
15 prior to pre-construction activities from 30 days to five
16 days.

17 In 2014, in the case of National Resource Defense
18 Council versus the EPA, the DC Circuit Court vacated the
19 affirmative defense provision and one of the EPA's Clean
20 Air Act, Section's 112 rules, the NESHAP report and cement
21 manufacturing. The court found that the EPA lacked
22 authority to establish an affirmative defense for private
23 civil suits, and held that, under the Clean Air Act, the
24 authority to determine civil penalty amounts in such cases
25 lies exclusively with the courts, not EPA. On July 12th,

1 2023, the U.S. EPA removed the emergency affirmative
2 defense provisions from the Clean Air Act operating permit
3 program regulations. These provisions were codified at 40
4 CFR 70.6(g). All state programs that were delegated
5 regulatory authority over their air programs are required
6 to remove any related provisions from their state
7 regulations and permits.

8 In Chapter 11, DWEE requires the use of a SLEIS,
9 State Local Emission Inventory System, an electronic
10 reporting system. This drives our proposal to revise
11 language in Chapter 11, and we're revising the language to
12 -- to move away from forms that are furnished by or
13 acceptable to a format approved by -- and take the word
14 "form" out. This facilitates electronic use of the program
15 and any confusion associated with -- with reporting those
16 -- that information.

17 And in Chapter 12, our regulation review process
18 also includes review of federal regulations and update to
19 those cited in Chapter 12, including the effective date of
20 CFR. Changes in these rules since the date cited in the
21 current 2022 regulations were provided for your review.

22 We propose the addition of recently promulgated
23 federal rules to Title 129 which apply to Nebraska sources.
24 Outlined on the next two slides, EPA may delegate it's
25 authority -- outlined on the next two slides. EPA may

1 delegate its authority to states for enforcement of federal
2 rules incorporated in state regulations and, also, list
3 these updated rules. It kind of goes through those. I'll
4 go back to the one slide. Kraft pulp mill affected
5 sources, crude oil and natural gas facilities, new
6 residential hydronic heaters and forced-air furnaces,
7 greenhouse gas emissions for electric generating units.

8 As with Chapter 12, we also proposed to update
9 the effective date of the CFR for Chapter 13. Changes to
10 these rules since the date cited in the current regulations
11 have been provided for your review. We also propose the
12 addition of two recently promulgated federal rules to Title
13 129 which apply to Nebraska sources, the polyvinyl chloride
14 and copolymers production; brick and structural clay
15 products manufacturing.

16 And then, also, incinerators, the emission
17 standards, want to add residential to clarify the type of
18 waste that can be burned on residential premises. We're
19 proposing this language to better clarify the types of
20 waste allowed for burning. And that we add, "that only
21 burn trees, vegetation, and untreated lumber," to clarify
22 what may be burned in incinerators used for space heating.

23 We're also proposing additional language in
24 Section 002 to better clarify exemptions from the
25 particulate matter emissions limits specified in this

1 section to except those operating an incinerator meeting
2 the exemption criteria listed in Section 001.01 through
3 001.04.

4 We propose revisions to clarify hazards which the
5 Department has authority to regulate and specify additional
6 public entities authorized to conduct burning for a
7 specific purpose: Removing a nuisance in Section 002.02A
8 and those following sections, since the Department does not
9 enforce nuisance violations; and add public power and
10 irrigation districts to the list of groups allowed to
11 conduct burning for plant, wildlife, and parks management.

12 Further proposed revisions in Section 002.02D and
13 002.02G will better clarify the criteria to be met for open
14 burning, specifically the origination of the materials
15 allowed to be burned. Now, just to clarify that it has to
16 be sourced from that property.

17 Proposed revision to Appendix I includes the
18 addition of a table that lists hazardous air pollutants by
19 chemical name. This had been removed from the previous
20 version. And to also update Department acronyms.

21 In summary, the DWEE proposes to correct errors
22 found during EPA's SIP approval process; update the
23 Department name and acronym throughout; add and modify
24 definitions in Chapter 1; revise Chapter 3 to clarify pre-
25 construction activity requirements and modify the required

1 lead time for notification to five days. We remove the
2 affirmative defense provisions in Chapter 6 to align with
3 federal regulations; revised text in Chapter 11 to reflect
4 the use of electronic emissions reporting via SLEIS; update
5 NSPS and NESHAP in Chapters 12 and 13 that are applicable
6 to sources in Nebraska; revise text in Chapter 14 to
7 clarify the types of waste and materials permissible for
8 burning in incinerators; revise text to simplify language,
9 clarify exceptions, and add to the list of groups allowed
10 to conduct open burning in Chapter 15. Add a second table
11 with hazardous air pollutants sorted by chemical name to
12 Appendix I for ease of use.

13 And, with that, I can answer any questions now,
14 and we can start with your question on Chapter 3.

15 MS. KOLTERMAN: Sure. Thank you. Well, can you
16 bring up Chapter 3 in the detail of it. I -- I just want
17 to make sure I'm -- so, as someone who has gone through one
18 of these permits, I guess, one of the things that I was
19 wondering about on the Chapter 3 part was the level of
20 specific detail we're putting into the regulation. And, I
21 guess, the question I had is do we have to put that high
22 level of detail into the regulation, or can it be a little
23 less specific so that there's more flexibility?

24 So, in Chapter 3, specifically, I guess, what --
25 the specific thing that I was concerned about was, if I, as

1 a company, was going to build a facility, and I'm, like, I
2 want to make sure I don't need to get the permit.

3 MR. ANDERSON: Uh-huh.

4 MS. KOLTERMAN: And I submit something. I guess,
5 like, specifically, it was the time frame piece that
6 concerned me. Because if you guys didn't do a quick turn
7 on it, that was where I was concerned about the specifics.

8 MR. ANDERSON: You're talking about,
9 specifically, with the -- no permit required?

10 MS. KOLTERMAN: Yes.

11 MR. ANDERSON: And so, you know, when we were
12 developing this, we talked about that. And, looking at
13 that, that is a voluntary process.

14 MR. KOLTERMAN: Right.

15 MR. ANDERSON: And that you're, one, not required
16 to go through --

17 MS. KOLTERMAN: No, but a lot of people do it.

18 MR. ANDERSON: So, you're not required to wait
19 for our notification that it's a no permit required. You
20 -- you can do that without our consent even. And that --
21 the fact that we wanted to clarify it that there's no
22 application here. And it's just -- you could withdraw that
23 request as well. You know, there's a lot of options open
24 to you.

25 MS. KOLTERMAN: I guess, I just wondered if the

1 language is too prescriptive. Like, too specific. Or if
2 there can be a lessened way to say it that might give it a
3 little more flexibility. That was my initial thought when
4 I read it.

5 MR. ANDERSON: Uh-huh.

6 MS. KOLTERMAN: I mean, I don't think it's, like,
7 a deal-breaker. I'm just -- you know --

8 MR. ANDERSON: Oh, it's okay.

9 MS. KOLTERMAN: -- like, it's just something,
10 when I'm reading it, and having been through it, and
11 knowing that that's something that companies do --

12 MR. ANDERSON: Uh-huh.

13 MS. KOLTERMAN: -- I was, like, is there a way to
14 do this -- maybe word it a little differently or something
15 like that.

16 MR. ANDERSON: Yeah. Understood. You know, part
17 of it is the fact that there's nothing to exempt with that.
18 You know?

19 MS. KOLTERMAN: Right. It's kind of a -- that is
20 a really weird thing.

21 MR. ANDERSON: Yeah. Yeah.

22 MS. KOLTERMAN: I mean, I know, I think we -- I
23 don't know we had to do that specifically in the past, but
24 I know that we've worked on things where we've done it.
25 Maybe not -- it was with water, not with air. So, that's

1 what, I think, triggered in my mind.

2 MR. ANDERSON: Sure.

3 MS. KOLTERMAN: And so, when I was reading that,
4 I was, like, do we have to be that specific.

5 MR. ANDERSON: I've -- you know, we, thinking
6 about it, I think we were that specific to keep clarity in
7 it. In that, you know, people with -- you can also submit
8 an -- an application to get that NPR as well. But, no, we
9 kind of looked at it, you know, without having -- you don't
10 need to submit that request to -- to qualify for just
11 starting your construction if there's no permit required.

12 MS. KOLTERMAN: What's the typical turnaround
13 time on a request for, you know, hey, we're not sure if --
14 we don't think we need this, but we might need this. We
15 want to be sure. What's your typical turnaround time on
16 something like that?

17 MR. ANDERSON: It -- it's hard to say, 'cause we
18 treat those as they come in in the queue with the
19 applications -- with other applications. So, we're not
20 showing favorability project by project.

21 MS. KOLTERMAN: No, I understand. Yeah.

22 MR. ANDERSON: So, they go into the queue just
23 like any application. I would say it would be no more than
24 30 days, as what's typical for a typical -- you know, that
25 can be for an application review type, too. But it'd be

1 kind of going through and making sure that the -- the
2 (indiscernible) calculations were -- were done correctly.
3 And that's pretty much the whole basis of that.

4 MS. KOLTERMAN: Thank you.

5 MR. ANDERSON: You're welcome.

6 THE HEARING OFFICER: Do you have any other
7 questions?

8 MR. HEADQUIST: On Chapter --
9 Go ahead.

10 MS. WILLIS: I -- go ahead. I do have a
11 question. I understand that the EPA is considering next
12 year providing more information on what's allowed under,
13 like, pre-construction activities as long as it's not
14 equipment that actually emits pollution. How -- how do
15 these changes -- how will that impact these changes?

16 MR. ANDERSON: Well, I'm not -- this one is for
17 minor sources. And so, what EPA's talking about I think is
18 -- is kind of codifying that at the federal level and
19 clarifying that. I don't think there's a lot of changes
20 that will come out of that. It's more an alignment with
21 what we're doing here. There's still issues, I think, with
22 new -- with new source reviews and major -- major
23 facilities, too. But, you know, we -- when the federal
24 rules get passed, we seek to align with those as we go.
25 So, I don't foresee a big change in this process based on

1 that.

2 MS. WILLIS: Thank you.

3 MS. STEIDLEY: I would just like to add a
4 comment, like, having that more clarity, what activities we
5 can conduct prior construction, it's very useful when you
6 are in a time line, you know, to build up a plant, and
7 every day counts so you can start operating. So that
8 clarity ahead of time so you can research and plan
9 development, this is -- I think it's well done. So, I
10 support. I -- I'm working in sites all over the United
11 States right now, and states that don't have that clarity
12 ahead of the time, you have to take the time to talk to the
13 agency, and now it's a gray area, right? And having that
14 (indiscernible) so we can plan accordingly is well done. I
15 think it just makes our life easier for (indiscernible) to
16 get out and align all of the projects. So, yeah, I -- I
17 think it's great.

18 MR. ANDERSON: Thank you.

19 THE HEARING OFFICER: Mr. Hedquist?

20 MR. HEDQUIST: I have two questions on -- on
21 Chapter 15. Number one, it talks about plants and other
22 things being able to use in power plants. Does it still
23 allow tires to be used in power plants or other products?
24 Or is that taking tires out?

25 MR. ANDERSON: You mean as, like, a fuel source?

1 MR. HEDQUIST: Uh-huh.

2 MR. ANDERSON: No. We -- we still have --
3 there's still a -- a prohibition in the statute of using
4 tires as a fuel source.

5 MR. HEDQUIST: And the second question I had on
6 -- on a community cleanup, we have a major storm or
7 something comes through town and get a lot of brush, et
8 cetera. And we have designated places for that to be
9 burned. By saying that has to be burned on the same
10 property, is that only if it's land clearance activities?

11 MR. ANDERSON: Yeah. When it comes to emergency
12 declarations and dealing with the waste from that, we go
13 through diff- -- it's a different situation. On -- and, in
14 fact, we're working on some improved guidance on that when
15 it comes to the waste and other programs.

16 MR. HEDQUIST: Thank you.

17 MR. STANGE: Reuel, along that same line, under
18 burning of trees, brush, or vegetation on the property, I
19 know -- I've been working with some folks that are looking
20 at trying to promote biochar. Now, they may move that off
21 of the cite to do that. Where does biochar come in? And
22 does it fall under this regulation? If they're removing
23 trees, creating biochar for that -- or is that -- where
24 does that fit in that?

25 MR. ANDERSON: Yeah, I would say that's a little

1 bit different. We haven't had a lot of biochar projects
2 yet. One that was proposed was here in Lancaster County,
3 and we were permitting that through the air and waste
4 programs where we needed to and where we didn't need to.
5 Kind of identifying those things. But it did address that
6 aspect of the sourcing of material -- of the wood material
7 and things. And we thought -- we think we found a good
8 description of that in the waste rules of where that
9 material is sourced from. So, this is more processing and
10 not, like, an open burning situation.

11 MR. STANGE: Yes. Yeah, because, you know, they
12 say, oh, it's just easy. Throw it in the tub.

13 MR. ANDERSON: No.

14 MR. STANGE: But I go, no, no, no.

15 MR. ANDERSON: Yeah, we had went through that --
16 a little bit of that. And what was considered discarded
17 and all those things. And we -- we worked our way through
18 that.

19 MR. STANGE: Okay. Great. Great.

20 THE HEARING OFFICER: Do we have any more
21 questions?

22 MS. STEIDLEY: I have one question. You stated
23 that -- there that you don't do enforcement for the
24 nuisances. So, how, if someone has a complaint -- or a
25 complaint or anything air-quality related, who usually --

1 how they follow up and how the public is protected from
2 those?

3 MR. ANDERSON: Well, one thing with the process
4 when we receive a complaint, we don't determine that it's a
5 nuisance just by receiving it. We go out and investigate
6 it within five days. It's our Department rule. And then,
7 we go out and take a look and see what we can identify that
8 is a problem under our authority that we're granted. If
9 it's a pollutant issue, air pollutant, wastewater, one of
10 those things.

11 And then, if it's strictly something that's a
12 nuisance, and to throw out a -- an example would be an odor
13 that doesn't have a basis in something that we are -- we
14 have authority over. Then, we have to start -- we have to,
15 one, let the complainant know that -- what our findings are
16 and try to direct them in a way that, maybe, we can get
17 their concerns addressed, whether it's a local entity or
18 another government agency that does have authority.

19 So, when it's come to, like, say, protected,
20 that's a -- can be a pollutant thing, and we would address
21 that within our authority. But we may have to direct
22 something that's in someone else's authority to address
23 that. If it's a nuisance, it might be local, county, city,
24 that has an ordinance that's available to address that or
25 another agency that may. And we try to make that -- we

1 help them make that -- help them, direct them to that other
2 agency. And if we need to work with that other agency or
3 local entity, we'll do that, that'll, the best we can,
4 solve the problem. That's probably a little long-winded.

5 MS. STEIDLEY: No, no, I appreciate that. So,
6 basically, you help to mediate that -- to find a common
7 solution. It's just don't want people to just leave it
8 hanging, you know? Like, because they don't have anyone to
9 address their problem.

10 Some of them are other, but some of them are
11 actually polluted related. Like, for example, like,
12 (indiscernible) like, a lot of dust and -- in the
13 construction. So, when you just see that it's something
14 that is polluted related in a residential area, and -- for
15 construction that is not being properly contained or
16 addressed, you know, for the -- that's just a question.
17 Like, how usually you deal with the situation. You see
18 that they're exceeding. You see that the people in the
19 residential area, especially, like, in the (indiscernible),
20 like all the dust goes to that -- people. They might have
21 other (indiscernible) there. Like, is that something you
22 can work these folks when they do complaints like that or
23 not? How usually those complaints are addressed.

24 MR. ANDERSON: Well, dust complaints, I might
25 have to refer to one of my counterparts here. And he deals

1 with it all the time from the compliance side of it.

2 But we have to -- we do have permits and an air
3 program and a -- the water program. The air program, if
4 the dust is leaving the boundaries of the -- the property,
5 now that's a problem. That's something that we can address
6 for construction sites. The -- the general permit for a
7 construction storm water actually has a component in it
8 that requires them to address that through, like, using
9 water trucks and things like that to keep the dust down.
10 Sometimes industrial storm water, if it's a permanent site,
11 can address those things as well. So, yeah, there are
12 pathways, depending on the situation, that we can address
13 it directly.

14 MS. STEIDLEY: Okay. That makes sense. Thank
15 you.

16 MR. ANDERSON: Uh-huh.

17 THE HEARING OFFICER: Do we have any more
18 questions for Mr. Anderson?

19 (No response.)

20 All right. Thank you.

21 Now, I'll look to the audience. Is there anyone
22 wishing to provide testimony?

23 (No response.)

24 Seeing none, take it back to the Council here.

25 Do we have any questions we'd like to direct towards

1 anybody?

2 (No response.)

3 Okay. I will now formally close this hearing and
4 turn it over to Chairman Zuhlke then.

5 MR. ZUHLKE: Okay. Are we ready for a motion
6 here?

7 MR. THEILER: I move to approve the proposed
8 amendments to Title 129.

9 MR. PETERSON: I'll second it.

10 MR. ZUHLKE: Got those, Lauren?

11 MS. TRIPLETT: I --

12 MR. ZUHLKE: Okay. Any other discussion on it?

13 (No response.)

14 I guess vote, Lauren.

15 MS. TRIPLETT: Mr. Bird. Mr. Bogner. Mr.
16 Harder. Mr. Hedquist.

17 MR. HEDQUIST: Yes.

18 MS. TRIPLETT: Ms. Kolterman.

19 MS. KOLTERMAN: Yes.

20 MS. TRIPLETT: Ms. Lunz.

21 MS. LUNZ: Yes.

22 MS. TRIPLETT: Mr. Mayhew

23 MR. MAYHEW: Yes.

24 MS. TRIPLETT: Mr. Peterson.

25 MR. PETERSON: Yes.

1 MS. TRIPLETT: Mr. Stange.

2 MR. STANGE: Yes.

3 MS. TRIPLETT: Ms. Staples.

4 MS. STAPLES: Yes.

5 MS. TRIPLETT: Ms. Steidley.

6 MS. STEIDLEY: Yes.

7 MS. TRIPLETT: Dr. Tesmer?

8 DR. TESMER: Yes.

9 MS. TRIPLETT: Mr. Theiler.

10 MR. THEILER: Yes.

11 MS. TRIPLETT: Ms. Willis.

12 MS. WILLIS: Yes.

13 MS. TRIPLETT: And Mr. Zuhlke.

14 MR. ZUHLKE: Yes.

15 MS. TRIPLETT: Twelve voting yes. The motion
16 passes.

17 (On November 12, 2025, the hearing was
18 concluded.)

19 - - -

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REPORTER'S CERTIFICATE:

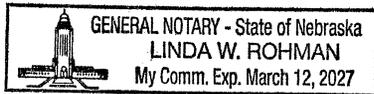
State of Nebraska)
County of Lancaster) ss

I, LINDA W. ROHMAN, reporter for GENERAL REPORTING SERVICE, and a Notary Public duly commissioned, qualified and acting under a general notarial commission within and for the State of Nebraska, certify that I reported the proceedings in this matter; that the transcript of testimony is a true, accurate, and complete extension of the recording made of those proceedings; that the transcript consists of:

Volume I - Pages 1 through 27, and Exhibits 1 through 9;

and, further, that the disposition of the exhibits is referenced in the index hereto.

IN TESTIMONY WHEREOF, I have hereunto set my hand officially and attached my notarial seal at Lincoln, Nebraska, this 9th day of December 2025.



By: Linda W. Rohman
Certified Reporter and Transcriber

- - -

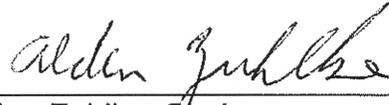
ORDER

The following hearing is scheduled to be held before the Environmental Quality Council on November 12, 2025 beginning at 10:00 a.m., Central Standard Time, at Nebraska Department of Water, Energy and Environment, 245 Fallbrook Boulevard, Lincoln, Nebraska:

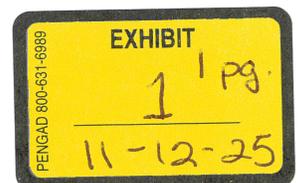
1. Public Hearing on the 2025 Funding Percent Allocations for the Litter Reduction and Recycling Program
- 2.
3. Public Hearing on Amendments to Title 129

It is necessary that a hearing officer be appointed to conduct this hearing.

IT IS ORDERED THAT Steve Thomas be appointed as the Hearing Officer.



Alden Zuhlke, Chair
ENVIRONMENTAL QUALITY COUNCIL



AFFIDAVIT

State of New Jersey, County of Camden, ss:

I, Yuade Moore, being of lawful age, being duly sworn upon oath, hereby depose and say that I am agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Omaha World Herald, a legal daily newspaper printed and published in the counties of Douglas and Cass and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published in said newspaper on the dates stated below and that said newspaper is a legal newspaper under the statutes of the State of Nebraska.

PUBLICATION DATES:

Oct. 11, 2025

NOTICE NAME: EQC Meeting - November 12, 2025

PUBLICATION FEE: \$102.39

(Signed) Yuade Moore

SHARONN E THOMAS-POPE
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires January 23, 2027

VERIFICATION

State of New Jersey
County of Camden

Subscribed in my presence and sworn to before me on this: 10/15/2025

Sharon E. Thomas-Pope

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC HEARING
AND PUBLIC MEETING
STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY
AND ENVIRONMENT (DWEE)
ENVIRONMENTAL QUALITY COUNCIL**

Notice is hereby given pursuant to Neb. Rev. Stat. §81-1505(17), §84-907, and §84-1411, the Nebraska Environmental Quality Council (EQC) will hold a meeting and public hearings on November 12, 2025, beginning at 10:00 A.M. Central Time (CT) at 245 Fallbrook Blvd., Lincoln, Nebraska. Business items on the agenda will precede a hearing which is scheduled to begin at 10:00 A.M. CT or as soon thereafter as can reasonably be heard. The purpose of the hearing is to take testimony and evidence about the proposed Fiscal Year 2026 Funding Percentage Allocations for the Litter Reduction and Recycling Grant Program and proposed amendments of a DWEE regulation.

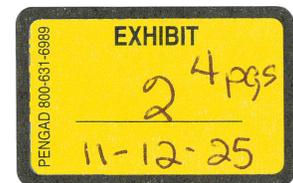
The meeting agenda and a draft copy of the proposals scheduled for hearing are available at the DWEE's Lincoln office, 245 Fallbrook Blvd., Suite 100, Lincoln, NE and on the DWEE website at <https://dwee.nebraska.gov/>.

