

"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.

"Allowable emissions" means 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:

- (1) The applicable standards set forth in 40 CFR Part 60 (Standards of Performance for New Stationary Sources) or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants);
- (2) Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or
- (3) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

"Ambient air" means the portion of the atmosphere, external to buildings, to which the general public has access.

"Applicable requirement" means except as provided in (12), 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 but the City of Lincoln and/or the Lancaster County Board of Commissioners through rulemaking at the time of issuance by have future effective compliance dates:

- (1) Any standard or other requirement provided for in the applicable implementation plan that implements the relevant requirements of the Act, including any revisions to the plan promulgated in 40 CFR Part 52;
- (2) Any term or condition of any pre-construction permit;
- (3) Any standard or other requirement under Section 18 of these Regulations and Standards relating to standards of performance for new stationary sources;
- (4) Any standard or other requirement established pursuant to Section 112 of the Act and regulations adopted in Section s 23, 27 and 28 of these Regulations and Standards relating to hazardous air pollutants listed in appendix II,
- (5) Any standard or other requirement of the acid rain program under Section 26 of these Regulations and Standards;
- (6) Any requirements established pursuant to Section 26 of these Regulation and Standards;
- (7) Any standard or other requirement governing solid waste incineration, under Section 18 of these Regulations and Standards or pursuant to Section 129 (e) of the Act;
- (8) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Act and regulations adopted by the City of Lincoln or the Lancaster County Board of Commissioners;
- (9) Any standard or other requirement for tank vessels under Section 183(f) of the Act and regulations adopted by the City of Lincoln or the Lancaster County Board of Commissioners;

SECTION 5. OPERATING PERMITS -- WHEN REQUIRED

(A) Applicability and Scope. -- The following sources are required to obtain operating permits unless exempted under Paragraph (B) below:

- (1) Class I permits shall be required to operate any of the following:
 - (a) Any major source as defined in Section 2 of these Regulations and Standards;
 - (b) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 18 of these Regulations and Standards.
 - (c) Any source, including an area source, subject to a standard or other requirement under Section 23, Section 27, or Section 28 of these Regulations and Standards;
 - (d) Any affected source;
 - (e) Any source in a source category designated by the Director.

(2) Unless a Class I permit is required, Class II permits shall be required to operate any of the following:

- (a) Any source or emissions unit having a potential to emit:
 - (1) Fifteen (15) tons/year or more of PM₁₀ emissions.
 - (2) Forty (40) tons/year or more of SO₂ or SO₃, or any combination of the two.
 - (3) Forty (40) tons/year or more of Oxides of Nitrogen (calculated as NO_x).
 - (4) Forty (40) tons/year or more of volatile organic compounds (VOC).
 - (5) Fifty (50) tons/year or more of carbon monoxide.
 - (6) Six-tenths (0.6) tons/year or more of lead.
 - (7) Two and one-half (2.5) tons/year or more of any hazardous pollutant or an aggregate of ten (10) tons/year or more of any hazardous air pollutants.
- (b) All incinerators 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 disposal of residential waste generated on the residential premises where the incinerator is located.
- (c) Any source or operation responsible for the emission of particulate plumes in excess of the limitations established in Section 20 of these Regulations and Standards, except:
 - (1) Vehicular sources;
 - (2) Wood stoves located on residential premises containing five or less dwelling units which burn clean, untreated wood for recreational purposes.
 - (3) Vehicles used in the conduct of on-farm agricultural operations.

(B) Source Category Exemptions

- (1) All sources listed in paragraph (A) above that are not major sources, affected source, or solid waste management units required to obtain a permit pursuant to performance standard adopted in Section 18 of these Regulations and Standards, are exempt from the obligation to obtain a Class I permit unless required to do so under an applicable

- (c) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such schedules shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in non-compliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction non-compliance with, the applicable requirements on which it is based.
- (4) A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation.
- (5) The compliance plan content requirements specified in these paragraphs shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.
- (l) Requirements for compliance certification, including the following:
 - (1) A certification of compliance with all applicable requirements by a responsible official consistent with paragraph (H) of this section;
 - (2) A statement of methods used for determining compliance, including a description of monitoring, record keeping and reporting requirements and test methods;
 - (3) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department in any permit; and
 - (4) A statement indicating the source's compliance status with any applicable ~~enhanced monitoring compliance assurance or periodic monitoring~~ and compliance certification requirements of these Regulations and Standards.
- (j) The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act.
- (k) The source may request the permit shield described in Section 8, paragraph N of these regulations and Standards.
- (3) The Director may develop a list of insignificant activities excepted from the requirements of Sections (F) (2) of this Section and Section (6) (B). The list shall be made available by the Department and updated as necessary. The Director may consider the following criteria in developing the list of insignificant activities