All interested persons may attend and testify orally or by written submission at the public hearing. Interested persons may also submit written comments by mail addressed to: EQC, 245 Fallbrook Blvd., Suite 100, Lincoln, NE 68551 or electronically to DWEE.ecq@nebraska.gov prior to the hearings, which will be entered into the hearing record if received by 5:00 PM. CT, November 11, 2025.

Please notify the DWEE at least one week in advance of the EQC meeting if auxiliary aids or reasonable accommodations or alternate formats of materials are needed. Contact phone number is 402-471-2186. TDD users call 800-833-7352 and ask the relay operator to call us at 402-471-2186.

Public hearings will be held on the following:

1. Litter Reduction and Recycling Grant Program, 2026 Funding Percentage Allocations. The DWEE administers the Litter Reduction and Recycling Grant Fund in percentage amounts to grantees for projects within three categories: public education, cleanup, and recycling. Neb. Rev. Stat. §81-1561 requires the EQC to annually determine the percentages for each category. A statewide litter fee is the source of revenue for the fund. At this hearing, the EQC will take action on the DWEE recommendations for percentage amounts. For Year 2026, the DWEE recommends the following percentage allocations: recycling 47%, public education 51%, and cleanup 2% with additional approval to adjust these percentages by up to 20%. All persons affected by the proposed allocations are hereby notified that modifications may be offered to the proposed percentage allocations or the EQC may propose new allocations. The EQC will vote to adopt, amend or not approve the DWEE proposal after hearing and considering all the testimony and written



submissions.

2. Amendments to Title 129 – Air Quality Regulations. DWEE administers Title 129 Air Quality Regulations, which impact regulated sources of air pollutants in the state. The proposed revisions will ensure that state regulations contain language that is clear, complete, and current. The Department proposes revisions to all chapters of the regulations to correct typographical, grammatical, and formatting errors; clarify and simplify regulatory language; update reference dates for federal regulations cited in the title; incorporate federal rulemaking; remove obsolete references; and reflect agency name change due to merger (LB317).

Additional proposed revisions by chapter include: Chapter 1 General Provisions; Definitions – add definitions of “air pollutant”, “council”, and “person”; Chapter 3 Construction Permits – reformat/revise language to describe and clarify the construction permit process and activities allowed prior to receipt of a permit, list eligibility for preconstruction activities and required actions, and change notification timeframe from 30 to five (5) days; Chapter 6 Operating Permits – remove section 005, which references now-obsolete federal regulations; Chapter 11 Emissions Reporting, When Required – revise text to reflect the use of electronic emission inventory reporting; Chapter 12 New Source Performance Standards and Emission Limits for Existing Sources – incorporate New Source Performance Standards (NSPS) applicable to Nebraska sources; Chapter 13 Hazardous Air Pollutants – incorporate National Emission Standards for Hazardous Air Pollutants (NESHAP) applicable to Nebraska sources; Chapter 14 Incinerators, Emission Standards – revise language to clarify types of waste and materials permitted for burning; Chapter 15 Compliance – revise language to clarify exceptions to open fires and add “public power and irrigation districts” to the list of groups allowed to conduct burning for plant, wildlife, and parks management; Appendix I Hazardous Air Pollutants – add a second table with hazardous air pollutants sorted by chemical name.

2025, (10) 11 - Saturdays, ZNEZ

NOTICE OF PUBLIC HEARING
AND PUBLIC MEETING
STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY AND ENVIRONMENT (DWEE)
ENVIRONMENTAL QUALITY COUNCIL

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The meeting agenda and a draft copy of the proposals scheduled for hearing are available at the DWEE's Lincoln office, 245 Fallbrook Blvd, Suite 100, Lincoln, NE and on the DWEE website at <https://dwee.nebraska.gov/>.

All interested persons may attend and testify orally or by written submission at the public hearing. Interested persons may also submit written comments by mail addressed to: EQC, 245 Fallbrook Blvd, Suite 100, Lincoln, NE 68521 or electronically to DWEE.eqc@nebraska.gov prior to the hearings, which will be entered into the hearing record if received by 5:00 P.M. CT, November 11, 2025.

Please notify the DWEE at least one week in advance of the EQC meeting if auxiliary aids or reasonable accommodations or alternate formats of materials are needed. Contact phone number is 402-471-2186. TDD users call 800-833-7352 and ask the relay operator to call us at 402-471-2186.

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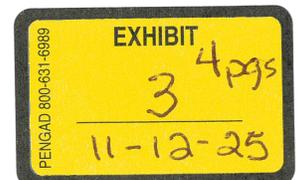
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Declaration of Chris Lara

Lancaster County)
) ss
State of Nebraska)

I, Chris Lara, declare under penalty of perjury that the following statement is true and correct:

1. The facts stated herein are based on my personal knowledge unless stated otherwise.
2. I am employed by the Nebraska Department of Environment and Energy as an IT Business Systems Analyst. In my capacity as an IT Business Systems Analyst for the Department, I have personal knowledge of the facts set forth below. I am familiar with the Department of Environment and Energy and Information Technology Section’s procedures for submitting and placing public notices of significant events on the Department’s webpage, dee.nebraska.gov.
3. The Information Technology Section has an online public notice process. This process allows Department staff to submit public notices and related documents to appear within the Environmental Quality Council portion and the Public Notices portion of the agency web pages. A copy of the following public notice has been placed on the Department’s website.
4. Public notice of the following event was placed on the Department’s website in accordance with the procedures described above:
 - A. Notice for the meeting of and public hearing before the Environmental Quality Council. A copy of the screen page of this notice is attached to this declaration.

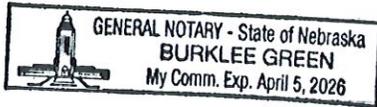


B. A copy of this notice was placed on the Department's website and available for public inspection at least 30 days prior to the date of the EQC meeting and hearing described in the notice.



Chris Lara

Subscribed and sworn to before me this 10th day of November 2025, in Lincoln, Nebraska.



Notary Public



Search the DWEE site

Search

Environmental Quality Council Meeting

[Home](#) / [News Events](#) / [Public Notices](#) / [Environmental Quality Council Meeting](#)

View	Edit	Delete	Revisions
Location	245 Fallbrook Blvd, Suite 100		
Attachments	FINAL EQC Public Notice 11.12.25.pdf FINAL EQC Agenda 11.12.25.pdf DRAFT EQC Minutes 6.26.25.pdf  Litter % Allocation Memo 2026.pdf Title 129 Concise Explanatory Statement to EQC.pdf Title 129 - All Chapters - Redline.pdf 7.25.25 PRO Pre-Review Checklist.pdf EQC Fiscal Impact Statement - Nov 2025.pdf		
Nearest City	Lincoln, NE		
Comment Start Date	11 October 2025		
End of Comment Period	12 November 2025		

NOTICE OF PUBLIC HEARING

AND PUBLIC MEETING

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY AND ENVIRONMENT (DWEE)

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245 Fallbrook
Blvd.
Suite 100
Lincoln, NE 68521

Information

Employee Links

Nebraska
Department of
Water, Energy,
and
Environment

Official Nebraska Government
Website

Hosted by



MEMORANDUM

TO: Environmental Quality Council

FROM: Reuel Anderson, Permitting & Engineering Division Administrator

DATE: September 25, 2025

RE: Title 129 Air Quality Regulations
Explanatory Statement for November 12, 2025 EQC Hearing

SHORT DESCRIPTION:

NDEE proposes revisions to Title 129, Chapters 1 through 9, 11 through 16, and Appendices I and II. The proposed revisions will correct typographical errors, clarify and simplify regulatory language, update reference dates for some federal regulations cited in the title, incorporate recent federal rulemaking, reduce the notification timeframe for preconstruction activities, add definitions of terms used in the regulations, and revise the agency name to reflect the NDEE-NDNR merger (LB317).

RATIONALE:

These revisions are necessary to ensure that regulatory language in Title 129 is grammatically correct, straightforward, current, and complete. They are also needed to bring the regulations up to date with federal regulations cited or incorporated by reference.

ANALYSIS OF IMPACT:

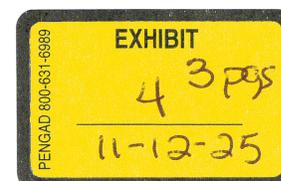
Title 129 regulations impact regulated sources of air pollutants in the state. These revisions will ensure that state regulations contain language that is clear, complete, and current.

Clear and complete language communicates the state requirements to regulated entities and supports compliance and enforcement activities conducted by the Department. A lack of clarity in language creates ambiguity and makes it difficult for sources to comply and for the Department to enforce the regulations.

Up-to-date content and reference to federal regulations ensures consistency and aligns state regulatory activities with federal requirements, allowing for comprehensive regulation of sources in the state. State authority to enforce federal regulations (such as those in Chapters 12 and 13) will remain limited to those regulations in effect as of the CFR date cited in Title 129. Nebraska facilities will remain subject to more recent federal regulations not yet adopted into Title 129, however, enforcement authority will lie with the Environmental Protection Agency (EPA) unless and until incorporated into state regulations and the Nebraska state implementation plan (SIP).

SECTION-BY-SECTION DESCRIPTION:

All Chapters and Appendices



- Update Code of Federal Regulations (CFR) citation to “July 1, 2023”
- Change department name to “Department of Water, Energy, and Environment” and replace “NDEE” with “DWEE”
- Correct typographical, grammatical, and formatting errors
- Update formatting to accommodate revisions
- Simplify language as needed

Chapter 1 General Provisions; Definitions

- Add definitions
 - “air pollutant” (new section 002.10)
 - “council” (new section 002.34)
 - “person” (new section 002.72)
- Clarify definition of “Complete” (section 002.28) by adding “as deemed by the Department”

Chapter 2

- Spell out “sulfur dioxide” (section 002.02)

Chapter 3 Construction Permits

- Reformat/revise language to
 - describe and clarify the construction permit process and activities allowed prior to receipt of a permit (section 001.01),
 - list eligibility for preconstruction activities (section 001.01A), and
 - list required actions before initiating pre-construction activities and change notification timeframe from 30 to five (5) days (section 001.01)
- Spell out pollutants
 - “particulate matter” (section 001.03A1)
 - “fine particulate matter” (section 001.03A2)

Chapter 6 Operation Permits

- Remove section 005, which references now-obsolete federal regulations

Chapter 11 Emissions Reporting, When Required

- Revise text to reflect the use of electronic emission inventory reporting (sections 001 and 002)

Chapter 12 New Source Performance Standards and Emission Limits for Existing Sources

- Incorporate New Source Performance Standards (NSPS) applicable to Nebraska sources
 - Add Subpart BBa – Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 (section 001.02)
 - Replace “WWW” with “XXX” (section 001.75) to align with current rule subpart identifier
 - Add Subpart OOOOa – Crude Oil and Natural Gas Facilities for which Construction, Reconstruction, or Modification Commenced After May 23, 2013 (new section 001.87)
 - Add Subpart QQQQ – New Residential Hydronic Heaters and Forced-Air Furnaces (new section 001.88)
 - Add Subpart TTTT – Greenhouse Gas Emissions for Electric Generating Units (new section 001.89)

Chapter 13 Hazardous Air Pollutants

- Incorporate National Emission Standards for Hazardous Air Pollutants (NESHAP) applicable to Nebraska sources
 - Add Subpart J – Polyvinyl Chloride and Copolymers Production (new section 002.06)
 - Add Subpart JJJJ – Brick and Structural Clay Products Manufacturing (new section 002.86)

Chapter 14 Incinerators, Emission Standards

- Add “residential” to clarify the type of waste permitted for burning (section 001.01)
- Add “that burn only trees, vegetation and untreated lumber” to clarify materials permitted for burning (section 001.02)
- Add “except those operating an incinerator meeting the exemption criteria listed in Sections 001.01 through 001.04” to clarify exceptions to the threshold for grains per dry cubic foot of exhaust gas (section 002)

Chapter 15 Compliance

- Remove “nuisance or” and/or add “traffic” to clarify the Departments authority regarding violations (sections 002.02A, 002.02D, and 002.02E)
- Remove “indigenous to” and replace with “originating from” to clarify materials allowed for burning (section 002.02D1)
- Add “public power and irrigation districts” to the list of groups allowed to conduct burning for plant, wildlife, and parks management (section 002.02F)
- Revise language to clarify the origin of materials allowed to be burned in compliance with a general or community open fire permit for reasons other than “construction activity” (section 002.02G2)
 - Remove “and untreated lumber generated” and “construction activities”
 - Add “and other” and “originating from the property”

Appendix I Hazardous Air Pollutants

- Add reporting level of “20” (lbs/year) for 106945, 1-Bromopropane (1-BP), erroneously omitted from the previous revision (Table 1)
- Add a second table (new Table 2) with hazardous air pollutants sorted by chemical name, including the footnotes from the existing table

FISCAL IMPACT STATEMENT

Agency: Department of Water, Energy, and Environment (DWEE)
Prepared by: Reuel Anderson,
Division Administrator, Permitting and Engineering
Date Prepared: November 3, 2025
Phone: (402) 471-4216
Title: 129
Chapter: 1 through 9; 11 through 16; Appendices I and II
Name: *Nebraska Air Quality Regulations*

State Status: EQC Hearing Draft

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact	X	X	X
Increase Costs			
Decrease Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			



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, 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, unless otherwise stated.

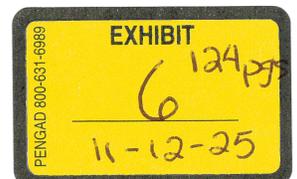
001.04B "Permit authority" or "Department" means the Nebraska Department of Water, Energy, and Environment, unless otherwise stated.

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.



2025 proposed revisions

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.

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

002.11A The Department for purposes of Neb. Rev. Stat. Sections 81-1501 to 81-1532;

002.11B An agency established by two or more states and having substantial powers or duties pertaining to the prevention and control of air pollution;

002.11C 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

002.11D 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.

002.12 "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.

002.13 "Allowable emissions" means:

002.13A 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:

002.13A1 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);

002.13A2 Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or

002.13A3 The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

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

002.15 "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.

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002.16 "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:

002.16A Any standard or other requirement;

002.16A1 Provided 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;

002.16A2 Under Chapter 12 relating to standards of performance for new stationary sources;

002.16A3 Established 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;

002.16A4 Of the acid rain program under Chapter 5;

002.16A5 Established under Chapter 6 or pursuant to any permit or order issued by the Director under this Title;

002.16A6 Governing solid waste incineration under Chapter 12 or pursuant to Section 129(e) of the Act and regulations adopted by the Council;

002.16A7 For consumer and commercial products established under Section 183(e) of the Act and regulations adopted by the Council;

002.16A8 For tank vessels established under Section 183(f) of the Act and regulations adopted by the Council;

002.16A9 Any standard or other requirement to protect stratospheric ozone as promulgated pursuant to Title VI of the Act and regulations adopted by the Council; and

002.16B Any term or condition of any construction permits;

002.16C 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.

002.16D "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.

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

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002.18 "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.

002.19 "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 002.103 of this chapter.

002.20 "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.

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

002.22 "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.

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

002.24 "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.

002.25 "CO₂ equivalent emissions (CO₂e)" 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").

002.26 "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:

002.26A Begun, or caused to begin, a continuous program of physical on-site construction of the source to be completed within a reasonable time; or

002.26B Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or

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operator, to undertake a program of construction of the source to be completed within a reasonable time.

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

002.28 "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.

002.29 "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.

002.30 "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.

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

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

002.33 "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.

002.35 "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.

002.36 "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.

002.37 "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.

002.38 "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.

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002.39 "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.

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

002.41 "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.

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

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

002.44 "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.

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

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

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

002.48 "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.

002.49 "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., CO₂. The pollutant greenhouse gases (GHGs) is adjusted to calculate CO₂ equivalence using "Table A-1 – Global Warming Potentials" at 40 CFR Part 98, Subpart A, effective July 1, 2016.

002.50 "Greenhouse gases (GHGs)" means the air pollutant defined as the aggregate group of six gases: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

002.51 "Hazardous air pollutant" means any air pollutant:

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002.51A Listed in Appendix I; or

002.52B To 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.

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

002.53 "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").

002.54 "Interstate air pollution control agency" means:

002.54A An air pollution control agency established by two or more states;
or

002.54B An air pollution control agency of two or more political subdivisions located in different states.

002.55 "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.

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

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

002.58 "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.

002.58A 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);

002.58B A source which emits, or has the potential to emit 5 tpy or more of lead;

002.58C 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

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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;

002.58D 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;

002.58E 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;

002.58F A source with the potential to emit 70 tpy or more of PM₁₀ and located in a particulate matter (PM₁₀) nonattainment areas classified as "serious"; or

002.58G 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.

002.58G1 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.

002.58H For radionuclides, "major source" will have the meaning specified by the Administrator of EPA by rule.

002.58I 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:

002.58I1 Are under common control of the same person (or persons under common control);

002.58I2 Are located on contiguous or adjacent properties; and

002.58I3 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.

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002.58J 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).

002.58K 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.

002.58L A major stationary source that is major for volatile organic compounds or NOx will be considered major for ozone.

002.58M Major source of particulate matter, for purposes of Class I operating permits, will be determined based on the potential to emit PM₁₀.

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

002.59A 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.

002.59B 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.

002.60 "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:

002.60A Routine maintenance, repair, and replacement (except as defined as reconstruction) will not be considered physical changes; and

002.60B 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.

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

002.62 "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.

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002.63 "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.

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

002.65 "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.

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

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

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

002.69 "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.

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

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

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.

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

002.74 "Plantwide applicability limitation (PAL)" means the definition found at 40 CFR § 51.165(f)(2)(v).

002.75 "PM₁₀" means the definition found at 40 CFR § 51.100(qq).

002.76 "PM₁₀ emissions" means the definition found at 40 CFR § 51.100(rr).

002.77 "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. Environmental Protection Agency, Subchapter C. Air Programs, and designated in accordance with part 53 of the chapter or by an equivalent method designated in accordance with part 53 of the chapter.

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002.78 "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.

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

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

002.81 "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 or 40 CFR § 52.21.

002.82 "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.

002.83 "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.

002.84 "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.

002.85 "Project" means a physical change in, or change in method of operation of, an existing major stationary source.

002.86 "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.

002.87 "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

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account in assessing whether a standard of performance under 40 CFR Part 60 is applicable to such source.

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

002.89 "Regulated air pollutant" means the following:

002.89A Nitrogen oxides or any volatile organic compounds as defined in this chapter;

002.89B Any pollutant for which a national ambient air quality standard has been promulgated;

002.89C Any pollutant that is subject to any standard in Chapter 12; and

002.89D Any pollutant subject to a standard or other requirements established in Chapter 13 relating to hazardous air pollutants, including the following:

002.89D1 Any pollutant subject to requirements under Chapter 13, 004.04; and

002.89D2 Any pollutant for which the requirements relating to construction, reconstruction, and modification in Chapter 13, 004.02, have been met, but only with respect to the individual source subject to these requirements.

002.90 "Regulated NSR pollutant" means the definition found at 40 CFR § 52.21(b)(50).

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

002.91A Carbon monoxide;

002.91B Particulate matter, excluding PM₁₀;

002.91C 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

002.91D 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.

002.91E Greenhouse gases (GHGs).

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

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002.93 "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.

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

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

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

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

002.98 "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 (accounting for the cost of achieving such reduction) the Director determines has been adequately demonstrated.

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

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

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

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

002.103 "Support Facility" means a facility which conveys, stores, or otherwise assists in the production of a stationary source's primary product. The Department will determine the status of a support facility relationship.

002.103A 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.

002.103B 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).

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002.103C 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.

002.104 "TPY" or "tpy" means tons per year.

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

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

002.107 "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.

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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, 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 Reduced Sulfur (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 sulfur dioxide (SO₂) monitor. Only an SO₂ monitor that has been designated as an EPA reference method or equivalent method in accordance with 40 CFR Part 53 may be used. When used in combination with a thermal converter, the SO₂ monitor will meet or exceed the performance limit specifications for automated methods prescribed in 40 CFR Part 53 Subpart B.

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);

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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 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 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 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 PM₁₀.

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

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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, 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)

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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;

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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.

001.02 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.

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 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:

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001.03A1 Fifteen (15) tpy of particulate matter (PM₁₀) emissions.

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

001.03A3 Forty (40) tpy of sulfur dioxide (SO₂) or sulfur trioxide (SO₃), or any combination of the two.

001.03A4 Forty (40) tpy of oxides of nitrogen (calculated as NO₂).

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.

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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

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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 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

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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

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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).

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 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

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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 or in demonstrating attainment or reasonable further progress; and

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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

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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 § 52.21(u).

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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

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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)

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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, 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, 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, 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)

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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 PM₁₀ emissions.

001.03A2 Fifty (50) tpy or more of SO₂ or SO₃, or any combination of the two.

001.03A3 Fifty (50) tpy or more of oxides of nitrogen (calculated as NO₂).

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

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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

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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 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).

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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 chapter based on size, capacity or an expectation of incidental usage may be determined to be insignificant. The

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

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 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.

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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;

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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 chapter.

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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.

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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 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 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;

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

005.01 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.

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005.02 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.

005.03 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.

005.04 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.

005.05 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.

005.06 Prohibition on Default Issuance.

005.06A Notwithstanding the time period specified in Section 003 of this chapter, no Class I operating permit, including a permit renewal or revision, will be issued until:

005.06A1 Affected States and the Administrator have had an opportunity to review the proposed permit, and

005.06A2 The Director has acted on the application.

005.06B No Class II operating permit, including a permit renewal or revision, will be issued until the Director has acted on the application.

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

007 Permit Expiration, Denial.

007.01 Conditions of an expired operating permit cannot be modified except with the issuance of a new permit or permit renewal.

007.02 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:

007.02A The source has submitted a timely application which has been deemed complete by the Department, and

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007.02B 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.

007.03 If the Director determines that any of the following are true, the application for permit renewal will be denied.

007.03A 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;

007.03B 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

007.03C 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 Emissions Fees.

008.01 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 chapter, a pollutant which may be regulated under more than one provision of this Title, need only be counted once.

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

008.03 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.

008.04 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 chapter will be non-refundable.

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

008.05A Revocation of the source's Class I operating permit; and

008.05B 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.

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008.06 If the Department determines that the annual emission inventory report 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.

009 Compliance Assurance Monitoring. The provisions of 40 CFR Part 64, as in effect on July 1, 2023, 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)

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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 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

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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 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)

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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

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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

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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:

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

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

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 comply 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.

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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 001.15 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.

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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 002 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.

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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.

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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)

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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.

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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.

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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.

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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

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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)

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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.

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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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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, 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 will be certified in accordance with the requirements found at 40 CFR § 70.5(d).

002 The annual emissions inventory 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;

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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, 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

001.03 Subpart D – Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced after August 17, 1971

001.04 Subpart Da – Electric Utility Steam Generating Units

001.05 Subpart Db – Industrial-Commercial-Institutional Steam Generating Units

001.06 Subpart Dc - Small Industrial-Commercial-Institutional Steam Generation Units

001.07 Subpart E – Municipal Incinerators

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

001.09 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

001.10 Subpart Ec – New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators

001.11 Subpart F – Portland Cement Plants

001.12 Subpart G – Nitric Acid Plants

001.13 Subpart Ga – Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011

001.14 Subpart H – Sulfuric Acid Plants

001.15 Subpart I – Hot Mix Asphalt Facilities (Asphalt Concrete Plants)

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001.16 Subpart J – Petroleum Refineries

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

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

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

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

001.21 Subpart L – Secondary Lead Smelters

001.22 Subpart M – Secondary Brass and Bronze Production Plants

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

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

001.25 Subpart O – Sewage Treatment Plants

001.26 Subpart P – Primary Copper Smelters

001.27 Subpart Q – Primary Zinc Smelters

001.28 Subpart R – Primary Lead Smelters

001.29 Subpart S – Primary Aluminum Reduction Plants

001.30 Subparts T through X – Phosphate Fertilizer Plants

001.31 Subpart Y – Coal Preparation Plants

001.32 Subpart Z – Ferroalloy Production Facilities

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

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

001.35 Subpart BB – Kraft Pulp Mills

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- 001.36 Subpart CC – Glass Manufacturing Plants
- 001.37 Subpart DD – Grain Elevators
- 001.38 Subpart EE – Surface Coating of Metal Furniture
- 001.39 Subpart GG – Stationary Gas Turbines
- 001.40 Subpart HH – Lime Manufacturing Plants
- 001.41 Subpart KK – Lead-Acid Battery Manufacturing Plants
- 001.42 Subpart LL – Metallic Mineral Processing Plants
- 001.43 Subpart MM – Automobile and Light-Duty Truck Surface Coating Operations
- 001.44 Subpart NN – Phosphate Rock Plants
- 001.45 Subpart PP – Ammonium Sulfate Manufacture
- 001.46 Subpart QQ – Graphic Arts Industry: Publication Rotogravure Printing
- 001.47 Subpart RR – Pressure Sensitive Tape and Label Surface Coating Operations
- 001.48 Subpart SS – Industrial Surface Coating: Large Appliances
- 001.49 Subpart TT – Metal Coil Surface Coating
- 001.50 Subpart UU – Asphalt Processing and Asphalt Roofing Manufacture
- 001.51 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
- 001.52 Subpart VVa – Equipment Leaks of VOC in Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
- 001.53 Subpart WW – Beverage Can Surface Coating Industry
- 001.54 Subpart XX – Bulk Gasoline Terminals
- 001.55 Subpart AAA – New Residential Wood Heaters
- 001.56 Subpart BBB – Rubber Tire Manufacturing Industry
- 001.57 Subpart DDD – Volatile Organic Compound (VOC) Emissions from the

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Polymer Manufacturing Industry

001.58 Subpart FFF – Flexible Vinyl and Urethane Coating and Printing

001.59 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

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

001.61 Subpart HHH – Synthetic Fiber Production Facilities

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

001.63 Subpart JJJ – Petroleum Dry Cleaners

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

001.65 Subpart LLL – Onshore Natural Gas Processing; SO₂ emissions

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

001.67 Subpart OOO – Nonmetallic Mineral Processing Plants

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

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

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

001.71 Subpart SSS – Magnetic Tape Coating Facilities

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

001.73 Subpart UUU – Calciners and Dryers in Mineral Industries

001.74 Subpart VVV – Polymeric Coating of Supporting Substrates Facilities

001.75 Subpart XXX – Municipal Solid Waste Landfills

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001.76 Subpart AAAA – Small Municipal Waste Combustion Units

001.77 Subpart CCCC – Commercial & Industrial Solid Waste Incineration Units

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

001.79 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

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

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

001.82 Subpart JJJJ – Stationary Spark Ignition Internal Combustion Engines

001.83 Subpart KKKK – Standards of Performance for Stationary Combustion Turbines

001.84 Subpart LLLL – New Sewage Sludge Incineration Units

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

001.86 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 Units

001.90 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:

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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.

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

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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, 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)

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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, 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

002.07 Subpart M - Perchloroethylene Dry Cleaning Facilities

002.08 Subpart N - Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

002.09 Subpart O - Ethylene Oxide Emissions from Sterilization Facilities

002.10 Subpart Q - Industrial Process Cooling Towers

002.11 Subpart R - Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)

002.12 Subpart S - Pulp and Paper Industry

002.13 Subpart T - Halogenated Solvent Cleaning,

002.14 Subpart U - Group 1 Polymers and Resins

002.15 Subpart W - Epoxy Resins Production and Non-Nylon Polyamides Production

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- 002.16 Subpart X - Secondary Lead Smelters
- 002.17 Subpart AA - Phosphoric Acid Manufacturing Plants
- 002.18 Subpart BB - Phosphate Fertilizers Production Plants
- 002.19 Subpart CC - Petroleum Refineries
- 002.20 Subpart DD - Off-Site Waste and Recovery Operations
- 002.21 Subpart EE - Magnetic Tape Manufacturing
- 002.22 Subpart GG - Aerospace Industry (Surface Coating)
- 002.23 Subpart HH - Oil and Natural Gas Production Facilities
- 002.24 Subpart JJ - Wood Furniture Manufacturing (Surface Coating)
- 002.25 Subpart KK - Printing and Publishing Industry
- 002.26 Subpart LL - Primary Aluminum Reduction Plants
- 002.27 Subpart MM - Chemical Recovery Combustion Source at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
- 002.28 Subpart NN - Wool Fiberglass Manufacturing Area Sources, as published at 40 CFR Part 63, effective July 1, 2016
- 002.29 Subpart OO - Tanks-Level 1
- 002.30 Subpart PP - Containers
- 002.31 Subpart QQ - Surface Impoundments
- 002.32 Subpart RR - Individual Drain Systems
- 002.33 Subpart SS - Closed Vent Systems/Control Devices
- 002.34 Subpart TT - Equipment Leaks Control Level 1
- 002.35 Subpart UU - Equipment Leaks Control Level 2
- 002.36 Subpart VV - Oil-Water Separators and Organic-Water Separators
- 002.37 Subpart WW - Storage Tanks Control Level 2
- 002.38 Subpart XX - Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
- 002.39 Subpart YY - Generic MACT Standards

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

002.41 Subpart DDD - Mineral Wool Production

002.42 Subpart EEE - Hazardous Waste Combustion

002.43 Subpart GGG - Pharmaceutical Production

002.44 Subpart HHH - Natural Gas Transmission and Storage Facilities

002.45 Subpart III - Flexible Polyurethane Foam Production

002.46 Subpart JJJ Group IV Polymers and Resins

002.47 Subpart LLL - Portland Cement Manufacturing

002.48 Subpart MMM - Pesticide Active Ingredient Production

002.49 Subpart NNN - Wool Fiberglass Manufacturing

002.50 Subpart OOO - Amino Phenolic Resins Production

002.51 Subpart PPP - Polyether Polyols Production

002.52 Subpart RRR - Secondary Aluminum Production

002.53 Subpart TTT - Primary Lead Smelting

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

002.55 Subpart VVV - Publicly Owned Treatment Works

002.56 Subpart XXX - Ferromanganese and Silicomanganese Production

002.57 Subpart AAAA - Municipal Solid Waste Landfills

002.58 Subpart CCCC - Manufacturing of Nutritional Yeast

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

002.60 Subpart FFFF - Miscellaneous Organic Chemical Manufacturing

002.61 Subpart GGGG - Solvent Extraction for Vegetable Oil Production

002.62 Subpart HHHH - Wet-Formed Fiberglass Mat Production

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

002.64 Subpart JJJJ - Paper and Other Web Coating

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- 002.65 Subpart KKKK - Surface Coating of Metal Cans
- 002.66 Subpart MMMM - Miscellaneous Metal Parts Surface Coating
- 002.67 Subpart NNNN - Large Appliance Surface Coating
- 002.68 Subpart OOOO - Printing, Coating, and Dying of Fabrics and Other Textiles
- 002.69 Subpart PPPP - Surface Coating of Plastic Parts and Products
- 002.70 Subpart QQQQ - Wood Building Products Surface Coating
- 002.71 Subpart RRRR - Metal Furniture Surface Coating
- 002.72 Subpart SSSS - Metal Coil Surface Coating
- 002.73 Subpart TTTT - Leather Finishing Operations
- 002.74 Subpart UUUU - Cellulose Products Manufacturing
- 002.75 Subpart VVVV - Boat Manufacturing
- 002.76 Subpart WWWW - Reinforced Plastics Composite Manufacturing
- 002.77 Subpart XXXX - Tire Manufacturing
- 002.78 Subpart YYYYY - Stationary Combustion Turbines
- 002.79 Subpart ZZZZ - Reciprocating Internal Combustion Engines
- 002.80 Subpart AAAAA - Lime Manufacturing
- 002.81 Subpart DDDDD - Industrial, Commercial and Institutional Boilers and Process Heaters (major sources)
- 002.82 Subpart EEEEE - Iron and Steel Foundries
- 002.83 Subpart FFFFF - Integrated Iron and Steel
- 002.84 Subpart GGGGG - Site Remediation
- 002.85 Subpart HHHHH - Miscellaneous Coating Manufacturing
- 002.86 Subpart JJJJJ – Brick and Structural Clay Products Manufacturing
- 002.87 Subpart LLLLL - Asphalt Processing and Asphalt Roofing Manufacturing
- 002.88 Subpart MMMMM - Flexible Polyurethane Foam Fabrication

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- 002.89 Subpart NNNNN - Hydrochloric Acid Production
- 002.90 Subpart PPPPP - Engine Test Cells and Stands
- 002.91 Subpart SSSSS - Refractory Products Manufacturing
- 002.92 Subpart UUUUU - Coal and Oil Fired Electric Utility Steam Generating Units
- 002.93 Subpart WWWW - Hospital Ethylene Oxide Sterilizers
- 002.94 Subpart YYYYY - Electric Arc Furnace Steelmaking Facilities
- 002.95 Subpart ZZZZ - Iron and Steel Foundries Area Sources
- 002.96 Subpart BBBBB - Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
- 002.97 Subpart CCCCC - Gasoline Dispensing Facilities
- 002.98 Subpart DDDDD - Polyvinyl Chloride and Copolymers Production Area Sources
- 002.99 Subpart EEEEE - Primary Copper Smelting Area Sources
- 002.100 Subpart FFFFF - Secondary Copper Smelting Area Sources
- 002.101 Subpart GGGGG Primary Nonferrous Metals Area Sources – Zinc, Cadmium, Beryllium
- 002.102 Subpart HHHHH - Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
- 002.103 Subpart JJJJJ - Industrial, Commercial, and Institutional Boilers (area sources)
- 002.104 Subpart LLLLL Acrylic and Modacrylic Fibers Production Area Sources
- 002.105 Subpart MMMMM Carbon Black Production Area Sources,
- 002.106 Subpart NNNNN Chemical Manufacturing Area Sources: Chromium Compounds
- 002.107 Subpart OOOOO Flexible Polyurethane Foam Production and Fabrication Area Sources
- 002.108 Subpart PPPPP – Lead Acid Battery Manufacturing Sources
- 002.109 Subpart QQQQQ - Wood Preserving Area Sources
- 002.110 Subpart RRRRR - Clay Ceramics Manufacturing

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- 002.111 Subpart SSSSSS - Glass Manufacturing Area Sources
- 002.112 Subpart TTTTTT - Secondary Nonferrous Metals Processing
- 002.113 Subpart VVVVVV - Chemical Manufacturing Area Source
- 002.114 Subpart WWWWWW - Plating and Polishing Area Sources
- 002.115 Subpart XXXXXX - Metal Fabrication Area Sources
- 002.116 Subpart YYYYYY - Ferroalloys Production
- 002.117 Subpart ZZZZZZ - Aluminum, Copper, and Other Non-ferrous Foundries
- 002.118 Subpart AAAAAA - Asphalt Processing and Roofing Manufacturing
- 002.119 Subpart BBBBBB - Chemicals Preparation Facilities
- 002.120 Subpart CCCCCC - Paints and Allied Products Manufacturing Area Sources
- 002.121 Subpart DDDDDD - Prepared Feeds Manufacturing,
- 002.122 Subpart EEEEEEE - Gold Ore Mining
- 002.123 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 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

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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.

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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, 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)

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Title 129 - Air Quality Regulations

Chapter 14 – INCINERATORS, EMISSION STANDARDS

001 The provisions of this 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 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 001.76 or 001.77 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 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.

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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 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 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:

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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)

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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

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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	$\frac{1.026}{I^{0.233}}$ 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 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%).

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001.05C Emission sources subject to monitoring requirements of Section 005.06 of this 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 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 chapter 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 chapter.

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 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 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 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

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units, by individuals residing on the premises providing no traffic hazard is created.

002.02F For the purpose of plant, 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 originating from the property as a result of land clearing.

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

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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 comply 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 chapter.

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.

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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 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

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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 O₂ or CO₂ 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.

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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 NO_x) 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 O₂ or CO₂); 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:

(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

(ii) The data for a measured compound (e.g., NO_x, O₂) 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.

(i) For either NO_x 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.

(ii) For the diluent CO₂ or O₂, 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.

(iii) For either NO_x 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.

(iv) For the diluent O₂ or CO₂ 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 NO_x, CO, and O₂ (or CO₂) 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

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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.

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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.

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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, CO₂, (or O₂) 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 NO_x.

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.

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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 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:

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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 determine 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.

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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.

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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 determine 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.

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006.07 If the Director determines that the reporting requirements of 006.02 and/or 006.04 of this 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)

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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 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 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

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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-Dichlorobenzidine ^[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

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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-Propyl 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

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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-Dibenzopyrene	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

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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

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-	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

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- 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

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-ethylhexyl)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

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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	Carbaryl ^[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	Dibenz(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'-Dichlorodiphenyl ethane (DOE) ^[8]	Yes	20
111444	Dichloroethyl Ether (Bis(2-chloroethyl)ether)	Yes	60
542756	1,3-Dichloropropene	Yes	1,000

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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-diisocyanate	No	20
680319	Hexamethylphosphoramide	No	20
110543	Hexane	Yes	2,000
18540299	Hexavalent Chromium Compounds ^[8]	No	4

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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-Nitrophenol	Yes	2,000
79469	2-Nitropropane	Yes	1,000
62759	N-Nitrosodimethylamine	Yes	2
59892	N-Nitrosomorpholine	Yes	1,000

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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-Methyl 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-Tetrachloroethane	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.

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[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.
- b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.

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(2) Coal and oil-fired process steam generating facilities

- a. Substantial reduction by utilization of fuels having low ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Substantial reduction of steam load demands consistent with continuing plant operations.

(3) Manufacturing industries of the following classification:
Primary Metals Industry
Petroleum Refining Operations
Chemical Industries
Mineral Processing Industries
Paper and Allied Products
Grain Industry

- a. Substantial reduction of air pollutants from manufacturing operations by curtailing, postponing, or deferring production and all operations.
- b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas 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 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.

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(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.

<u>Source of Air Pollution</u>	<u>Control Action</u>
(1) Coal or oil-fired electric power generating facilities	<ul style="list-style-type: none">a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
(2) Coal or oil-fired process steam generating facilities	<ul style="list-style-type: none">a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.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: Petroleum Refining Chemical Industries Primary Metals Industries Grain Industries Paper and Allied Products	<ul style="list-style-type: none">a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation.b. Maximum reduction by deferring trade waste disposal operations 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 and soot blowing.
- (4) Manufacturing industries which require relatively short lead times for shutdown including classifications:
 - Petroleum Refining
 - Chemical Industries
 - Primary Metals Industries
 - Grain Industries
 - 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 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.

1.3 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.

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- 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.

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(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.

<u>Source of Air Pollution</u>	<u>Control Action</u>
(1) Coal or oil-fired electric power generating facilities	<ul style="list-style-type: none">a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
(2) Coal and oil-fired process steam generating facilities	<ul style="list-style-type: none">a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.c. Taking the action called for in the emergency plan.
(3) Manufacturing industries of the following classifications: Primary Metals Industries Petroleum Refining Chemical Industries Mineral Processing Industries Grain Industry Paper and Allied Products	<ul style="list-style-type: none">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

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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 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 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

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reported, NEMA, will work in coordination with 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 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 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.

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- 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.

This document describes proposed revisions of Title 129 - Nebraska Air Quality Regulations. Some minor revisions, such as adding a space or line, are not included in this log but are annotated in the redline document.



Chapter	Current Section	New Section	Revision	Justification
Chap 1 - General Provisions; Definitions	001.01	same	Change CFR "published on" date (year) to 2023	Incorporates more current version of federal rulemaking.
	001.04A	same	Change "Department of Environment and Energy" to read "Department of Water, Energy, and Environment"	Reflects new agency name, effective 1 July 2025.
	001.04B	same	Change "Department of Environment and Energy" to read "Department of Water, Energy, and Environment"	Reflects new agency name, effective 1 July 2025.
		002.10	Add definition of "Air Pollutant"	Provide definition of a term used throughout the regulations.
	002.10 thru 002.32	002.11 thru 002.33	Re-number due to added definition.	Consistency of formatting.
	002.15A1 thru 002.15A9	002.16A1 thru 002.16A9	Capitalize first letter of first word	Proper capitalization rules.
		002.34	Add definition of "Council"	Provide definition of a term used throughout the regulations.
	002.27	002.28	Add "...as deemed by the Department."	Provide clarity for the definition
	002.33 thru 002.069	002.35 thru 002.071	Re-number due to added definition	Consistency of formatting.
	002.49A thru 002.49B	002.51A thru 002.51B	Capitalize first letter of first word	Proper capitalization rules.
	002.56K	002.58K	Delete comma.	Correct typographical error.
	002.58B	002.60B	Delete comma.	Correct typographical error.
	002.65	002.67	Replace "Part" with "\$"	Consistency throughout the title.
	002.66	002.68	Replace "Part" with "\$"	Consistency throughout the title.
	002.069	002.071	Change "Department of Environment and Energy" to read "Department of Water, Energy, and Environment"	Reflects new agency name, effective 1 July 2025.
		002.72	Add definition of "Person"	Provide definition of a term used throughout the regulations.
	002.70 thru 002.104	002.73 thru 002.107	Re-number due to added definition	Consistency of formatting.

002.74	002.77	Add the language "as of July 1, 2023" to the definition	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
002.78	002.81	Add the language "as of July 1, 2023" to the definition	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
002.87	002.90	Add the language "as of July 1, 2023" to the definition	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
002.86A	002.89A	Replace uppercase "C" with lowercase "c".	Correct letter casing.
002.86D1	002.89D1	Revise the Chapter 13 reference to "004.04"	Correct typographical error.
002.86D2	002.89D2	Revise the Chapter 13 reference to "004.02"	Correct typographical error.
002.87	002.90	Add the language "as of July 1, 2023" to the definition	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
002.95	002.98	Remove "taking into" and change "account" to "accounting for".	Simplify language.
002.100	002.103	Remove "make a" and replace "determination on" with "determine".	Simplify language.

Chapter	Current Section	New Section	Revision	Justification
Chap 2 - Nebraska Air Quality Standards	001	same	Change CFR "as of" date (year) to 2023	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
	002	same	Capitalize first letter of second and third words	Proper capitalization rules.
	002.02	same	Change "an" to "a", spell out "sulfur dioxide", add parentheses to "SO ₂ "	Clarify name of pollutant.
	002.02	same	Add the language "as of July 1, 2023" to the definition	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
	003.01	same	Add the language "as of July 1, 2023" to the definition	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
	003.02	same	Add the language "as of July 1, 2023" to the definition	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
	003.03	same	Add the language "as of July 1, 2023" to the definition	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
	006.01	same	Add the language "as of July 1, 2023" to the definition	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.

Chapter	Current Section	New Section	Revision	Justification
Chap 3 - Construction Permits	001.01	same	Remove language/reformat to list criteria separately in sections 001.01A through 001.01D.	Better clarification of the construction permit process and describe activities allowed prior to receipt of a construction permit.
	001.01A	same	Remove language/reformat to list criteria separately in section 001.01B. Added language from 001.01A to describe eligibility criteria for pre-construction activities.	Provides concise list of eligibility criteria for pre-construction activities.
	001.01B	same	Remove language/reformat to list criteria separately in sections 001.01C. Added language from section 001.01A to clarify required actions prior to pre-construction; revised pre-construction notification to 5 days (current title reads "30 days").	Provides concise list of required actions prior to initiating pre-construction activities; allow shorter timeframe between notification and start of pre-construction activities.
		001.01C	Added language from 001.01B to describe specific activities/actions that prohibit pre-construction activities.	Provides concise list of conditions that prohibit pre-construction activities.
		001.01D	Added language from 001.01 to describe activities not allowed prior to receipt of a construction permit.	Clarify prohibited activities prior to receipt of a construction permit.
	001.02A	same	Add the language "as of July 1, 2023" to the definition	Incorporates the language and definitions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
	001.03	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.
	001.03A1	same	Spell out "particulate matter", add parentheses to "PM ₁₀ "	Clarify name of pollutant.
	001.03A2	same	Spell out "fine particulate matter", add parentheses to "PM _{2.5} "	Clarify name of pollutant.
	002.02C3(c)	same	Spell out "pounds per hour", add parentheses to "lb/hr"	Clarify units of measure.
002.02C3(g)	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
002.04B	same	Add the language "as of July 1, 2023" to the definition	Incorporates the language and definitions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.	
004.01B	same	Remove "be".	Correct grammar.	
004.02F	same	Add the language "as of July 1, 2023" to the definition	Incorporates the language and definitions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.	