- (K) Risk Management Plans. If the source is required to develop and register a risk management plan pursuant to Section 112(r) of the Act or these Regulations and Standards, the permit will specify that the permittee will comply with the requirement to register such a plan. The content of the risk management plan will not be incorporated as a permit term. The permit shall require:
- (1) Verification of the plan preparation and submittal to the Department, the State Emergency Response Commission, and any local Emergency Planning Committee; and
 - (2) Annual Certification in accordance with Section 7, paragraph ~~(B)~~ (F)(2)(i)(3) of these Regulations and Standards that the risk management plan is being properly implemented.
- (L) Compliance requirements. All Class I operating permits shall contain the following elements with respect to compliance:
- (1) Consistent with paragraph (D) above, compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document, including reports, required by a Class I permit shall contain a certification by a responsible official that meets the requirements of Section 7, paragraph (H) of the Regulations and Standards.
 - (2) Inspection and entry requirements that require the permittee to allow the Department, EPA or an authorized representative, upon presentation of credentials and other documents, to:
 - (a) Enter upon the permittee's premises at reasonable times where a source subject to a Class I operating permit is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - (c) Inspect at reasonable times any facilities, pollution control equipment, including monitoring and air pollution control equipment, practices, or operations regulated or required under the permit, and
 - (d) Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
 - (3) A schedule of compliance consistent with Section 7, subparagraph (F) (2) (h) of these Regulations and Standards.
 - (4) Progress reports consistent with an applicable schedule of compliance and Section 7, subparagraph (F) (2) (h) of these Regulations and Standards, to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the Director. Such progress reports shall contain the following:
 - (a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and

SECTION 17. CONSTRUCTION PERMITS - WHEN REQUIRED

- (A) No person shall cause the construction, reconstruction, or modification at any of the following without first having obtained a construction permit from the Department in the manner prescribed by these Regulations and Standards:
- (1) Any air contaminant source involving a net increase in potential emissions equal to or exceeding the following levels, except that fugitive emissions of the air contaminant source shall not be considered in determining a net increase in potential emissions for the purposes of this subsection, unless the source belongs to one of the categories in Article 2, Section 2 (B) of these Regulations and Standards:
 - (a) Fifteen (15) tons/year of PM10 emissions.
 - (b) Forty (40) tons/year of SO₂ or SO₃, or any combination of the two.
 - (c) Forty (40) tons/year of oxides of nitrogen (calculated as NO₂)
 - (d) Forty (40) tons/year of volatile organic compounds (VOC).
 - (e) Fifty (50) tons/year of carbon monoxide.
 - (f) Six tenths (0.6) tons/year of lead.
 - (g) Two and one-half (2.5) tons/year of any hazardous air pollutant or an aggregate of ten (10) tons/year of any hazardous air pollutants.
 - (2) Any incinerator used for refuse disposal or for 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 residential premises where the incinerator is located.
- (B) The 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.
- (1) The permitte must comply with all conditions of the construction permit. Any permit noncompliance shall constitute a violation of these Regulations and Standards and the Act, and is grounds for enforcement action or permit revocation.
- (C) The owner or operator of any source required to obtain a construction permit under these Regulations and Standards shall submit an application on forms provided by the Department.
- (D) An application will be deemed complete if it provides all the information required and is sufficient to evaluate the subject source and to determine all applicable requirements. The application shall be certified by a responsible official for the source.
- (E) If the Department determines that the application is not complete 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.
- (F) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or correct information.

- (i) Hydrofluoric, sulfuric, or nitric acid plants;
 - (j) Petroleum refineries;
 - (k) Line plants;
 - (l) Phosphate rock processing plant;
 - (m) Coke oven batteries;
 - (n) Sulfur recovery plants;
 - (o) Carbon black plants (furnace process);
 - (p) Primary lead smelters;
 - (q) Fuel conversion plants;
 - (r) Sintering plants;
 - (s) Secondary metal production plants;
 - (t) Chemical process plants;
 - (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hours heat input;
 - (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (w) Taconite ore processing plants;
 - (x) Glass fiber processing plants;
 - (y) Charcoal production plants;
 - (z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
 - (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 18, Section 23, or Section 27 of these Regulations and Standards.
- (5) 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 shall apply to the source or modification as though construction had not yet commenced on the source or modification.
- (N) Modification of the Construction Permit. The purpose of this section is to provide a means to address unforeseen situations which may develop in the process of constructing or modifying an emission source subject to this chapter.
- (1) Subject to the approval of the Director, the terms of a construction permit may be modified without public review through the substitution of alternative provisions, provided the following conditions are met:
- (a) No emission limit in the original construction permit is exceeded;
 - (b) No applicable requirement included in an operating permit to which the source is subject is violated;
 - (c) No emissions limit, equipment or operational standard applicable to the source will be exceeded;
 - (d) 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