Chapter	Current Section	New Section	Revision	Justification
Chap 4 - PSD	001	same	Add the language "as of July 1, 2023" to the definition	Incorporates the language and defintions as of July 1, 2023 as Nebraska is party to a lawsuit over the new PM2.5 standard that went into effect in March 2024.
	001.020	same	Replace "Part" with "§"	Consistency throughout the title.

Chapter	Current Section	New Section	Revision	Justification
Chap 1 - Acid Rain	001.01 thru 001.03	same	Change CFR "published on" date (year) to 2023	Incorporates more current version of federal rulemaking.

Chapter	Current Section	New Section	Revision	Justification	
Chap 6 - Operating Permits	001.06	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	002.05C2	same	Replace uppercase "C" with lowercase "c", and remove "and" at the end of the paragraph.	Correct letter casing; correct grammar.	
	002.05C4	same	Replace "Part" with "Section"	Incorrect term for reference.	
	004.01	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	004.02	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	005	-	Delete section.	Remove to align with removal of provisions from 40 CFR 70.6(g) and 71.6(g)	This revision will remove the Affirmative Defense provisions, which have already been removed from Federal Regulations.
	005.06A	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	006 thru 010	005 thru 009	Renumbered due to removal of Section 005.	Consistency of formatting.	
	009.01	008.01	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	009.02	008.02	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	009.04	008.04	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
009.06	008.06	Remove "form" from first sentence.	Aligns with current emissions inventory submission method, which is electronic (State and Local Emissions Inventory System).		
010	009	Change CFR "published on" date (year) to 2023	Incorporates more current version of federal rulemaking.		

Chapter	Current Section	New Section	Revision	Justification
Chap 7 - General Permits	009	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.

Chapter	Current Section	New Section	Revision	Justification
Chap 8 - Permits-by-Rule	005	same	Add hyphens to "permits by rule" in last sentence.	Correct typographical error, and provide for consistency throughout the title.
	010.05	same	Remove "are in" and replace "compliance" with "comply".	Simplify language.
	010.11	same	Revise Chapter 12 reference to "001.15".	Correct reference to aligned with renumbering in Chapter 12.
	010.12F4	same	Add semicolon (;) and "and" to end of sentence. Remove period (.).	Consistency throughout chapter. Correct typographical error.
	011	same	Renumber Chapter 14 reference "001" to "002".	Aligns with renumbering due to proposed Chapter 14 revisions.
	011.09A3	same	Add "and" to end of sentence.	Consistency throughout chapter.

Chapter	Current Section	New Section	Revision	Justification
Chap 9 - Permit Revisions; Opening for Cause	007.02	same	Add "A source" at beginning of sentence.	Correct sentence structure.

Chapter	Current Section	New Section	Revision	Justification
Chap 10 - Permit - Public Participation			NONE	

Chapter	Current Section	New Section	Revision	Justification
Chap 11 - Emissions Reporting, When Required	001	same	Add "4" to list of chapters.	Correct typographical error.
			Replace "on forms furnished by or acceptable to" with "in a format approved by"; delete "form"	Aligns with current emissions inventory submission method, which is electronic (State and Local Emissions Inventory System).
	002	same	Delete "form".	Aligns with current emissions inventory submission method, which is electronic (State and Local Emissions Inventory System).

Chapter	Current Section	New Section	Revision	Justification
Chap 12 - New Source Performance Standards and Emission Limits for Existing Sources	001	same	Change CFR "as of" date (year) to 2023	Incorporates more current version of federal rulemaking.
<i>Revisions to each incorporated subpart in this chapter that occurred between the date referenced in the CURRENT regulations (July 1, 2020) and the PROPOSED reference date (July 1, 2023) are described a separate spreadsheet titled Title 129 - Ch 12 and 13 - 20241121 Revisions to 2023.xlsx</i>				
		001.02	Add "Subpart BBa – Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013"	Incorporates rulemaking previously omitted (79 FR 18966, April 4, 2014)
	001.02 through 001.85	001.03 through 001.86	Re-number due to added Subpart.	Consistency of formatting.
	001.74	001.75	Replace "WWW" with "XXX".	Alignment with current rule identifier (WWW was replaced by XXX in August 2016, 81 Federal Register 59368).
		001.87	Add "Subpart OOOOa - Crude Oil and Natural Gas Facilities for which Construction , Modification or Reconstruction Commenced After September 18, 2015"	Incorporates rulemaking previously omitted (81 FR 35898, June 3, 2016)
		001.88	Add "Subpart QQQQ – New Residential Hydronic Heaters and Forced-Air Furnaces"	Incorporates rulemaking previously omitted (84 FR 7698, Mar. 4, 2019).
		001.89	Add "Subpart TTTT – Greenhouse Gas Emissions for Electric Generating Units "	Incorporates rulemaking previously omitted (89 FR 40028, May 9, 2024).
	001.86	001.90	Re-number due to added Subparts.	Consistency of formatting.

Chapter	Current Section	New Section	Revision	Justification
Chap 13 - HAPs	001	same	Change CFR "as of" date (year) to 2023	Incorporates more current version of federal rulemaking.
	002	same	Change CFR "as of" date (year) to 2023	Incorporates more current version of federal rulemaking.
<i>Revisions to each incorporated subpart in this chapter that occurred between the date referenced in the CURRENT regulations (July 1, 2020) and the PROPOSED reference date (July 1, 2023) are described a separate spreadsheet titled Title 129 - Ch 12 and 13 - 20241121 Revisions to 2023.xlsx</i>				
		002.06	Add "Subpart J – Polyvinyl Chloride and Copolymers Production".	Incorporates revised rulemaking (85 FR 73888, Nov 19, 2020)
	002.06 thru 002.84	002.07 thru 002.85	ReNUMBER due to added subpart.	Consistency of formatting.
		002.86	Add "Subpart JJJJ – Brick and Structural Clay Products Manufacturing".	Incorporates revised rulemaking (80 FR 65470, Oct 26, 2015; 80 FR 75817, Dec 4, 2015)
	002.86 thru 002.106	002.88 thru 002.108	ReNUMBER due to added subpart.	Consistency of formatting.
	002.106	002.108	Add "P" to subpart identifier.	Correct typogrphical error.
	002.107 thru 002.121	002.109 thru 002.123	ReNUMBER due to added subparts.	Consistency of formatting.
	003.01B	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.
	004.04	same	Change CFR effective date (year) to 2023	Incorporates more current version of federal rulemaking.

Chapter	Current Section	New Section	Revision	Justification	
Chap 14 - Incinerators, Emission Standards	001	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	001.01	same	Add "residential" in front of "waste originating on said premises".	Clarifies type of waste permitted for burning.	Although these revisions serve to provide clarity, they might require a bit more outreach
	001.02	same	Add "that burn only trees, vegetation, and untreated lumber".	Clarifies materials permitted for burning.	
	001.04	same	Renumber Chapter 12 references "001.75" and "01.76" to "001.76" and "001.77", respectively.	Aligns with renumbering due to proposed Chapter 12 revisions.	
	002	same	Add "except those operating an incinerator meeting the exemption criteria listed in Sections 001.01 through 001.04".	Clarifies exemption for PM emission provision.	Although these revisions serve to provide clarity, they might require a bit more outreach
	006.02	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	007	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	

Chapter	Current Section	New Section	Revision	Justification	
Chap 15 - Compliance	001.01A	same	Add "pounds per hour" and add parentheses around "lb/hr".	Clarifies abbreviations.	
	001.04	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	001.05C	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	001.05D	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	001.06	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	002.02A	same	Remove "nuisance or" and add "traffic".	NDEE does not enforce nuisance violations; adding "traffic" to clarify "hazard".	Although these revisions serve to provide clarity, they might require a bit more outreach.
	002.02D	same	Remove "nuisance or".	NDEE does not enforce nuisance violations.	
	002.02D1	same	Remove "indigenous to" and replace with "originating from".	Revised for clarity and consistency.	
	002.02E	same	Remove "nuisance or".	NDEE does not enforce nuisance violations.	
	002.02F	same	Add "public power and irrigation districts".	Includes other public entities that conduct these activities.	
	002.02G2	same	Add "and other"; remove "and untreated lumber generated" and "construction activities"; add "originating from the property".	Revised to clarify origin of trees/brush, and to allow burning of these materials resulting from land clearing for reasons other than "construction activity". EX: would allow burning of trees/brush generated when land is cleared for a park or other land use that may not involve construction of structures.	Although these revisions serve to provide clarity, they might require a bit more outreach.
	004	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
		same	Remove "be in" and replace "compliance" with "comply".	Simplify language.	
	004.01	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	005.03	same	Add apostrophe (') after "days".	Correct grammar.	
	005.05	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	005.09D1(a)	same	Correct "ppmv" to read "ppm".	Correct typographical error.	
	005.09D2(c)(a) through (c)	005.09D2(c)(i) through (iii)	Renummer "(a)", "(b)", and "(c)" to "(i)", "(ii)", and "(iii)", respectively.	Consistency of formatting.	
	005.09D2(d)(a) through (d)	005.09D2(d)(i) through (iv)	Renummer "(a)", "(b)", and "(c)" to "(i)", "(ii)", and "(iii)", respectively.	Consistency of formatting.	
	005.011C	same	Replace period (.) with a comma (,).	Correct typographical error.	
	005.15A1	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	
	006.01	same	Remove "make a" and change "determination" to "determine".	Simplify language.	
	006.06	same	Remove "make a" and change "determination of" to "determine".	Simplify language.	
	006.07	same	Replace uppercase "C" with lowercase "c".	Correct letter casing.	

Chapter	Current Section	New Section	Revision	Justification
Chap 16 - Sulfur Compound and Nitrogen Oxides Emissions Standards	002.01	same	Capitalize first letter of first word.	Proper capitalization rules.
			Replace "\$" with "Part".	Consistency throughout the title.
	002.02	same	Capitalize first letter of first word.	Proper capitalization rules.
	002.03	same	Capitalize first letter of first word.	Proper capitalization rules.

Chapter	Current Section	New Section	Revision	Justification	
Appendix I	Table 1	same	Add "Table 1" above the table titled "Hazardous Air Pollutants Sorted by CAS Number"	Provide for addition of a second table, organizing the list of chemicals by chemical name instead of CAS number.	
	Table 1 (p3)	same	Add reporting level of "20" (lbs/year) for 106945, 1-Bromopropane (1-BP)	Correct erroneous omission from last revision. A reporting requirement of 20 lbs/year for 1-BP is consistent with the only other state (Kansas) in the region which has a reporting level codified.	
	Footnote 5	same	Add "m" to misspelled word "copounds" → "compounds"	Correct typographical error.	
	Footnote 6	same	Add "t" to misspelled word "equivalen" → "equivalent"	Correct typographical error.	
	Footnote 8, third bullet	same	Removed "s" from misspelled word "Postassium" → "Potassium"	Correct typographical error.	
		Table 2		Add a second chemical list table, organized by chemical name, and titled "Table 2 Hazardous Air Pollutants Sorted by Chemical Name".	Provide a additional table with the list of chemicals organized by chemical name instead of CAS number, for ease of use by reader.
		Table 2 Footnotes		Copy the list of Table 1 footnotes (with proposed corrections) and place them below Table 2.	Table 2 contains the same information as Table 1, thus the same footnotes are applicable.

Chapter	Current Section	New Section	Revision	Justification
Appendix II	2.1(c)	same	Change "NDEE" to read "DWEE"	Reflects new agency name, effective 1 July 2025.
	2.1(d)	same	Change "NDEE" to read "DWEE"	Reflects new agency name, effective 1 July 2025.
	2.1(e)	same	Change "NDEE" to read "DWEE"	Reflects new agency name, effective 1 July 2025.
	2.2(a)	same	Change "NDEE" to read "DWEE"	Reflects new agency name, effective 1 July 2025.
	2.2(a)4	same	Change "NDEE" to read "DWEE"	Reflects new agency name, effective 1 July 2025.

Rule Location in CFR	Rule Location in Title 129	Title of Rule	Date of Amendment	Location of Changes	Resources	Link to Resources	Brief Explanation of Changes
60.110b - 60.117b	Chapter 12, Section <u>001.19</u>	Subpart Kb - Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	1/19/2021	\$60.110b, \$60.115b.	eCFR	https://www.federalregister.gov/documents/2021/01/19/2021-00678/standards-of-performance-for-volatile-organic-liquid-storage-vessels-including-petroleum-liquid	Proposed amendments to NSPS subpart Kb in a new paragraph (see proposed 85 FR 65782—40 CFR 60.110b(e)(5)) that would allow owners or operators of storage vessels subject to NSPS subpart Kb, and equipped with either an EFR or IFR, the choice to elect to comply with the requirements specified in NESHAP subpart WW as an alternative standard.
60.370 - 60.374	Chapter 12, Section <u>001.40</u>	Subpart KK – Lead-Acid Battery Manufacturing Plants	2/23/2023	\$60.370.	eCFR	https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-60/subpart-KK	On February 23, 2022, the EPA published proposed rules in the Federal Register (87 FR 10134) for the NSPS for Lead Acid Battery Manufacturing Plants (40 CFR part 60, subpart KKa) and the NESHAP for Lead Acid Battery Manufacturing Area Sources (40 CFR part 63, subpart P) that were based on the BSR review for the NSPS and the technology review for the NESHAP. The EPA proposed revised lead emission limits for grid casting, paste mixing, and lead reclamation operations for both the area source NESHAP (for new and existing sources) and under a new NSPS subpart (for lead acid battery manufacturing facilities that begin construction, reconstruction, or modification after February 23, 2022).
60.390 - 60.398	Chapter 12, Section <u>001.42</u>	Subpart MM – Automobile and Light-Duty Truck Surface Coating Operations	5/9/2023	\$60.390, \$60.391, \$60.392, \$60.392, \$60.393, \$60.395.	eCFR	https://www.federalregister.gov/documents/2023/05/09/2023-09587/review-of-standards-of-performance-for-automobile-and-light-duty-truck-surface-coating-operations	The EPA is finalizing revisions to the NSPS for the ALDT surface coating source category pursuant to CAA section 111(b)(1)(B) review. The EPA is promulgating the NSPS revisions in a new subpart, 40 CFR part 60, subpart MMA. Subpart MMA is applicable to affected sources constructed, modified, or reconstructed after May 18, 2022. This action also finalizes revisions to ALDT NSPS subpart MM. Subpart MM is applicable to affected sources that are constructed, modified, or reconstructed after October 5, 1979, but on or before May 18, 2022. The final requirements also include the addition of electronic reporting requirements in subpart MM, which applies to affected sources that commenced construction, reconstruction, or modification after October 5, 1979, but on or before May 18, 2022.
60.530 - 60.539b	Chapter 12, Section <u>001.54</u>	Subpart AAA - New Residential Wood Heaters	3/29/2023	\$60.534, \$60.539b.	eCFR	https://www.federalregister.gov/documents/2023/03/29/2023-04956/testing-provisions-for-air-emission-sources	Subpart AAA is amended to add stipulations for use of the ASTM E2515-11 test method. The stipulations modify the post-test leak check procedures as well as add procedures for performing leak checks during a sampling run. EPA revised the language in § 60.534(c) and developed new language to replace ASTM E2515-11, section 9.6.5.1 by adding § 60.534(c)(1), which specifies appropriate post-test leak check procedures and in § 60.534(c)(2) by adding procedures for performing leak checks during a sampling run. In § 60.534(d), the first hour PM emissions measurements are to be conducted using a separate ASTM E2515-11 sampling train operated concurrently with the paired ASTM E2515-11 sampling trains used in compliance PM sampling. The regulatory language in § 60.539b(b) is revised to include General Provisions that were added to § 60.8(f)(2) (81 FR 59801, August 30, 2016) and were inadvertently exempted from inclusion in subpart AAA as that rule, as promulgated in 2015, exempted § 60.8(f) in its entirety.
60.720 - 60.726	Chapter 12, Section <u>001.71</u>	Subpart TTT – Industrial Surface Coating: Plastic Parts for Business Machines	3/27/2023	\$60.720, \$60.721, \$60.723, \$60.724, \$60.725, \$60.726.	eCFR	https://www.federalregister.gov/documents/2023/03/27/2023-04966/new-source-performance-standards-review-for-industrial-surface-coating-of-plastic-parts-for-business	The EPA finalized the proposed revisions to NSPS subpart TTT, which applies to affected sources that are constructed, modified, or reconstructed after January 8, 1986, but that are constructed, modified, or reconstructed no later than June 21, 2022. With these changes, NSPS subpart TTT requires electronic reporting, provides an updated definition of “business machine,” and makes new voluntary consensus standards (VCS) available for use as alternatives to EPA Method 24 for industrial surface coating of plastic parts for business machines. These same changes are reflected in new subpart TTTa.
60.2500 - 60.2875	Chapter 12, Section <u>001.77</u>	Subpart DDDD – Emission Guidelines & Compliance Times for Commercial & Industrial Solid Waste Incineration Units	10/7/2020	\$60.2675, \$60.2710, \$60.2715. Table 7—Model Rule—Emission Limitations That Apply to Energy Recovery Units After May 20, 2011. Table 8—Model Rule—Emission Limitations That Apply to Waste-Burning Kilns After May 20, 2011.	eCFR	https://www.federalregister.gov/documents/2020/10/07/2020-18824/test-methods-and-performance-specifications-for-air-emission-sources	Subpart DDDD of part 60 is revised to clarify that (1) initial and annual performance testing for PM for waste-burning kilns and ERU is to be conducted using Method 5 or Method 29 of Appendix A of part 60; (2) the required PM CPMS is used to demonstrate continuing compliance with the PM emission limit; and (3) heat input information must be reported for ERU. The current language in 40 CFR 60.2675(i) and (j)(1)(iii) and 60.2710(b), when read together, makes it clear that for purposes of demonstrating compliance for PM, performance testing must be used initially and then annually while for purposes of ongoing continuous demonstration of compliance, data from the compliant performance test is in turn to be used to set an operating limit for the PM CPMS. Tables 7 (Emission Limitations for Energy Recovery Units) and 8 (Emission Limitations That Apply to Waste-Burning Kilns) are revised to clarify the performance test method for PM.
			3/20/2023	\$ 60.2690.	eCFR	https://www.federalregister.gov/documents/2023/03/20/2023-04958/epa-method-23-determination-of-polychlorinated-dibenzo-p-dioxins-and-polychlorinated-dibenzofurans	EPA revised 40 CFR 60.2690(g)(2) and (j)(2) to realign the requirement for identifying isomers to the reorganized Section 11.4.2.4 in the revisions of Method 23.

60.4200 - 60.4219	Chapter 12, Section <u>001.80</u>	Subpart III – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	12/4/2020	\$60.4207.	eCFR	https://www.federalregister.gov/documents/2020/12/04/2020-23164/fuels-regulatory-streamlining	This action focuses primarily on streamlining and consolidating the gasoline and diesel fuel programs that reside in part 80. EPA is removing expired provisions and consolidating the remaining provisions from multiple fuel quality programs into a single set of provisions. This action covers almost all fuel programs and related provisions currently in part 80. These programs include, but are not limited to, the reformulated gasoline (RFG) program, the anti-dumping program, the diesel sulfur program, the gasoline benzene program, the gasoline sulfur programs, the E15 misfueling mitigation program, and the national fuel detergent program. This streamlining action combines these separate, now fully-implemented programs, all of which affect the same regulated parties, into a single, national fuel quality program.
			6/29/2021	\$60.4200, \$60.4201, \$60.4202, \$60.4204, \$60.4205, \$60.4210, \$60.4211, \$60.4212, \$60.4219.	eCFR	https://www.federalregister.gov/documents/2021/06/29/2021-05306/improvements-for-heavy-duty-engine-and-vehicle-test-procedures-and-other-technical-amendments	References to the legacy parts are common for stationary engines EPA regulates under 40 CFR part 60, subparts III and JJJJ. The emission standards for stationary engines in many cases rely on current or past nonroad emission standards in 40 CFR parts 89, 90, and 94. Including all the iterations of these emission standards as reference material allows EPA to preserve the existing set of standards and requirements for stationary engines.
			8/10/2022	§ 60.4211, \$60.4214, \$60.4219.	eCFR	https://www.federalregister.gov/documents/2022/08/10/2022-17060/national-emission-standards-for-hazardous-air-pollutants-for-reciprocating-internal-combustion	This final rule amends the RICE NESHAP by removing paragraphs 40 CFR 63.6640(f)(2)(ii) and (iii), the CI ICE NSPS by removing paragraphs 40 CFR 60.4211(f)(2)(ii) and (iii), and the SI ICE NSPS by removing paragraphs 40 CFR 60.4243(d)(2)(ii) and (iii), all of which were vacated by the Delaware v. EPA decision. The removal of the vacated paragraphs also necessitates revisions to other paragraphs in the ICE NSPS and RICE NESHAP that contained references to the vacated paragraphs or referenced operation of engines categorized as emergency engines for the purpose of emergency demand response, which can no longer occur due to the vacatur.
			1/24/2023	\$60.4202, \$60.4218.	eCFR	https://www.federalregister.gov/documents/2023/01/24/2022-27957/control-of-air-pollution-from-new-motor-vehicles-heavy-duty-engine-and-vehicle-standards	The final rulemaking promulgates new numeric standards and changes key provisions of the existing heavy-duty emission control program, including the test procedures, regulatory useful life, emission-related warranty, and other requirements. This action relates to companies that manufacture, sell, or import into the United States new heavy-duty highway engines.
60.4230 - 60.4248	Chapter 12, Section <u>001.81</u>	Subpart JJJJ – Stationary Spark Ignition Internal Combustion Engines	10/7/2020	Table 2—Requirements for Performance Tests.	eCFR	https://www.federalregister.gov/documents/2020/10/07/2020-18824/test-methods-and-performance-specifications-for-air-emission-sources	EPA promulgated corrections and updates to regulations for source testing of emissions; correcting typographical and technical errors, updating testing procedures, and adding alternative equipment and methods the Agency has deemed acceptable to use.
			12/4/2020	\$ 60.423.	eCFR	https://www.federalregister.gov/documents/2020/12/04/2020-23164/fuels-regulatory-streamlining	This action focuses primarily on streamlining and consolidating the gasoline and diesel fuel programs that reside in part 80. EPA is removing expired provisions and consolidating the remaining provisions from multiple fuel quality programs into a single set of provisions. This action covers almost all fuel programs and related provisions currently in part 80. These programs include, but are not limited to, the reformulated gasoline (RFG) program, the anti-dumping program, the diesel sulfur program, the gasoline benzene program, the gasoline sulfur programs, the E15 misfueling mitigation program, and the national fuel detergent program. This streamlining action combines these separate, now fully-implemented programs, all of which affect the same regulated parties, into a single, national fuel quality program.
			6/29/2021	\$60.4230, \$60.4231, \$60.4238, \$60.4239, \$60.4240, \$60.4241, \$60.4242, \$60.4243, \$60.4245, \$60.4247.		https://www.federalregister.gov/documents/2021/06/29/2021-05306/improvements-for-heavy-duty-engine-and-vehicle-test-procedures-and-other-technical-amendments	References to the legacy parts are common for stationary engines EPA regulates under 40 CFR part 60, subparts III and JJJJ. The emission standards for stationary engines in many cases rely on current or past nonroad emission standards in 40 CFR parts 89, 90, and 94. Including all the iterations of these emission standards as reference material allows EPA to preserve the existing set of standards and requirements for stationary engines. In Table 2 of subpart JJJJ, text is added to clarify that when stack gas flowrate measurements are necessary, they must be made at the same time as pollutant concentration measurements unless the option in Method 1A is applicable and is being used. This revision is consistent with our proposal.
			8/10/2022	\$60.4243, \$60.4245, \$60.4248.	eCFR	https://www.federalregister.gov/documents/2022/08/10/2022-17060/national-emission-standards-for-hazardous-air-pollutants-for-reciprocating-internal-combustion	This final rule amends the RICE NESHAP by removing paragraphs 40 CFR 63.6640(f)(2)(ii) and (iii), the CI ICE NSPS by removing paragraphs 40 CFR 60.4211(f)(2)(ii) and (iii), and the SI ICE NSPS by removing paragraphs 40 CFR 60.4243(d)(2)(ii) and (iii), all of which were vacated by the Delaware v. EPA decision. The removal of the vacated paragraphs also necessitates revisions to other paragraphs in the ICE NSPS and RICE NESHAP that contained references to the vacated paragraphs or referenced operation of engines categorized as emergency engines for the purpose of emergency demand response, which can no longer occur due to the vacatur.
			1/24/2023	\$60.4246.	eCFR	https://www.federalregister.gov/documents/2023/01/24/2022-27957/control-of-air-pollution-from-new-motor-vehicles-heavy-duty-engine-and-vehicle-standards	The final rulemaking promulgates new numeric standards and changes key provisions of the existing heavy-duty emission control program, including the test procedures, regulatory useful life, emission-related warranty, and other requirements. This action relates to companies that manufacture, sell, or import into the United States new heavy-duty highway engines.
60.4300 - 60.4420	Chapter 12, Section <u>001.82</u>	Subpart KKKK – Standards of Performance for Stationary Combustion Turbines	10/7/2020	\$ 60.4415.	eCFR	https://www.federalregister.gov/documents/2020/10/07/2020-18824/test-methods-and-performance-specifications-for-air-emission-sources	EPA promulgated corrections and updates to regulations for source testing of emissions; correcting typographical and technical errors, updating testing procedures, and adding alternative equipment and methods the Agency has deemed acceptable to use.

60/5360 - 60.5430	Chapter 12, Section 001.85	Subpart OOOO – Crude Oil & Natural Gas Production, Transmission & Distribution	9/14/2020	\$60.5365, \$60.5420, \$60.5430.	eCFR	https://www.federalregister.gov/documents/2020/09/14/2020-18114/oil-and-natural-gas-sector-emission-standards-for-new-reconstructed-and-modified-sources-review	<p>The EPA is finalizing a determination that the source category includes only the production and processing segments of the industry and is rescinding the standards applicable to the transmission and storage segment of the industry. This determination is based on the EPA's review of the original source category listing and its 2012 and 2016 Rules' interpretations of, and its 2016 Rule's revision to, the scope of the source category, which, as revised, covered sources in the transmission and storage segment. Second, the EPA is separately rescinding the methane requirements of the NSPS applicable to sources in the production and processing segments. The EPA is concluding that those methane requirements are redundant with the existing NSPS for VOC and, thus, establish no additional health protections.</p>
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Rule Location in CFR	Rule Location in Title 129	Title of Rule	Date of Amendment	Location of Changes	Resources	Link to Resources	Brief Explanation of Changes
63.1 - 63.16	Chapter 13, Section <u>002.01</u>	Subpart A - General Provisions	10/7/2020	§63.2	eCFR	https://www.federalregister.gov/documents/2020/10/07/2020-18824/test-methods-and-performance-specifications-for-air-emission-sources	General Provisions, 40 CFR 60.17(h) is revised to add ASTM D2369-10 to the list of incorporations by reference and to re-number the remaining consensus standards that are incorporated by reference in alpha-numeric order. In 40 CFR 60.17(j) is revised to add SW-846-6010D and SW-846-6020B to the list of incorporations by reference and to re-number the remaining standards that are incorporated by reference in alpha-numeric order. In 40 CFR 60.17(k) is revised to add GPA Standards 2166-17 and 2174-14 to the list of incorporations by reference and to re-number the remaining GPA standards that are incorporated by reference in alpha-numeric order. In 40 CFR 60.17(l) is revised to add ISO 10715:1997 to the list of incorporations by reference.
			11/19/2020	§63.1, §63.2, §63.6, §63.9, §63.10, §63.12, §63.13.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			3/11/2021	§63.6	eCFR	https://www.federalregister.gov/documents/2021/03/11/2021-04936/court-vacatur-of-exemption-from-emission-standards-during-periods-of-startup-shutdown-and	This final rule amends the NESHAP General Provisions at 40 CFR part 63, subpart A, to remove universally the SSM exemptions contained in 40 CFR 63.6(f)(1) and (h)(1) from non-opacity and opacity emission standards, respectively, by deleting the phrase "except during periods of startup, shutdown, and malfunction." Removal of the exemptions corrects the CFR to conform to the court's order in Sierra Club v. EPA.
63.100 – 63.109	Chapter 13, Section <u>002.02</u>	Subpart F - Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry	11/19/2020	Table 3 —General Provisions Applicability to Subparts F, G, and H	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.110 – 63.153	Chapter 13, Section <u>002.03</u>	Subpart G - Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater	11/19/2020	§63.151. Table 1A —Applicable 40 CFR Part 63 General Provisions.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.160 – 63.184	Chapter 13, Section <u>002.04</u>	Subpart H - National Emission Standards for Hazardous Air Pollutants from Equipment Leaks and Fenceline Monitoring for All Emission Sources	11/19/2020	§63.182. Table 4 — Applicable 40 CFR Part 63 General Provisions.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.192	Chapter 13, Section <u>002.05</u>	Subpart I - National Emission Standards for Hazardous Air Pollutants for Centriac Processes Subject to the Negotiated Regulation for Equipment Leaks	5/16/2024	§63.192.	eCFR	https://www.federalregister.gov/documents/2024/05/16/2024-07002/new-source-performance-standards-for-the-synthetic-organic-chemical-manufacturing-industry-and	This action finalizes amendments to the NSPS that apply to the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and amendments to the NESHAP that apply to the SOCMI (HON) and Group I and II Polymers and Resins (P&R I and P&R II, respectively) Industries. The EPA is finalizing decisions resulting from the Agency's technology review of the HON and the P&R I and P&R II NESHAP. The EPA is finalizing emission standards for ethylene oxide (EtO) emissions and chloroprene emissions after considering the results of a risk assessment for the HON and for Neoprene Production processes subject to the P&R I NESHAP, and is finalizing a fenceline monitoring work practice standard for certain HAP. Lastly, the EPA is finalizing the removal of exemptions from standards for periods of startup, shutdown, and malfunction (SSM), adding work practice standards for such periods where appropriate, finalizing standards for previously unregulated HAP, and adding provisions for electronic reporting of performance test reports and periodic reports.
63.320 – 63.326	Chapter 13, Section <u>002.06</u>	Subpart M - Perchloroethylene Dry Cleaning Facilities	11/19/2020	§63.324.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.340 – 63.348	Chapter 13, Section <u>002.07</u>	Subpart N - Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks	11/19/2020	§63.347. Table 1 —General Provisions Applicability to Subpart N	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.

63.400 – 63.407	Chapter 13, Section <u>002.09</u>	Subpart Q - Industrial Process Cooling Towers	11/19/2020	§63.405. Table 1 —General Provisions Applicability to Subpart Q.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.420 – 63.429	Chapter 13, Section <u>002.10</u>	Subpart R - Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	11/19/2020	Table 1 —General Provisions Applicability to Subpart R.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			12/4/2020	§63.421.	eCFR	https://www.federalregister.gov/documents/2020/12/04/2020-23164/fuels-regulatory-streamlining	EPA is streamlining existing fuel quality regulations by removing expired provisions, eliminating redundant compliance provisions (e.g., duplicative registration requirements that are required by every EPA fuels program), removing unnecessary and out-of-date requirements, and replacing them with a single set of provisions and definitions that applies to all gasoline, diesel, and other fuel quality programs. This action does not change the stringency of the existing fuel quality standards.
63.440 – 63.459	Chapter 13, Section <u>002.11</u>	Subpart S - Pulp and Paper Industry	11/19/2020	§63.455	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			3/29/2023	§ 63.457	eCFR	https://www.federalregister.gov/documents/2023/03/29/2023-04956/testing-provisions-for-air-emission-sources	The existing reference in 40 CFR 63.457(c)(4) to method 405.1 of part 136 of chapter 40 for the measurement of biochemical oxygen demand (BOD) is no longer valid, as method 405.1 was withdrawn in 2007. It was replaced with Biochemical Oxygen Demand Standard Methods 5210 B.
63.460 – 63.471	Chapter 13, Section <u>002.12</u>	Subpart T - Halogenated Solvent Cleaning	11/19/2020	§63.468. Appendix B —General Provisions Applicability to Subpart T.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.480 – 63.510	Chapter 13, Section <u>002.13</u>	Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymer and Resins	11/19/2020	Table 1 —Applicability of General Provisions to Subpart U Affected Sources.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.520 – 63.529	Chapter 13, Section <u>002.14</u>	Subpart W - Epoxy Resins Production and Non-Nylon Polyamides Production	11/19/2020	Table 1—General Provisions Applicability to Subpart W	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.541 – 63.552	Chapter 13, Section <u>002.15</u>	Subpart X - Secondary Lead Smelters	11/19/2020	Table 1 —General Provisions Applicability to Subpart X	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.600 – 63.611	Chapter 13, Section <u>002.16</u>	Subpart AA - Phosphoric Acid Manufacturing Plants	11/3/2020	§63.602. Table 1 —Existing Source Emission Limits.	eCFR	https://www.federalregister.gov/documents/2020/11/03/2020-24280/national-emission-standards-for-hazardous-air-pollutants-phosphoric-acid-manufacturing	Sources must comply with the mercury emission limit specified in Table 1 to this subpart beginning on November 3, 2020.
			11/19/2020	Appendix A t—Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart AA	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.

63.620 – 63.632	Chapter 13, Section <u>002.17</u>	Subpart BB - Phosphate Fertilizers Production Plants	11/19/2020	Appendix A —Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart BB	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.640 – 63.679	Chapter 13, Section <u>002.18</u>	Subpart CC - Petroleum Refineries	11/19/2020	Table 6—General Provisions Applicability to Subpart CC	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.680 – 63.698	Chapter 13, Section <u>002.19</u>	Subpart DD - Off-Site Waste and Recovery Operations	11/19/2020	§63.697. Table 2 —Applicability of Paragraphs in Subpart A of This Part 63—General Provisions to Subpart DD.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.701 – 63.708	Chapter 13, Section <u>002.20</u>	Subpart EE - Magnetic Tape Manufacturing	11/19/2020	Table 1 —Applicability of General Provisions to Subpart EE	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			12/28/2020	Table 1 to Subpart EE of Part 63—Applicability of General Provisions to Subpart EE	eCFR	https://www.federalregister.gov/documents/2020/12/28/2020-28384/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act-correction	With this action, the EPA is correcting the following errors in FR Document Number (FR Doc) 2020–22044 in the issue of November 19, 2020. These corrections do not change the requirements finalized in the MM2A rule. At 85 FR 73894, second column, 40 CFR part 63, subpart EE. The final MM2A rule instruction 37 amended Table 1 to subpart EE by revising the entry for 40 CFR 63.9(b)(2), however, there is no such entry on Table 1 to subpart EE. In this action, instruction 37 is corrected to read “adding in numerical order entries for §§ 63.1(c)(6) and 63.9(k) . . .” and amendatory text is corrected by removing the entry for 40 CFR 63.9(b)(2) from Table 1 to Subpart EE of Part 63—Applicability of General Provisions to Subpart EE.
63.741 – 63.759	Chapter 13, Section <u>002.21</u>	Subpart GG - Aerospace Industry (Surface Coating)	11/19/2020	Table 1 —General Provisions Applicability to Subpart GG	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.760 – 63.779	Chapter 13, Section <u>002.22</u>	Subpart HH - Oil and Natural Gas Production Facilities	11/19/2020	§63.760, §63.775, Table 2 —Applicability of 40 CFR Part 63 General Provisions to Subpart HH.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.800 – 63.819	Chapter 13, Section <u>002.23</u>	Subpart JJ - Wood Furniture Manufacturing (Surface Coating)	11/19/2020	Table 1 —General Provisions Applicability to Subpart JJ.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.820 – 63.839	Chapter 13, Section <u>002.24</u>	Subpart KK - Printing and Publishing Industry	11/19/2020	§63.830. Table 1—Applicability of General Provisions to Subpart KK.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			11/19/2020	Appendix A —Applicability of General Provisions	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.

63.860 – 63.868	Chapter 13, Section 002.25	Subpart LL - Primary Aluminum Reduction Plants	3/20/2023	\$63.849	eCFR	https://www.federalregister.gov/documents/2023/03/20/2023-04958/epa-method-23-determination-of-polychlorinated-dibenzo-p-dioxins-and-polychlorinated-dibenzofurans	The primary focus of the final revisions to Method 23 is to change the method from a prescriptive method to a method which allows users to have flexibility in implementing the method (e.g., choice of gas chromatograph (GC) column, the procedures used for sample cleanup) while still meeting performance criteria that the EPA believes are necessary for demonstrating and documenting the quality of the measurements for the target compounds. EPA's second focus for the final revisions is to modify the method to allow isotope dilution with isotopically labeled compounds for each target compound. Quantitation is based on isotope dilution, moving from nine to 17 labeled compounds for 17 target toxic 2,3,7,8-substituted PCDD/PCDF. The third major focus for the EPA's final revisions to Method 23 is to include options for combining sampling and analysis of PCDD/PCDF with sampling and analysis of PAH and PCB to allow the measurement of these toxic semivolatile organic compounds (SVOC). Therefore, PCB and PAH were added to the list of target compounds measured by Method 23.
63.860 - 63.868	Chapter 13, Section 002.26	Subpart MM - Chemical Recovery Combustion Source at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills	11/5/2020	\$ 63.861, \$63.864, \$63.867.	eCFR	https://www.federalregister.gov/documents/2020/11/05/2020-22938/national-emission-standards-for-hazardous-air-pollutants-for-chemical-recovery-combustion-sources-at	Revised the definition for 'modification' - Modification means, for the purposes of § 63.862(a)(1)(ii)(D)(1), any physical change (excluding any routine part replacement or maintenance) or operational change that is made to the air pollution control device that could result in an increase in PM emissions. Added the definition for 'no-load fan amperage' - No-load fan amperage means, for purposes of this subpart, the amperage pulled by the fan motor when the fan is operating under no-load, specifically the amperage value the motor would use if the fan belt was removed or the coupling to a direct drive fan was disconnected. The rule also clarifies how to set operating limits for SDT scrubbers used at these mills.
			11/19/2020	Table 1 —General Provisions Applicability to Subpart MM	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.980 - 63.999	Chapter 13, Section 002.32	Subpart SS - Closed Vent Systems/Control Devices	7/6/2020	\$ 63.987. \$63.997.	eCFR	https://www.federalregister.gov/documents/2020/07/06/2020-05898/national-emission-standards-for-hazardous-air-pollutants-generic-maximum-achievable-control	This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Ethylene Production source category and amends the EMAX standards based on those determinations. This action also finalizes other changes to the NESHAP, including adding requirements and clarifications for periods of SSM and bypasses; revisions to the operating and monitoring requirements for flares used as APCDs; adding provisions for electronic reporting of performance test results and reports, NOCS reports, and Periodic Reports; and other minor editorial and technical changes.
63.1080 - 63.1097	Chapter 13, Section 002.37	Subpart XX - Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations	7/6/2020	§ 63.1081, §63.1082, §63.1084 - §63.1090, §63.1095. Table 2 —Requirements of 40 CFR Part 61, Subpart FF, Not Included in the Requirements for This Subpart and Alternate Requirements	eCFR	https://www.federalregister.gov/documents/2020/07/06/2020-05898/national-emission-standards-for-hazardous-air-pollutants-generic-maximum-achievable-control	This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Ethylene Production source category and amends the EMAX standards based on those determinations. This action also finalizes other changes to the NESHAP, including adding requirements and clarifications for periods of SSM and bypasses; revisions to the operating and monitoring requirements for flares used as APCDs; adding provisions for electronic reporting of performance test results and reports, NOCS reports, and Periodic Reports; and other minor editorial and technical changes.
			7/6/2020	\$ 63.1101	eCFR	https://www.federalregister.gov/documents/2020/07/06/2020-05898/national-emission-standards-for-hazardous-air-pollutants-generic-maximum-achievable-control	This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Ethylene Production source category and amends the EMAX standards based on those determinations. This action also finalizes other changes to the NESHAP, including adding requirements and clarifications for periods of SSM and bypasses; revisions to the operating and monitoring requirements for flares used as APCDs; adding provisions for electronic reporting of performance test results and reports, NOCS reports, and Periodic Reports; and other minor editorial and technical changes.
			11/19/2020	\$ 63.1100	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.

63.1100 - 63.1114	Chapter 13, Section <u>002.38</u>	Subpart YY - Generic MACT Standards	11/19/2021	§ 63.1101, §63.1102.	eCFR	https://www.federalregister.gov/documents/2021/11/19/2021-24204/national-emission-standards-for-hazardous-air-pollutants-carbon-black-production-and-cyanide	For the Carbon Black Production source category, this action finalizes changes to the major source NESHAP, including elimination of the SSM exemption and any reference to SSM requirements for carbon black production facilities, inclusion of a work practice standard for startup and shutdown periods, inclusion of boiler and process heater annual tune-up requirements, expansion of process vent standard applicability, addition of periodic process vent performance testing requirements, inclusion of electronic reporting requirements, and editorial and technical changes. For the Cyanide Chemicals Manufacturing source category, this action finalizes changes to the NESHAP, including: Eliminating any reference to SSM exemptions for cyanide chemicals manufacturing facilities, adding electronic reporting requirements, adding HON requirements for process wastewater from existing cyanide chemical manufacturing process units, adding HON requirements for waste management units upstream of an open or closed biological treatment process to the new source standard, and making editorial/technical changes.
63.1155-63.1174	Chapter 13, Section <u>002.39</u>	Subpart CCC - Steel Pickling Plants (HCl Process and Hydrochloric Acid Regeneration Processes)	11/19/2020	§63.1163. Table 1 —Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart CCC	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.1175-63.1199	Chapter 13, Section <u>002.40</u>	Subpart DDD - Mineral Wool Production	11/19/2020	Table 1 —Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart DDD of Part 63	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			12/28/2020	Table 1 —Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart DDD of Part 63	eCFR	https://www.federalregister.gov/documents/2020/12/28/2020-28478/suspension-of-community-eligibility	This rule interprets the Clean Air Act to not suspend communities where the sale of flood insurance authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension because of noncompliance with floodplain management requirements to the program; if Federal Emergency Management Agency (FEMA) received documentation that the community had adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur.
63.1200 - 63.1221	Chapter 13, Section <u>002.41</u>	Subpart EEE - Hazardous Waste Combustion	11/19/2020	Table 1 —General Provisions Applicable to Subpart EEE	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			3/20/2023	§ 63.1208	eCFR	https://www.federalregister.gov/documents/2022/03/24/2022-06057/proposed-establishment-of-united-states-area-navigation-rnav-route-t-386-fairbanks-ak	This rule interprets the Clean Air Act to establish United States Area Navigation (RNAV) route T-386 in the vicinity of Fairbanks, AK in support of a large and comprehensive T-route modernization project for the state of Alaska.
			3/29/2023	Appendix A —Quality Assurance Procedures for Continuous Emissions Monitors Used for Hazardous Waste Combustors	eCFR	https://www.federalregister.gov/documents/2023/03/29/2023-04956/testing-provisions-for-air-emission-sources	This rule interprets the Clean Air Act to correct and update typographical and technical errors, revise outdated procedures and and to add clarity and consistency with monitoring requirements, which improves the quality of data.
63.1250-63.1261	Chapter 13, Section <u>002.42</u>	Subpart GGG - Pharmaceutical Production	11/19/2020	Table 1 —General Provisions Applicability to Subpart GGG	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.1270 - 63.1289	Chapter 13, Section <u>002.43</u>	Subpart HHH - Natural Gas Transmission and Storage Facilities	11/19/2020	§63.1270. Appendix: Table 2 —Applicability of 40 CFR Part 63 General Provisions to Subpart HHH.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.1290-63.1309	Chapter 13, Section <u>002.44</u>	Subpart III - Flexible Polyurethane Foam Production	11/19/2020	Table 1 —Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart III	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.1310-63.1336	Chapter 13, Section <u>002.45</u>	Subpart JJJ Group IV Polymers and Resins	11/19/2020	Table 1 —Applicability of general provisions to subpart JJJ affected sources	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.

63.1340 - 63.1358	Chapter 13, Section <u>002.46</u>	Subpart LLL - Portland Cement Manufacturing	11/19/2020	Table 1 —Applicability of General Provisions	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			10/7/2020	§ 63.1349	eCFR	https://www.federalregister.gov/documents/2020/10/07/2020-18824/test-methods-and-performance-specifications-for-air-emission-sources	This rule interprets the Clean Air Act to correct and update regulations for source testing of emissions. These revisions include corrections to inaccurate testing provisions, updates to outdated procedures, and approved alternative procedures that will provide flexibility to testers. These revisions will improve the quality of data.
63.1360 - 63.1369	Chapter 13, Section <u>002.47</u>	Subpart MMM - Pesticide Active Ingredient Production	11/19/2020	Table 1—General Provisions Applicability to Subpart MMM	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.1380 - 63.1389	Chapter 13, Section <u>002.48</u>	Subpart NNN - Wool Fiberglass Manufacturing	11/19/2020	Table 1 t—Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart NNN	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			12/28/2020	Table 1 —Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart NNN	eCFR	https://www.federalregister.gov/documents/2020/12/28/2020-28478/suspension-of-community-eligibility	This rule interprets the Clean Air Act to not suspend communities where the sale of flood insurance authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension because of noncompliance with floodplain management requirements to the program; if Federal Emergency Management Agency (FEMA) received documentation that the community had adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur.
63.1400 - 63.1419	Chapter 13, Section <u>002.49</u>	Subpart OOO - Amino Phenolic Resins Production	11/19/2020	Table 1 —Applicability of General Provisions to Subpart OOO Affected Sources	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.1420 - 63.1439	Chapter 13, Section <u>002.50</u>	Subpart PPP - Polyether Polyols Production	11/19/2020	§63.1434, 63.1439. Table 1 —Applicability of General Provisions to Subpart PPP Affected Sources	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.1500 - 63.1520	Chapter 13, Section <u>002.51</u>	Subpart RRR - Secondary Aluminum Production	11/19/2020	Appendix A —General Provisions Applicability to Subpart RRR	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.1541 - 63.1551	Chapter 13, Section <u>002.52</u>	Subpart TTT - Primary Lead Smelting	11/19/2020	Table 1 —General Provisions Applicability to Subpart TTT	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.1560 - 63.1573	Chapter 13, Section <u>002.53</u>	Subpart UUU - Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units	11/19/2020	§63.1574. Table 1 —Applicability of 40 CFR Part 63 General Provisions to Subpart VVV	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.1580 - 63.1595	Chapter 13, Section <u>002.54</u>	Subpart VVV - Publicly Owned Treatment Works	11/19/2020	§63.1591, §63.1591.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			11/19/2020	Table 1 —General Provisions Applicability to Subpart XXX	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.

63.1620 - 63.1679	Chapter 13, Section <u>002.55</u>	Subpart XXX - Ferromanganese and Silicomanganese Production	3/20/2023	§63.1625	eCFR	https://www.federalregister.gov/documents/2023/03/20/2023-04958/epa-method-23-determination-of-polychlorinated-dibenzo-p-dioxins-and-polychlorinated-dibenzofurans	This action finalizes editorial and technical revisions to the Environmental Protection Agency's (EPA's) Method 23 (Determination of Polychlorinated Dibenzo- p -Dioxins, Polychlorinated Dibenzofurans, and Polycyclic Aromatic Hydrocarbons from Stationary Sources). Final revisions include incorporating true, comprehensive, and stable isotope dilution for quantifying target compounds using corresponding carbon-13 labeled compounds for each target compound including most of the polycyclic aromatic hydrocarbons (PAH) and changing the method quality control from the current prescriptive format to a more flexible performance-based approach with specified performance criteria. We are also finalizing revisions that expand the list of target compounds of Method 23 to include PAH and polychlorinated biphenyls (PCB). The final revisions allow facilities and their test teams flexibility when sampling and measuring polychlorinated dibenzo- p -dioxins and polychlorinated dibenzofurans (PCDD/PCDF), PAH, and PCB from stationary sources with a comprehensive isotope dilution method while ensuring that the stack testing community can consistently implement the method across emissions sources and facilities.
63.1930 - 63.1990	Chapter 13, Section <u>002.56</u>	Subpart AAAA - Municipal Solid Waste Landfills	10/13/2020	§63.1947, §63.1958, §63.1959, §63.1960, §63.1961, §63.1983. Table 1—Applicability of NESHAP General Provisions to Subpart AAAA.	eCFR	https://www.federalregister.gov/documents/2020/10/13/2020-19676/national-emission-standards-for-hazardous-air-pollutants-municipal-solid-waste-landfills-residual	The Environmental Protection Agency (EPA) is correcting a final rule that appeared in the Federal Register on March 26, 2020. The EPA finalized the residual risk and technology review (RTR) conducted for the Municipal Solid Waste (MSW) Landfills source category regulated under national emission standards for hazardous air pollutants (NESHAP). This action corrects inadvertent errors in the cross-referencing and formatting in the Federal Register ; as well as clarifies two operational and reporting requirements in the March 26, 2020, final rule. This action also revises the heading of 40 CFR part 60, subpart WWW as described in the March 26, 2020, Federal Register document. The corrections and clarifications described in this action do not affect the substantive requirements of the regulations or the results of the RTR conducted for the MSW Landfills source category.
			2/14/2022	§63.1960, §63.1961, §63.1975, §63.1981, §63.1985. Table 1—Applicability of NESHAP General Provisions to Subpart AAAA.	eCFR	https://www.federalregister.gov/documents/2022/02/14/2022-02654/national-emission-standards-for-hazardous-air-pollutants-municipal-solid-waste-landfills-residual	In this action, the U.S. Environmental Protection Agency (EPA) is finalizing technical revisions and clarifications for the national emission standards for hazardous air pollutants (NESHAP) for MSW Landfills established in the March 26, 2020, final rule. This final rule also amends the MSW Landfills NSPS at 40 CFR part 60, subpart XXX, to clarify and align the timing of compliance for certain requirements involving installation of a gas collection and control system (GCCS) under related MSW landfill rules. Additionally, the EPA is revising the definition of Administrator in the MSW Landfills Federal Plan that was promulgated on May 21, 2021 to clarify who has the authority to implement and enforce the applicable requirements. The EPA is also making some minor typographical corrections.
63.2330 - 63.2406	Chapter 13, Section <u>002.58</u>	Subpart EEEE - Organic Liquids Distribution (Non-gasoline)	11/19/2020	§63.2382. Table 12—Applicability of General Provisions to Subpart EEEE	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			7/7/2020	§63.2338, §63.2342, §63.2343, §63.2346, §63.2350, §63.2354, §63.2358, §63.2362, §63.2366, §63.2370, §63.2374, §63.2378, §63.2380, §63.2382, §63.2386, §63.2390, §63.2396, §63.2402, §63.2406, Table 2 - Emission Limits. Table 2b—Emission Limits For Storage Tanks At Certain Existing Affected Sources, Table 3—Operating Limits—High Throughput Transfer Racks. Table 4—Work Practice Standards. Table 5—Requirements for Performance Tests and Design Evaluations. Table 6—Initial Compliance With Emission Limits. Table 8—Continuous Compliance With Emission Limits. Table 9—Continuous Compliance With Operating Limits—High Throughput Transfer Racks. Table 10—Continuous Compliance With Work Practice Standards. Table 11—Requirements for Reports. Table 12—Applicability of General Provisions to Subpart EEEE	eCFR	https://www.federalregister.gov/documents/2020/07/07/2020-05900/national-emission-standards-for-hazardous-air-pollutants-organic-liquids-distribution-non-gasoline	This action finalizes the residual risk and technology review (RTR) conducted for the Organic Liquids Distribution (Non-Gasoline) (OLD) source category regulated under National Emission Standards for Hazardous Air Pollutants (NESHAP). The U.S. Environmental Protection Agency (EPA) is finalizing amendments to the storage tank requirements as a result of the RTR. In addition, we are taking final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); add requirements for electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and Notification of Compliance Status (NOCS) reports; add operational requirements for flares; and make other minor technical improvements. We estimate that these amendments will reduce emissions of hazardous air pollutants (HAP) from this source category by 186 tons per year (tpy), which represents an approximate 8 percent reduction of HAP emissions from the source category.

			7/22/2020	§ 63.2406	eCFR	https://www.federalregister.gov/documents/2020/07/22/2020-15098/in-the-matter-of-electronic-delivery-of-mvpc-communications-modernization-of-media-regulation	In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the Electronic Delivery of MVPD Communications, Modernization of Media Regulation Initiative, Report and Order. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the Federal Register announcing OMB approval and the effective date of the information collection requirements.
63.2430 - 63.2550	Chapter 13, Section <u>002.59</u>	Subpart FFFF - Miscellaneous Organic Chemical Manufacturing	8/12/2020	§63.2435 - §63.2550 Table 1—Emission Limits and Work Practice Standards for Continuous Process Vents Table 2 —Emission Limits and Work Practice Standards for Batch Process Vents Table 3 —Emission Limits for Hydrogen Halide and Halogen HAP Emissions or HAP Metals Emissions From Process Vents Table 4 —Emission Limits for Storage Tanks	eCFR	https://www.federalregister.gov/documents/2020/08/12/2020-12776/national-emission-standards-for-hazardous-air-pollutants-miscellaneous-organic-chemical	This action finalizes the residual risk and technology review (RTR) conducted for the Miscellaneous Organic Chemical Manufacturing source category regulated under national emission standards for hazardous air pollutants (NESHAP). The U.S. Environmental Protection Agency (EPA) is finalizing decisions concerning the RTR, including amendments pursuant to the technology review for equipment leaks and heat exchange systems, and also amendments pursuant to the risk review to specifically address ethylene oxide emissions from storage tanks, process vents, and equipment leaks. In addition, we are taking final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM), including removing general exemptions for periods of SSM, adding work practice standards for periods of SSM where appropriate, and clarifying regulatory provisions for certain vent control bypasses. The EPA is also taking final action to add monitoring and operational requirements for flares that control ethylene oxide emissions and flares used to control emissions from processes that produce olefins and polyolefins; add provisions for electronic reporting of performance test results and other reports; and include other technical corrections to improve consistency and clarity. We estimate that these final amendments will reduce hazardous air pollutants (HAP) emissions from this source category by approximately 107 tons per year (tpy) and reduce ethylene oxide emissions from this source category by approximately 0.76 tpy. We also estimate that these final amendments will reduce excess emissions of HAP from flares that control ethylene oxide emissions and flares used to control emissions from processes that produce olefins and polyolefins by an additional 263 tpy.
			11/19/2020	§63.2515. Table 12—Applicability of General Provisions to Subpart FFFF	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.2830 - 63.2872	Chapter 13, Section <u>002.60</u>	Subpart GGGG - Solvent Extraction for Vegetable Oil Production	11/19/2020	§63.2525, §63.2550. Table 10—Work Practice Standards for Heat Exchange Systems. Table 12—Applicability of General Provisions to Subpart FFFF.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.2980 - 63.3004	Chapter 13, Section <u>002.61</u>	Subpart HHHH - Wet-Formed Fiberglass Mat Production	11/19/2020	Table 2 —Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart HHHH	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.3080 - 63.3176	Chapter 13, Section <u>002.62</u>	Subpart IIII - Surface Coating of Automobiles and Light Duty Trucks	7/8/2020	§63.3092, §63.3093, §63.3100, §63.3120, §63.3130, §63.3131, §63.3151, §63.3160, §63.3161, §63.3163, §63.3164, §63.3165, §63.3166, §63.3167, §63.3168, §63.3171, §63.3176. Table 2 —Applicability of General Provisions to Subpart IIII of Part 63. Table 5—List of HAP That Must Be Counted Toward Total Organic HAP Content if Present at 0.1 Percent or More by Mass. Appendix A —Determination of Capture Efficiency of Automobile and Light-Duty Truck Spray Booth Emissions From Solvent-borne Coatings Using Panel Testing.	eCFR	https://www.federalregister.gov/documents/2020/07/08/2020-05908/neshap-surface-coating-of-automobiles-and-light-duty-trucks-miscellaneous-metal-parts-and-products	The U.S. Environmental Protection Agency (EPA) is taking final action on the residual risk and technology reviews (RTRs) conducted for the Surface Coating of Automobiles and Light-Duty Trucks (ALDT); Surface Coating of Miscellaneous Metal Parts and Products (MMPP); and the Surface Coating of Plastic Parts and Products (PPP) source categories regulated under national emission standards for hazardous air pollutants (NESHAP). These final amendments also address emissions during periods of startup, shutdown, and malfunction (SSM); electronic reporting of performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. We are making no revisions to the numerical emission limits based on these risk analyses or technology reviews. This notice also finalizes technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture.

			11/19/2020	§ 63.3101. Table 2—Applicability of General Provisions to Subpart IIII of Part 63	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			11/19/2021	§ 63.3130, § 63.3161, § 63.3165. Appendix A—Determination of Capture Efficiency of Automobile and Light-Duty Truck Spray Booth Emissions From Solvent-borne Coatings Using Panel Testing	eCFR	https://www.federalregister.gov/documents/2021/11/19/2021-24099/national-emission-standards-for-hazardous-air-pollutants-surface-coating-of-automobiles-and	In this action, the U.S. Environmental Protection Agency (EPA) is making technical corrections to four regulations under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. Specifically, the rules to be amended by this action include the following: The NESHAP for Surface Coating of Automobiles and Light-Duty Trucks, promulgated on July 8, 2020; the NESHAP for Surface Coating of Metal Cans, promulgated on February 25, 2020; the NESHAP for Boat Manufacturing, promulgated on March 20, 2020; and the NESHAP for Clay Ceramics Manufacturing, promulgated on November 1, 2019. Following signature of each of these final rules, the EPA discovered inadvertent minor errors and is correcting these errors in this action.
63.3280 - 63.3420	Chapter 13, Section <u>002.63</u>	Subpart JJJJ - Paper and Other Web Coating	7/9/2020	§63.3300, §63.3310, §63.3320, §63.3321, §63.3330, §63.3340, §63.3350, §63.3360, §63.3370, §63.3400, §63.3410, §63.3420, Table 1 — Operating Limits if Using Add-On Control Devices and Capture System. Table 2—Applicability of 40 CFR Part 63 General Provisions to Subpart JJJJ.	eCFR	https://www.federalregister.gov/documents/2020/07/09/2020-05854/national-emission-standards-for-hazardous-air-pollutants-paper-and-other-web-coating-residual-risk	This action finalizes the residual risk and technology review (RTR) conducted for the Paper and Other Web Coating (POWC) source category regulated under national emission standards for hazardous air pollutants (NESHAP). The Agency is finalizing the proposed determination that risks due to emissions of air toxics are acceptable from this source category and that the current NESHAP provides an ample margin of safety to protect public health. Further, the U.S. Environmental Protection Agency (EPA) identified no new cost-effective controls under the technology review that would achieve significant further emissions reductions, and, thus, is finalizing the proposed determination that no revisions to the standards are necessary based on developments in practices, processes, or control technologies. In addition, the Agency is taking final action addressing startup, shutdown, and malfunction (SSM). These final amendments address emissions during SSM events, add a compliance demonstration equation that accounts for retained volatiles in the coated web; add repeat testing and electronic reporting requirements; and make technical and editorial changes. The EPA is making these amendments to improve the effectiveness of the NESHAP, and although these amendments are not expected to reduce emissions of hazardous air pollutants (HAP), they will improve monitoring, compliance, and implementation of the rule.
			11/19/2020	§ 63.3400. Table 2 — Applicability of 40 CFR Part 63 General Provisions to Subpart JJJJ	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			3/29/2023	§ 63.3360	eCFR	https://www.federalregister.gov/documents/2023/03/29/2023-04956/testing-provisions-for-air-emission-sources	This action promulgates corrections and updates to regulations for source testing of emissions under various rules. This final rule includes corrections to typographical and technical errors, updates to outdated procedures, and revisions to add clarity and consistency with other monitoring requirements. The revisions will improve the quality of data but will not impose new substantive requirements on source owners or operators.
63.3480 - 63.3561	Chapter 13, Section <u>002.64</u>	Subpart KKKK - Surface Coating of Metal Cans	11/19/2020	§ 63.3510. Table 5 — Applicability of General Provisions to Subpart KKKK	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			11/19/2021	§ 63.3541	eCFR	https://www.federalregister.gov/documents/2021/11/19/2021-24099/national-emission-standards-for-hazardous-air-pollutants-surface-coating-of-automobiles-and	In this action, the U.S. Environmental Protection Agency (EPA) is making technical corrections to four regulations under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. Specifically, the rules to be amended by this action include the following: The NESHAP for Surface Coating of Automobiles and Light-Duty Trucks, promulgated on July 8, 2020; the NESHAP for Surface Coating of Metal Cans, promulgated on February 25, 2020; the NESHAP for Boat Manufacturing, promulgated on March 20, 2020; and the NESHAP for Clay Ceramics Manufacturing, promulgated on November 1, 2019. Following signature of each of these final rules, the EPA discovered inadvertent minor errors and is correcting these errors in this action.

63.3880 - 63.3981	Chapter 13, Section <u>002.65</u>	Subpart MMMM - Miscellaneous Metal Parts Surface Coating	7/8/2020	§63.3900, §63.3920, §63.3930, §63.3931, §63.3941, §63.3951, §63.3960, §63.3961, §63.3963, §63.3964, §63.3965, §63.3966, §63.3967, §63.3968, §63.3981. Table 5—List of HAP That Must Be Counted Toward Total Organic HAP Content If Present at 0.1 Percent or More by Mass	eCFR	https://www.federalregister.gov/documents/2020/07/08/2020-05908/neshap-surface-coating-of-automobiles-and-light-duty-trucks-miscellaneous-metal-parts-and-products	The U.S. Environmental Protection Agency (EPA) is taking final action on the residual risk and technology reviews (RTRs) conducted for the Surface Coating of Automobiles and Light-Duty Trucks (ALDT); Surface Coating of Miscellaneous Metal Parts and Products (MMPP); and the Surface Coating of Plastic Parts and Products (PPP) source categories regulated under national emission standards for hazardous air pollutants (NESHAP). These final amendments also address emissions during periods of startup, shutdown, and malfunction (SSM); electronic reporting of performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. We are making no revisions to the numerical emission limits based on these risk analyses or technology reviews. This notice also finalizes technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture.
			11/19/2020	§ 63.3510. Table 5 — Applicability of General Provisions to Subpart KKKK	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.4080 - 63.4180	Chapter 13, Section <u>002.66</u>	Subpart NNNN - Large Appliance Surface Coating	7/8/2020	§ 63.4371	eCFR	https://www.federalregister.gov/documents/2020/07/08/2020-05908/neshap-surface-coating-of-automobiles-and-light-duty-trucks-miscellaneous-metal-parts-and-products	The U.S. Environmental Protection Agency (EPA) is taking final action on the residual risk and technology reviews (RTRs) conducted for the Surface Coating of Automobiles and Light-Duty Trucks (ALDT); Surface Coating of Miscellaneous Metal Parts and Products (MMPP); and the Surface Coating of Plastic Parts and Products (PPP) source categories regulated under national emission standards for hazardous air pollutants (NESHAP). These final amendments also address emissions during periods of startup, shutdown, and malfunction (SSM); electronic reporting of performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. We are making no revisions to the numerical emission limits based on these risk analyses or technology reviews. This notice also finalizes technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture.
			11/19/2020	Table 2—Applicability of General Provisions to Subpart NNNN	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.4280 - 63.4371	Chapter 13, Section <u>002.67</u>	Subpart OOOO - Printing, Coating, and Dyeing of Fabrics and Other Textiles	7/8/2020	§ 63.4371 What definitions apply to this subpart?	eCFR	https://www.federalregister.gov/documents/2020/07/08/2020-05908/neshap-surface-coating-of-automobiles-and-light-duty-trucks-miscellaneous-metal-parts-and-products	The U.S. Environmental Protection Agency (EPA) is taking final action on the residual risk and technology reviews (RTRs) conducted for the Surface Coating of Automobiles and Light-Duty Trucks (ALDT); Surface Coating of Miscellaneous Metal Parts and Products (MMPP); and the Surface Coating of Plastic Parts and Products (PPP) source categories regulated under national emission standards for hazardous air pollutants (NESHAP). These final amendments also address emissions during periods of startup, shutdown, and malfunction (SSM); electronic reporting of performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. We are making no revisions to the numerical emission limits based on these risk analyses or technology reviews. This notice also finalizes technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture.
			11/19/2020	§ 63.4310. Table 3 — Applicability of General Provisions to Subpart OOOO	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.

63.4480-63.4581	Chapter 13, Section <u>002.68</u>	Subpart PPPP - Surface Coating of Plastic Parts and Products	7/8/2020	\$63.4492, \$63.4500, \$63.4520, \$63.4530, \$63.4531, \$63.4541, \$63.4551, \$63.4560, \$63.4561, \$63.4563, \$63.4564, \$63.4565, \$63.4566, \$63.4567, \$63.4568, \$63.4581. Table 2—Applicability of General Provisions to Subpart PPPP of Part 63. Appendix A—Determination of Weight Volatile Matter Content and Weight Solids Content of Reactive Adhesives.	eCFR	https://www.federalregister.gov/documents/2020/07/08/2020-05908/neshap-surface-coating-of-automobiles-and-light-duty-trucks-miscellaneous-metal-parts-and-products	The U.S. Environmental Protection Agency (EPA) is taking final action on the residual risk and technology reviews (RTRs) conducted for the Surface Coating of Automobiles and Light-Duty Trucks (ALDT); Surface Coating of Miscellaneous Metal Parts and Products (MMPP); and the Surface Coating of Plastic Parts and Products (PPP) source categories regulated under national emission standards for hazardous air pollutants (NESHAP). These final amendments also address emissions during periods of startup, shutdown, and malfunction (SSM); electronic reporting of performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. We are making no revisions to the numerical emission limits based on these risk analyses or technology reviews. This notice also finalizes technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture.
			11/19/2020	Table 2—Applicability of General Provisions to Subpart NNNN	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.4680 - 63.4781	Chapter 13, Section <u>002.69</u>	Subpart QQQQ - Wood Building Products Surface Coating	11/19/2020	\$63.4710. Table 4—Applicability of General Provisions to Subpart QQQQ of Part 63	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			3/8/2023	\$63.4741. Table 7—List of HAP That Must Be Counted Toward Organic HAP Content if Present at 0.1 Percent or More by Mass.	eCFR	https://www.federalregister.gov/documents/2023/03/08/2023-04376/national-emission-standards-for-hazardous-air-pollutants-wood-preserving-area-sources-technology	This action finalizes the technology review (TR) conducted for the Wood Preserving Area Sources category regulated under national emission standards for hazardous air pollutants (NESHAP). While the Environmental Protection Agency (EPA) is making no changes to the existing standards as a result of the TR, this action establishes minor editorial and formatting changes to the Wood Preserving Area Sources NESHAP table of applicable general provisions. In addition, the EPA is finalizing technical corrections to the Surface Coating of Wood Building Products NESHAP.
63.4880 - 63.4981	Chapter 13, Section <u>002.70</u>	Subpart RRRR - Metal Furniture Surface Coating	7/8/2020	\$63.4965	eCFR	https://www.federalregister.gov/documents/2020/07/08/2020-05908/neshap-surface-coating-of-automobiles-and-light-duty-trucks-miscellaneous-metal-parts-and-products	The U.S. Environmental Protection Agency (EPA) is taking final action on the residual risk and technology reviews (RTRs) conducted for the Surface Coating of Automobiles and Light-Duty Trucks (ALDT); Surface Coating of Miscellaneous Metal Parts and Products (MMPP); and the Surface Coating of Plastic Parts and Products (PPP) source categories regulated under national emission standards for hazardous air pollutants (NESHAP). These final amendments also address emissions during periods of startup, shutdown, and malfunction (SSM); electronic reporting of performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. We are making no revisions to the numerical emission limits based on these risk analyses or technology reviews. This notice also finalizes technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture.
			11/19/2020	\$63.4910. Table 2—Applicability of General Provisions to Subpart RRRR.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.5080 - 63.5209	Chapter 13, Section <u>002.71</u>	Subpart SSSS - Metal Coil Surface Coating	11/19/2020	\$63.59180. Table 2—Applicability of General Provisions to Subpart SSSS.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.5280 - 63.5460	Chapter 13, Section <u>002.72</u>	Subpart TTTT - Leather Finishing Operations	11/19/2020	§ 63.5415. Table 2—Applicability of General Provisions to Subpart TTTT.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.

63.5480 - 63.5610	Chapter 13, Section 002.73	Subpart UUUU - Cellulose Products Manufacturing	7/2/2020	\$63.5505, \$63.5515, \$63.5530, \$63.5541, \$63.5545, \$63.5555, \$63.5575, \$63.5580, \$63.5590, Tables 2 - 10.	eCFR	https://www.federalregister.gov/documents/2020/07/02/2020-05901/national-emission-standards-for-hazardous-air-pollutants-cellulose-products-manufacturing-residual	This action finalizes the residual risk and technology review (RTR) conducted for the Miscellaneous Viscose Processes and Cellulose Ether Production source categories regulated under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Cellulose Products Manufacturing. The EPA is finalizing the proposed determination that the risks from both source categories are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. The EPA identified no new cost-effective controls under the technology review to achieve further emissions reductions. These final amendments address emissions during startup, shutdown, and malfunction (SSM) events; add electronic reporting requirements; add provisions for periodic emissions performance testing for facilities using non-recovery control devices; add a provision allowing more flexibility for monitoring of biofilter control devices; and make technical and editorial changes. Although these amendments are not expected to reduce emissions of hazardous air pollutants (HAP), they will improve monitoring, compliance, and implementation of the rule.
			11/19/2020	Table 7—Notifications. Table 8—Reporting Requirements. Table 10—Applicability of General Provisions to Subpart UUUU.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.5680 - 63.5779	Chapter 13, Section 002.74	Subpart VVVV - Boat Manufacturing	11/19/2021	Table 8 —Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart VVVV	eCFR	https://www.federalregister.gov/documents/2021/11/19/2021-24099/national-emission-standards-for-hazardous-air-pollutants-surface-coating-of-automobiles-and	In this action, the U.S. Environmental Protection Agency (EPA) is making technical corrections to four regulations under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. Specifically, the rules to be amended by this action include the following: The NESHAP for Surface Coating of Automobiles and Light-Duty Trucks, promulgated on July 8, 2020; the NESHAP for Surface Coating of Metal Cans, promulgated on February 25, 2020; the NESHAP for Boat Manufacturing, promulgated on March 20, 2020; and the NESHAP for Clay Ceramics Manufacturing, promulgated on November 1, 2019. Following signature of each of these final rules, the EPA discovered inadvertent minor errors and is correcting these errors in this action.
63.5780 - 63.5935	Chapter 13, Section 002.75	Subpart WWWW - Reinforced Plastics Composite Manufacturing	11/19/2020	Table 2 —Compliance Dates for New and Existing Reinforced Plastic Composites Facilities. Table 15—Applicability of General Provisions (Subpart A) to Subpart WWWW of Part 63.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.5980 - 63.6015	Chapter 13, Section 002.76	Subpart XXXX - Tire Manufacturing	7/24/2020	\$63.5990, \$63.5993, \$63.5995, \$63.6009, \$63.6010, \$63.6011, \$63.6015. Table 15—Requirements for Reports. Table 17—Applicability of General Provisions to This Subpart XXXX	eCFR	https://www.federalregister.gov/documents/2020/07/24/2020-12541/national-emission-standards-for-hazardous-air-pollutants-rubber-tire-manufacturing-residual-risk-and	This action finalizes the residual risk and technology review (RTR) conducted for the Rubber Tire Manufacturing source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action to add electronic reporting of performance test results and reports, compliance reports, and Notification of Compliance Status (NOCS) reports and to remove the provision that exempts emissions from compliance with the standards during periods of startup, shutdown, and malfunction (SSM). These amendments are made under the authority of the Clean Air Act (CAA) and will improve effectiveness of the rule. The amendments are environmentally neutral.
			11/19/2020	\$63.6010, \$63.6011.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.6080 - 63.6175	Chapter 13, Section 002.77	Subpart YYYY - Stationary Combustion Turbines	11/19/2020	\$63.6015. Table 15—Requirements for Reports. Table 17—Applicability of General Provisions to This Subpart XXXX.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			3/9/2022	\$ 63.6095	eCFR	https://www.federalregister.gov/documents/2022/03/09/2022-04848/national-emission-standards-for-hazardous-air-pollutants-stationary-combustion-turbines-amendments	The U.S. Environmental Protection Agency (EPA) is finalizing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Combustion Turbines. This final action removes the stay of the effectiveness of the standards for new lean premix and diffusion flame gas-fired turbines that was promulgated in 2004.

63.6580 - 63.6675	Chapter 13, Section <u>002.78</u>	Subpart ZZZZ - Reciprocating Internal Combustion Engines	11/19/2020	§ 63.6645. Table 8—Applicability of General Provisions to Subpart ZZZZ.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			12/4/2020	§ 63.6604	eCFR	https://www.federalregister.gov/documents/2020/12/04/2020-23164/fuels-regulatory-streamlining	This action updates many of EPA's existing gasoline, diesel, and other fuel quality programs to improve overall compliance assurance and maintain environmental performance, while reducing compliance costs for industry and EPA. EPA is streamlining existing fuel quality regulations by removing expired provisions, eliminating redundant compliance provisions (e.g., duplicative registration requirements that are required by every EPA fuels program), removing unnecessary and out-of-date requirements, and replacing them with a single set of provisions and definitions that applies to all gasoline, diesel, and other fuel quality programs. This action does not change the stringency of the existing fuel quality standards.
			8/10/2022	§63.6585, §63.6590, §63.6604, §63.6640, §63.6650, §63.6650, §63.6655, §63.6675. Table 7—Requirements for Reports	eCFR	https://www.federalregister.gov/documents/2022/08/10/2022-17060/national-emission-standards-for-hazardous-air-pollutants-for-reciprocating-internal-combustion	The Environmental Protection Agency (EPA) is amending the Code of Federal Regulations (CFR) to reflect a 2015 court decision regarding the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE) and the New Source Performance Standards (NSPS) for Stationary Internal Combustion Engines (ICE). The court vacated provisions in the regulations specifying that emergency engines could operate for emergency demand response or during periods where there is a deviation of voltage or frequency. This ministerial rule revises the RICE NESHAP and ICE NSPS to conform to the court's decision.
			3/29/2023	Table 4 —Requirements for Performance Tests	eCFR	https://www.federalregister.gov/documents/2023/03/29/2023-04956/testing-provisions-for-air-emission-sources	This action promulgates corrections and updates to regulations for source testing of emissions under various rules. This final rule includes corrections to typographical and technical errors, updates to outdated procedures, and revisions to add clarity and consistency with other monitoring requirements. The revisions will improve the quality of data but will not impose new substantive requirements on source owners or operators.
63.7080 – 63.7143	Chapter 13, Section <u>002.79</u>	Subpart AAAAA - Lime Manufacturing	7/24/2020	§63.7083, §63.7090, §63.7100, §63.7110, §63.7112, §63.7113, §63.7120, §63.7121, §63.7130, §63.7131, §63.7132, §63.7133, §63.7140, §63.7141, §63.7142, §63.7143. Table 1—Emission Limits. Table 2—Startup and Shutdown Emission Limits for Kilns and Coolers. Table 3—Operating Limits. Table 4—Initial Compliance With Emission Limits. Table 5—Requirements for Performance Tests. Table	eCFR	https://www.federalregister.gov/documents/2020/07/24/2020-12588/national-emission-standards-for-hazardous-air-pollutants-lime-manufacturing-plants-residual-risk-and	The EPA is removing and revising provisions related to SSM, as . In its 2008 decision in Sierra Club v. EPA, 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and (h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that there must always be a CAA section 112 standard that applies. We are finalizing our proposal to eliminate the SSM exemption in this rule. As detailed in section I.V.D of the proposal preamble (84 FR 48727, September 16, 2019), we proposed to require that the emission limitations apply at all times (see 40 CFR 63.7100(a)), consistent with the Court decision in Sierra Club v. EPA, 551 F. 3d 1019 (D.C. Cir. 2008).
			11/19/2020	§63.7130. Table 9—Applicability of General Provisions to Subpart AAAAA.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			12/28/2020	Table 9—Applicability of General Provisions to Subpart AAAAA.	eCFR	https://www.federalregister.gov/documents/2020/12/28/2020-28384/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act-correction	The EPA is correcting inadvertent typographical errors and redundant text included in the regulatory text of six NESHAP subparts amended by the final MM2A rule. At 85 FR 73912, third column, 40 CFR part 63, subpart AAAAA. The final MM2A rule instruction 118 reads as if amendments were for Table 8 to subpart AAAAA when they were for Table 9 to subpart AAAAA. In this action, instruction 118 is corrected to read "Amend table 9 to subpart AAAAA of part 63 . . .". The table header in the amendatory text is also corrected to read "Table 9 to Subpart AAAAA of Part 63—Applicability of General Provisions to Subpart AAAAA."
63.7545	Chapter 13, Section <u>002.79</u>	Subpart DDDDD - Lime Manufacturing	11/19/2020	§63.7545	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			12/28/2020	§63.7545	eCFR	https://www.federalregister.gov/documents/2020/12/28/2020-28384/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act-correction	The EPA is correcting inadvertent typographical errors and redundant text included in the regulatory text of six NESHAP subparts amended by the final MM2A rule. At 85 FR 73913, first column, 40 CFR part 63, subpart DDDDD. The final MM2A rule instruction 121 correctly referenced the amendments to 40 CFR 63.7545, however, the corresponding section header in the amendatory text read "§ 63.7189 What notifications must I submit and when?" instead. In this action, the section header in the amendatory text is corrected to read "§ 63.7545 What notifications must I submit and when?"

63.7480 – 63.7575	Chapter 13, Section <u>002.80</u>	Subpart DDDDD - Industrial, Commercial and Institutional Boilers and Process Heaters (major sources)	10/6/2022	<p>§63.7500, §63.7505, §63.7510, §63.7515, §63.7520, §63.7521, §63.7522, §63.7525, §63.7530, §63.7533, §63.7540, §63.7545, §63.7555, §63.7575. Table 1—Emission Limits for New or Reconstructed Boilers and Process Heaters. Table 2—Emission Limits for Existing Boilers and Process Heaters. Table 3—Work Practice Standards. Table 4—Operating Limits for Boilers and Process Heaters. Table 7—Establishing Operating Limits. Table 8—Demonstrating Continuous Compliance. Table 11—Alternative Emission Limits for New or Reconstructed Boilers and Process Heaters That Commenced Construction or Reconstruction After June 4, 2010, and Before May 20, 2011. Table 12—Alternative Emission Limits for New or Reconstructed Boilers and Process Heaters That Commenced Construction or Reconstruction After May 20,</p>	eCFR	<p>https://www.federalregister.gov/documents/2022/10/06/2022-19612/national-emission-standards-for-hazardous-air-pollutants-for-major-sources-industrial-commercial-and</p>	<p>In this action, EPA is finalizing amendments to certain emission limits for new and existing boilers and process heaters, providing additional explanation to support the use of CO as a surrogate for organic HAP and to set a minimum CO emission limit of 130 ppm, and finalizing approval of an alternative monitoring provision allowing for use of CO2 as a diluent in lieu of O2 when a continuous emission monitoring system (CEMS) is used to comply with an emission limit.</p>
63.7680 – 63.7765	Chapter 13, Section <u>002.81</u>	Subpart EEEEE - Iron and Steel Foundries	9/10/2020	<p>§63.7690, §63.7700, §63.7710, §63.7720, §63.7732, §63.7740, §63.7741, §63.7744, §63.7746, §63.7751, §63.7752, §63.7761, §63.7765. Table 1— Applicability of General Provisions to This Subpart.</p>	eCFR	<p>https://www.federalregister.gov/documents/2020/09/10/2020-14143/national-emission-standards-for-hazardous-air-pollutants-iron-and-steel-foundries-major-source</p>	<p>EPA finalized amendments to the major source and area source Iron and Steel Foundries NESHAP to remove and revise provisions related to SSM. With regard to cupola furnaces VOHAP standards, EPA is removing the SSM exemptions, however, with regard to the VOHAP emissions standards, EPA finalized work practice standards for VOHAP emissions for periods of startup and shutdown.</p>
63.7780 – 63.7852	Chapter 13, Section <u>002.82</u>	Subpart FFFFF - Integrated Iron and Steel	7/13/2020	<p>§63.7783, §63.7791, §63.7800, §63.7810, §63.7820, §63.7821, §63.7822, §63.7823, §63.7824, §63.7825, §63.7826, §63.7827, §63.7831, §63.7833, §63.7835, §63.7841, §63.7842, §63.7851, §63.7852. Table 1—Emission and Opacity Limits. Table 2—Initial Compliance With Emission and Opacity Limits. Table 3—Continuous Compliance With Emission and Opacity Limits. Table 4—Applicability of General Provisions to Subpart FFFFF.</p>	eCFR	<p>https://www.federalregister.gov/documents/2020/07/13/2020-09753/national-emission-standards-for-hazardous-air-pollutants-integrated-iron-and-steel-manufacturing</p>	<p>This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Integrated Iron and Steel Manufacturing Facilities source category. This action also finalizes amendments to the NESHAP, including the addition of mercury emission limits, changes to SSM provisions, addition of electronic reporting, and minor corrections and clarifications to a number of other rule provisions. This final action also includes some changes to the August 2019 proposed requirements based on consideration of comments received during the public comment period.</p>
			11/19/2020	§63.7840	eCFR	<p>https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act</p>	<p>This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.</p>

63.7880 – 63.7957	Chapter 13, Section <u>002.83</u>	Subpart GGGGG - Site Remediation	7/10/2020	§63.7882, §63.7883, §63.7895, §63.7896, §63.7898, §63.7900, §63.7901, §63.7903, §63.7905, §63.7906, §63.7908, §63.7910, §63.7911, §63.7912, §63.7913, §63.7920, §63.7923, §63.7925, §63.7935, §63.7940, §63.7942, §63.7943, §63.7944, §63.7945, §63.7950, §63.7951, §63.7952, §63.956, §63.7957. Table 3—Applicability of General Provisions to Subpart GGGGG	eCFR	https://www.federalregister.gov/documents/2020/07/10/2020-05896/national-emission-standards-for-hazardous-air-pollutants-site-remediation-residual-risk-and	This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Site Remediation source category and amends the SR NESHAP based on those determinations. We are also finalizing other proposed changes to the NESHAP and other changes made in consideration of comments received during the public comment period for the proposed rulemaking. In the following subsections, we summarize the final amendments to the Site Remediation NESHAP. We are not finalizing any changes at this time to the exemption from the Site Remediation NESHAP requirements available for federally-overseen Site Remediations under RCRA or CERCLA, pursuant to 40 CFR 63.7881(b)(2) and (3). The agency is continuing to review comments related to our solicitation on this issue in the RTR proposal, see 84 FR 46167–69 (September 3, 2019), and comments on the May 13, 2016, proposal regarding the exemption (81 FR 29812), and intends to address this issue in a separate action.
			11/19/2020	Table 3—Applicability of General F	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			12/22/2022	§63.7881, §63.7882, §63.7882	eCFR	https://www.federalregister.gov/documents/2022/12/22/2022-27523/national-emission-standards-for-hazardous-air-pollutants-site-remediation	This action finalizes the EPA's determinations pursuant to the reconsideration of certain aspects of the 2003 Site Remediation NESHAP, and amends, as proposed, the Site Remediation NESHAP to remove the CERCLA and RCRA exemptions at 40 CFR 63.7881(b)(2) and (3). For affected sources that are existing sources, we are finalizing a compliance date of 18 months from the effective date of the final amendment removing the CERCLA and RCRA exemptions (see section III. C. for further discussion). We define existing sources, for purposes of this action, as those site remediations that commenced construction or reconstruction on or before May 13, 2016, the date of publication of the proposal to remove the exemptions. New sources, for purposes of this action, are those site remediations that commenced construction or reconstruction after May 13, 2016. Any new sources that would have formerly been exempted by 40 CFR 63.7881(b)(2) or (3) must comply with the NESHAP as of the date this document is published in the Federal Register. CAA section 112(d)(10), (i)(1). The EPA is not finalizing the proposed amendment to remove the requirement that an affected site remediation be co-located with a facility that is regulated by other NESHAP.
63.7980 – 63.8105	Chapter 13, Section <u>002.84</u>	Subpart HHHHH - Miscellaneous Coating Manufacturing	8/14/2020	§63.7985, §63.7990, §63.7995, §63.8000, §63.8005, §63.8010, §63.8025, §63.8050, §63.8055, §63.8070, §63.8075, §63.8080, §63.8090, §63.8105. Table 3—Requirements for Equipment Leaks. Table 7—Partially Soluble Hazardous Air Pollutants. Table 8—Soluble Hazardous Air Pollutants. Table 9—Requirements for Reports. Table 10—Applicability of General Provisions to This Subpart. Table 11— List of Hazardous Air Pollutants That Must Be Counted Toward Total Organic HAP Content If Present at 0.1 Percent or More by Mass.	eCFR	https://www.federalregister.gov/documents/2020/08/14/2020-13439/national-emission-standards-for-hazardous-air-pollutants-miscellaneous-coating-manufacturing	The U.S. Environmental Protection Agency (EPA) is taking final action on the residual risk and technology review (RTR) conducted for the Miscellaneous Coating Manufacturing (MCM) source category regulated under national emission standards for hazardous air pollutants (NESHAP). These final amendments also address emissions during periods of startup, shutdown, and malfunction (SSM), including clarifying regulatory provisions for certain vent control bypasses, provisions for electronic reporting of performance test results, performance evaluation reports, compliance reports, and Notification of Compliance Status (NOCS) reports; and provisions to conduct periodic performance testing of oxidizers used to reduce emissions of organic hazardous air pollutants (HAP).
			11/19/2020	§63.8070. Table 10—Applicability of General Provisions to This Subpart.	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			11/25/2020	§63.8000	eCFR	https://www.federalregister.gov/documents/2020/11/25/2020-13439/national-emission-standards-for-hazardous-air-pollutants-miscellaneous-coating-manufacturing	This document is a correction of a document that was published on 08/14/2020. § 63.8000 [Corrected]: On page 49742, in the first column, in § 63.8000(vi), in the 14th line "August 15, 2022" should read "August 15, 2018".

63.9780 – 63.9824	Chapter 13, Section <u>002.89</u>	Subpart SSSSS - Refractory Products Manufacturing	11/19/2021	<p>§ 63.9786, §63.9792, §63.9794, §63.9800, §63.9804, §63.9806, §63.9808, § 63.9810, § 63.9812, § 63.9814, § 63.9816, § 63.9820, § 63.9822, § 63.9824., Table 1 — Emission Limits. Table 2 — Operating Limits. Table 3 — Work Practice Standards. Table 4 — Requirements for Performance Tests. Table 5 — Initial Compliance With Emission Limits. Table 6 — Initial Compliance With Work Practice Standards. Table 7 — Continuous Compliance with Emission Limits. Table 8 — Continuous Compliance with Operating Limits. Table 9 — Continuous Compliance with Work Practice Standards. Table 10 — Requirements for Reports. Table 11 — Applicability of General Provisions to Subpart SSSSS.</p>	eCFR	<p>https://www.federalregister.gov/documents/2021/11/19/2021-24100/national-emission-standards-for-hazardous-air-pollutants-refractory-products-manufacturing-residual</p>	EPA proposed improvements to the existing work practice standard for affected continuous kilns using THC emission control devices. EPA proposed the following amendments: Standards for previously unregulated HAP for affected sources in the clay and nonclay refractory subcategories; the requirement that NOCS reports, performance test results, and performance evaluation results be electronically submitted; revisions to the SSM provisions of the rule; new test methods and incorporation by reference (IBR) of alternative test methods; and other minor technical and editorial revisions.
63.9980 – 63.10042	Chapter 13, Section <u>002.90</u>	Subpart UUUUU - Coal and Oil Fired Electric Utility Steam Generating Units	9/9/2020	<p>§63.10000, §63.10005, §63.10009, §63.10010, §63.10011, §63.10020, §63.10021, §63.10030, §63.10031, §63.10032, §63.10042. Table 8 — Reporting Requirements. Table 9 — Applicability of General Provisions to Subpart UUUUU. Appendix A —Hg Monitoring Provisions. Appendix B —HCl and HF Monitoring Provisions. Appendix C —PM Monitoring Provisions. Appendix D —PM CPMS Monitoring Provisions. Appendix E —Data Elements.</p>	eCFR	<p>https://www.federalregister.gov/documents/2020/09/09/2020-15950/mercury-and-air-toxics-standards-for-power-plants-electronic-reporting-revisions</p>	This action amends the reporting requirements in 40 CFR 63.10031 of the MATS regulation, and, for consistency with those changes, amends related text in 40 CFR part 63, subpart UUUUU; specifically, 40 CFR 63.10000, 63.10005, 63.10009, 63.10010, 63.10011, 63.10020, 63.10021, 63.10030, 63.10032, 63.10042, and Tables 3, 8, and 9. In addition, the recordkeeping and reporting sections of appendices A and B are amended. Three new appendices are added to the rule, i.e., appendices C, D, and E. Instead of using the electronic reporting tool (ERT) to submit some of the MATS data via CEDRI and submitting the remainder through the ECMPs Client Tool, as was required by the original MATS rule, this action allows EGU owners or operators to use the ECMPs Client Tool to report all of the required information in XML and PDF files.
			3/29/2023	Table 5 —Performance Testing Requirements. Appendix A —Hg Monitoring Provisions.	eCFR	<p>https://www.federalregister.gov/documents/2023/03/29/2023-04956/testing-provisions-for-air-emission-sources</p>	EPA is revising the references in sections 4.1.1.5 and 4.1.1.5.1 in subpart UUUUU, appendix A, to ASTM Method D6784, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), to update them from the 2002 version to the latest version, which was authorized in 2016. In table 5, EPA is adding ASTM Method D6784-16 as a mercury testing option as it was inadvertently left out previously.
			4/20/2023	Appendix A —Hg Monitoring Provisions.	eCFR	<p>https://www.federalregister.gov/documents/2023/04/20/2023-08178/testing-provisions-for-air-emission-sources-correction</p>	In the final rule published on March 29, 2023 (88 FR 18396), the following correction to an amendatory instruction to "Appendix A to Part 63" is made.
63.10382 – 63.10448	Chapter 13, Section <u>002.91</u>	Subpart WWWW - Hospital Ethylene Oxide Sterilizers	11/19/2020	Table 1 —Applicability of General Provisions to Subpart WWWW	eCFR	<p>https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act</p>	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.

63.10880 – 63.10906	Chapter 13, Section 002.93	Subpart ZZZZZ - Iron and Steel Foundries Area Sources	9/10/2020	§ 63.10885	eCFR	https://www.federalregister.gov/documents/2020/09/10/2020-14143/national-emission-standards-for-hazardous-air-pollutants-iron-and-steel-foundries-major-source	EPA finalized amendments to the major source and area source Iron and Steel Foundries NESHAP to remove and revise provisions related to SSM. With regard to cupola furnaces VOHAP standards, EPA is removing the SSM exemptions, however, with regard to the VOHAP emissions standards, EPA finalized work practice standards for VOHAP emissions for periods of startup and shutdown.
63.11080 – 63.11100	Chapter 13, Section 002.94	Subpart BBBB - Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities	11/19/2020	§63.11086	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.11110 – 63.11132	Chapter 13, Section 002.95	Subpart CCCCC - Gasoline Dispensing Facilities	11/19/2020	§63.11124	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.11169 – 63.11180	Chapter 13, Section 002.100	Subpart HHHHH - Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources	11/19/2020	§63.11175	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			11/10/2022	§ 63.11170, §63.11173, §63.11175, §63.11176, §63.11180. Table 1 — Applicability of General Provisions to Subpart HHHHH of Part 63.	eCFR	https://www.federalregister.gov/documents/2022/11/10/2022-24129/national-emission-standards-for-hazardous-air-pollutants-paint-stripping-and-miscellaneous-surface	This action finalizes other changes to the NESHAP, by adding electronic reporting provisions, simplifying the petition for exemption process, clarifying requirements for addressing emissions during periods of SSM, and making miscellaneous clarifying and technical corrections.
63.11414 – 63.11420	Chapter 13, Section 002.105	Subpart OOOOO Flexible Polyurethane Foam Production and Fabrication Area Sources	11/18/2021	§63.11416, §63.11417, §63.11418.	eCFR	https://www.federalregister.gov/documents/2021/11/18/2021-24019/national-emission-standards-for-hazardous-air-pollutants-flexible-polyurethane-foam-fabrication	Where subpart OOOOO references the NESHAP for flexible polyurethane foam production major sources (40 CFR part 63, subpart III), EPA proposed to make conforming changes to reflect amendments made to subpart III. EPA clarified the provisions in 40 CFR part 63, subpart A, do not apply to sources subject to this subpart.
63.11421 – 63.11427	Chapter 13, Section 002.106	Subpart P - Lead Acid Battery Manufacturing Sources	11/19/2020	§63.11425	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			2/23/2022	§ 63.11421, §63.11422, §63.11423, §63.11424, §63.11425, §63.11426, §63.11427. Table 1 — Applicability of General Provisions to Subpart P. Table 2 — Opacity Standards. Table 3 — Applicability of General Provisions to This Subpart.	eCFR	https://www.federalregister.gov/documents/2023/02/23/2023-02989/new-source-performance-standards-review-for-lead-acid-battery-manufacturing-plants-and-national	The EPA is finalizing that owners and operators of lead acid battery manufacturing facilities submit electronic copies of required performance test reports and the semiannual excess emissions and continuous monitoring system performance and summary reports, through the EPA's CDX using the CEDRI. EPA is finalizing a clarification that this emission limit applies to the primary emissions sources and their emission control devices (lead oxide production fabric filter baghouses), and that other sources associated with the lead oxide production source, such as building ventilation, would be "other lead-emitting operations" subject to the 1.0 mg/dscm emission limit. Consistent with Sierra Club v. EPA, (D.C. Cir. 2008), the EPA has established standards in this rule that apply at all times.
63.11428 – 63.11434	Chapter 13, Section 002.107	Subpart Q - Wood Preserving Area Sources	11/19/2020	§63.11432	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			3/8/2023	Table 1 — Applicability of General Provisions to Subpart Q	eCFR	https://www.federalregister.gov/documents/2023/03/08/2023-04376/national-emission-standards-for-hazardous-air-pollutants-wood-preserving-area-sources-technology	Minor editorial and formatting changes to Table 1 to Subpart Q of Part 63 for the Wood Preserving Area Sources NESHAP listing the applicable general provisions.

63.11435 – 63.11447	Chapter 13, Section 002.108	Subpart RRRRRR - Clay Ceramics Manufacturing	11/19/2020	§63.11441	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.11462 – 63.11474	Chapter 13, Section 002.110	Subpart TTTTTT - Secondary Nonferrous Metals Processing	11/19/2020	§63.11469	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.11504 – 63.11513	Chapter 13, Section 002.112	Subpart WWWWWW - Plating and Polishing Area Sources	11/19/2020	§63.11509	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.11514 – 63.11523	Chapter 13, Section 002.113	Subpart XXXXXX - Metal Fabrication Area Sources	11/19/2020	§63.11519	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.11524 – 63.11543	Chapter 13, Section 002.114	Subpart YYYYYY - Ferroalloys Production	11/19/2020	§63.11529	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.11559 – 63.11567	Chapter 13, Section 002.116	Subpart AAAAAA - Asphalt Processing and Roofing Manufacturing	11/19/2020	§63.11564	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
			3/20/2023	Table 3 — Test Methods	eCFR	https://www.federalregister.gov/documents/2023/03/20/2023-04958/epa-method-23-determination-of-polychlorinated-dibenzo-p-dioxins-and-polychlorinated-dibenzofurans	EPA finalized technical revisions and editorial changes to clarify and update the requirements and procedures specified in Method 23 and reformatting the method to conform with the current EPA method format. EPA also expanded the applicability of Method 23 to include procedures for sampling and analyzing PAH and PCB. EPA finalized revisions to various sections of the CFR that either require Method 23 or require the analysis of PCDD/PCDF, PAH, or PCB.
63.11579 – 63.11588	Chapter 13, Section 002.117	Subpart BBBBBS - Chemicals Preparation Facilities	11/19/2020	§63.11585	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.11599 – 63.11618	Chapter 13, Section 002.118	Subpart CCCCCC - Paints and Allied Products Manufacturing Area Sources	11/19/2020	§63.11603	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.
63.11860 – 63.12099	Chapter 13, Section 002.121	Subpart HHHHHH - Polyvinyl Chloride and Copolymers Production	11/19/2020	Table 4 — Applicability of the General Provisions to Part 63	eCFR	https://www.federalregister.gov/documents/2020/11/19/2020-22044/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act	This rule interprets the Clean Air Act to allow a major source of hazardous air pollutants to reclassify as an area source after acting to limit emissions.

Title 129

Proposed Amendments to Title 129 – Nebraska Air Quality Regulations

Reuel Anderson
Permitting and Engineering Division Administrator



Presentation Overview

- DWEE Air Quality Program Structure
- Development of Proposal
- Proposed Changes
- Summary

DWEE Air Quality Program Structure

- Permitting & Engineering Division
 - Air Permitting
 - Air Planning
 - Air Monitoring
- Inspections & Compliance Division
 - Air Compliance
 - Stack Testing
- Planning & Aid Division

Development of Title 129 Proposal

- Necessary corrections highlighted by the EPA during Nebraska's State Implementation Plan (SIP) approval process
- Changes proposed by DWEE to clarify regulatory language, and update permitting and compliance requirements

Proposed Changes

- Chapter 1 – General Provisions; Definitions
 - Section 002.10: add the definition of “air pollutant” and “air pollution” back into the Title
 - Section 002.28: modify the definition to “complete” by adding “as deemed by the Department.” This is in reference to an application for a permit
 - Section 002.34: add the definition for “Council” back into the Title

Proposed Changes

- Chapter 1 (continued)
 - Section 002.71: update the definition of “permitting authority” to reflect the name of the agency as of July 1, 2025, to be the Department of Water, Energy, and Environment
 - Section 002.72: add the definition of “Person” back into the Title

Proposed Changes

- Chapter 3 – Construction Permits
 - Sections 001.01 through 001.01D: revise preconstruction requirements for clarity to describe eligibility criteria for pre-construction activities, and specify which conditions make them ineligible
 - Section 001.01B2: shorten the timeframe for Department notification prior to pre-construction activities from 30 days to five (5) days

Proposed Changes

- Chapter 6 – Operating Permits
 - EPA removed emergency affirmative defense provisions from the Clean Air Act (40 CFR 70.6(g)) due to the 2014 court decision on NRDC v. EPA
 - Chapter 6, Section 005 had incorporated 40 CFR 70.6(g) by reference; it is proposed for removal as required by the EPA

Proposed Changes

- Chapter 11 – Emissions Reporting; When Required
 - Revise text to reflect the use of electronic emission inventory reporting (SLEIS) by sources in the state
 - remove “on forms furnished by or acceptable to” and replace with “a format approved by” in Section 001
 - remove the word “form” in Sections 001 and 002

Proposed Changes

- Chapter 12 – New Source Performance Standards and Emission Limits for Existing Sources
 - Update all New Source Performance Standards (NSPS) incorporation by reference dates from July 1, 2020, to July 1, 2023

Proposed Changes

- Chapter 12 (continued)
 - Incorporate NSPS applicable to Nebraska sources
 - Section 001.02 Subpart Bba: Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013
 - Section 001.87 Subpart OOOOa: Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After September 18, 2015

Proposed Changes

- Chapter 12 (continued)
 - Incorporate NSPS applicable to Nebraska sources
 - Section 001.88 Subpart QQQQ: New Residential Hydronic Heaters and Forced-Air Furnaces
 - Section 001.89 Subpart TTTT: Greenhouse Gas Emissions for Electric Generating Units

Proposed Changes

- Chapter 13 – Hazardous Air Pollutants
 - Update all National Emission Standards for Hazardous Air Pollutants (NESHAP) incorporation by reference dates from July 1, 2020, to July 1, 2023
 - Incorporate NESHAP applicable to Nebraska
 - Section 002.06 Subpart JL: Polyvinyl Chloride and Copolymers Production
 - Section 002.86 Subpart JJJJJ: Brick and Structural Clay Products Manufacturing

Proposed Changes

- Chapter 14 – Incinerators, Emission Standards
 - Section 001.01: add “residential” to clarify the type of waste that can be burned on residential premises
 - Section 001.02: add “that burn only trees, vegetation, and untreated lumber” to clarify what may be burned in incinerators used for space heating

Proposed Changes

- Chapter 14 (continued)
 - Add language in Section 002 to clarify that section does not pertain to sources that meet the exemption criteria in Section 001
 - “except those operating an incinerator meeting the exemption criteria listed in Sections 001.01 through 001.04 ”

Proposed Changes

- Chapter 15 – Compliance
 - Remove “nuisance” in Sections 002.02A, 002.02D, and 002.02E, since the Department does not enforce nuisance violations
 - Section 002.02F: add “public power and irrigation districts” to the list of groups allowed to conduct burning for plant, wildlife, and parks management

Proposed Changes

- Chapter 15 (continued)
 - Section 002.02D1: clarify that trees or vegetation must originate from the property
 - Section 002.02G2: clarify that the burning of trees, brush and other vegetation as a result of land clearing is only permissible for those materials originating from the property

Proposed Changes

- Appendix I
 - Add a table (Table 2) of hazardous air pollutants sorted by chemical name back into the Title
- Appendix II
 - Update the Department acronym

Summary

- DWEE proposes to:
 - Correct errors found during EPA's SIP-approval process
 - Update the Department name and acronym throughout
 - Add and modify definitions in Chapter 1
 - Revise Chapter 3 to clarify pre-construction activity requirements and modify the required lead time for notification to five (5) days

Summary

- DWEE proposes to:
 - Remove the affirmative defense provisions in Chapter 6 to align with federal regulations
 - Revise text in Chapter 11 to reflect the use of electronic emissions reporting via SLEIS
 - Update NSPS and NESHAP in Chapters 12 and 13 that are applicable to sources in Nebraska

Summary

- DWEE proposes to:
 - Revise text in Chapter 14 to clarify the types of waste and materials permissible for burning in incinerators
 - Revise text to simplify language, clarify exceptions, and add to the list of groups allowed to conduct open burning in Chapter 15
 - Add a second table with hazardous air pollutants sorted by chemical name to Appendix I for ease of use

Questions?



Delivered via electronic mail

RE: RESPONSE SUMMARY
Ag Processing Inc. (AGP), A Cooperative
Attn.: Mr. Dan Dunham
12700 West Dodge Road
Omaha, NE 68154

Mr. Dunham,

The Nebraska Department of Water, Energy, and Environment (NDWEE) has considered all comments received for the Title 129 – Air Quality Regulations informal review of August 20, 2025 through September 22, 2025.

The NDWEE appreciates your time and the conscientious efforts for your review and comments. If you have any questions, please contact me at (402) 471-2186.

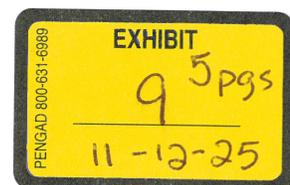
Sincerely,

Reuel S. Anderson, Administrator
Permitting & Engineering Division

October 30, 2025

Date

Enclosure



RESPONSE TO INFORMAL COMMENTS SUMMARY
Title 129 – Air Quality Regulations

Background Information:

The NDWEE placed a draft of Title 129 – Air Quality Regulations proposed changes for an informal comment period starting on August 20, 2025 through September 22, 2025.

On September 22, 2025, NDWEE received electronic correspondence with comments from Mr. Dan Dunham with AGP regarding the draft document.

The following are NDWEE’s responses to the comments received during the informal comment period:

Comment:

“Chapter 1

002.10 The definition of “Air Pollutant” should match that in 42 U.S. Code 7602(g), as follows: “The term “air pollutant” means any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the Administrator has identified such precursor or precursors for the particular purpose for which the term “air pollutant” is used.”

NDWEE’s Response:

The proposed definition as described in the draft changes to Title 129 follows what is currently prescribed in Nebraska Revised Statute 81-1502(2) except for some minor changes:

“2) Air pollution shall mean 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;”

The draft Title 129, Chapter 1, Section 002.10 language added the term “air pollutant” in conjunction with the term “air pollution” to aid in clarification, and removal of the word “shall” as it is already implied in the definition as follows (emphasis added):

*“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.”*

Finally, this definition, which was included in previous editions of Title 129, is being reinstated to enhance regulatory clarity.

Comment:

“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.

As stated in the final sentence of the definition, designating an application *administratively* complete does not preclude the Department from requesting additional information. The minimum information required for an application to be deemed complete needs to be referenced if the definition is to include “as deemed by the Department” as part of the definition.”

RESPONSE TO INFORMAL COMMENTS SUMMARY
Title 129 – Air Quality Regulations

NDEE's Response:

The proposed definition addresses different aspects of the permitting process. The Department reviews each permit application to ensure it includes the prescribed elements necessary for the Department to process the permit application. If any content deficiencies are identified, the Department works with the applicant to resolve them so the application can be deemed complete.

Several chapters in Title 129 reference the term “*complete*”. Generally, the term “*complete*” (as in “an application”) is associated with prescribed project timelines (i.e.: issuance, notifications, etc). The proposed revision to the definition was added for clarity purposes to make it clear to the applicants, the Department and/or EPA by clearly establishing when an application is considered complete for the purpose of tracking and meeting these prescribed timelines.

It is not necessary to revise the definition to specify the “*minimum information required for an application to be deemed complete,*” as this is already prescribed elsewhere in Title 129, including Chapter 3, Section 002.02 and Chapter 6, Section 002.02.

The final sentence in the definition clarifies that the Department may request additional information or clarification during the permit development process.

Comment:

“Chapter 3

DWEE should reconsider utilizing the term “federally enforceable” in the referenced requirements. By definition, all permit limitations and conditions are federally enforceable – even if there are no permitted controls, hourly limits, material use, etc.”

NDWEE's Response:

The Department uses the term “federally enforceable” to distinguish federal requirements from those that are “state-only”.

Terms in a federal operating or construction permit are not considered federally enforceable if they are expressly designated as “state-only”.

Comment:

“Chapter 3

001.01C2 should be updated to define “changes”. As currently written, changes that do not impact project emissions or pre-construction activities (vendor only changes or DWEE requested updates) could cause a facility to be removed from allowed preconstruction, even if all data is accurate.”

NDWEE's Response:

Pre-construction activities allowed under Title 129, Chapter 3 are contingent upon, among other requirements, the submittal of an application that has been reviewed and deemed complete by the Department. The permit application must accurately reflect the project the facility intends to construct.

The Department understands that certain project-related changes may not directly impact potential emissions from the project (e.g.: changes in control equipment configuration, addition of heat recovery capabilities at a stack, modifications to emission unit stack parameters, relocation of emission units on-site, etc.).

However, such changes could impact eligibility criteria prescribed in Title 129, Chapter 3, Section 001.01A, New Source Review (NSR) source categories, air impact analysis results, other federal

RESPONSE TO INFORMAL COMMENTS SUMMARY
Title 129 – Air Quality Regulations

and state requirements (i.e.: New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, etc), etc.

The Department does not consider vendor changes as a change to the project so as long as there are no increase in the potential emission contributions from the project. Additionally, vendor names are not generally specified in the permit.

Regarding other updates, it is important to note that the Department does not dictate project changes. However, a facility may choose to revise the project in response to the Department's review of the application. For example:

- If the proposed project is determined that it could cause or contribute to a violation of the National Ambient Air Quality Standards, the facility may need to modify the project scope and submit an updated application in order to proceed with construction.

The condition, as prescribed, is intended to allow pre-construction activities to proceed based on the project as described in the submitted permit application.

Comment:

“In addition to the comments above, recently the U.S Environmental Protection Agency (EPA) provided guidance¹ that will allow work to begin without a permit as long as the construction does not extend to emission units that release air pollution. EPA has stated that this action would provide flexibility to perform activities such as installing cement pads, before obtaining an air construction permit. EPA is seeking to revise its NSR regulations, including the definition of “begin actual construction” in 2026¹.

Given EPA's current guidance and intended regulatory actions, the requirements to start basic construction activities should be streamlined to aligned with EPA's approach, not expanded.

¹<https://www.epa.gov/nsr/construction-activities-allowed-obtaining-preconstruction-air-permit>”

NDWEE's Response:

The provisions outlined in the September 2, 2025 correspondence between EPA (referred to as “the EPA correspondence”) and the Maricopa County Air Quality Department as well as EPA's intent to revise NSR definitions in the future.

It is important to note that the provisions outlined in the EPA correspondence and the potential regulatory changes apply only to major NSR sources or major modifications at major NSR sources. Title 129 addresses such sources in Chapter 4. The allowable activities described in the EPA correspondence and current NSR regulations are consistent with those allowed under Title 129, Chapter 4.

The Department recognizes that the pre-construction activities allowed by Title 129 Chapter 3 are broader than those allowed activities in the EPA correspondence, current NSR regulations and Title 129, Chapter 4.

However, it is important to clarify that Title 129, Chapter 3 applies exclusively to true minor NSR sources, true area sources of hazardous air pollutants (HAPs), and sources not subject to the State of Nebraska's Toxic Best Available Control Technology (T-BACT) provisions. The minor NSR program does not prohibit Title 129, Chapter 3 from allowing broader pre-construction activities.

Comment:

RESPONSE TO INFORMAL COMMENTS SUMMARY
Title 129 – Air Quality Regulations

“On September 5, 2025, the D.C. Circuit reversed the EPA 2023 rescission of the emergency affirmative defense under the Clean Air Act for stationary sources that exceed emissions limitations². Given this most recent development, it would be premature to remove Section 005 from Chapter 6 of Title 129.

²<https://environmentalenergybrief.sidley.com/2025/09/10/d-c-circuit-restores-emergency-affirmative-defense-for-title-v-permit-holders/>”

NDWEE’s Response:

The Department understands the concern regarding recent judicial developments. However, the Department is obligated to a timeline (approved by EPA) to address provisions in Title 129, Chapter 6, Section 005 in its regulations, which includes their removal from the Title.

Additionally, Title 129, Chapter 6, Section 005 addresses affirmative defense by incorporating by reference 40 CFR Part 70.6 (g), which is removed and no longer in effect.