Ref: Title 129, Chapter 17, Nebraska Department of Environmental Quality

SECTION 20.. PARTICULATE EMISSIONS - LIMITATIONS AND STANDARDS

(For exceptions due to breakdowns or scheduled maintenance: See Section 35 of these Regulations and Standards)

- (A) No person shall 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 20-1 during any one hour.
- (B) No person shall 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 the following table:

| Total Heat Input in Million British Thermal Units Per Hour | Maximum Allowable Emissions of Particulate Matter in Pounds per Million British Thermal Units |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 10 or less | 0.60 |
| 10,000 or more | 0.12 |

- (C) The allowable emission rate for equipment having immediate heat input between 10 (10⁶) BTU and 10,000 (10⁶) BTU may be determined by the formula:

$$A = \frac{1.026}{I^{.33}}$$

A = The allowable emission rate in Lb/10⁶ BTU

I = The total heat input in 10⁶ BTU/Hr

- (D) For the purpose of these Regulations and Standards, the heat input shall 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. The total heat input of all fuel burning units at a plant or on a premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.
- (E) No person shall cause or allow emissions from any existing source, which are of an opacity equal to or greater than twenty percent (20%), as evaluated by Method 9 in Appendix A of 40 CFR Part 60, which is incorporated herein, by reference, 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 paragraph (F) of this Section.

SECTION 21. ~~RESERVED~~ COMPLIANCE ASSURANCE MONITORING

The provisions of 40 CFR Part 64, as in effect on July 1, 2000 for purposes of implementing the compliance assurance monitoring program, is hereby adopted and incorporated by reference.

Ref: Title 129, Chapter 31, Nebraska Department of Environmental Quality

SECTION 28. HAZARDOUS AIR POLLUTANTS -- MACT EMISSION STANDARDS.

Notwithstanding any other provisions of these Regulations and Standards, the following "National Emission Standards for Hazardous Air Pollutants" published at 40 CFR ~~parts 9 and Part 63~~ effective July 1, 2000 are hereby adopted and incorporated herein:

- (1) Perchloroethylene Dry Cleaning Facilities - Subpart M, ~~Revised 58 FR 66287, December 20, 1993.~~
- (2) General Provisions - Subpart A, ~~59 FR 12407, March 16, 1994~~
- (3) Hard and Decorative Chromium Electroplating and Anodizing Tanks - Subpart N, ~~60 FR 4948, January 25, 1995.~~
- (4) Ethylene Oxide Commercial Sterilizers and Fumigation Operations - Subpart O, ~~59 FR 62585, December 6, 1994.~~
- (5) Chromium Emissions from Industrial Process Cooling Towers - Subpart Q, ~~59 FR 46339, September 8, 1994.~~
- (6) Gasoline Distribution Facilities - Subpart R, ~~59 FR 64305, December 14, 1994~~
- (7) Halogenated Solvent Cleaning Machines - Subpart T, ~~59 FR 61801, December 2, 1994~~
- (8) Magnetic Tape Manufacturing Operations - Subpart ~~EE - M~~, ~~59 FR 64580, December 15, 1995~~
- (9) Hazardous Organic NESHAPs - Subparts F, G, H, I, ~~59 FR 19402, April 23, 1994.~~
- (10) Aerospace Industry - Subpart GG, ~~60 FR 45948, September 1, 1995.~~
- ~~(11) HON - Part 63, Subparts F, G, H, I, Revised 61 FR 36295, June 20, 1996.~~
- ~~(12)(11)~~ Off-Site Waste Operations - Subpart DD, ~~61 FR 34140, July 1, 1996.~~
- ~~(13)(12)~~ Petroleum Refineries - Subpart CC, ~~60 FR 43244, August 18, 1995.~~
- ~~(14)(13)~~ Printing/Publishers Ind. - Subpart KK, ~~61 FR 27122, May 30, 1996.~~
- ~~(15)(14)~~ Polymer & Resins - Subpart U, ~~61 FR 46906, September 5, 1996.~~
- ~~(16)(15)~~ Polymer & Resins - Subpart W, ~~March 8, 1995.~~
- ~~(17)(16)~~ Polymer & Resins - Subpart JJJ, ~~61 FR 48208, September 12, 1996.~~
- ~~(18)(17)~~ Secondary Lead Smelters - Subpart X, ~~60 FR 32587, June 25, 1995.~~
- ~~(19)(18)~~ Wood Furniture Manuf. - Subpart JJ, ~~60 FR 62950, December 7, 1995.~~
- ~~(20) Off-Site Waste and Recovery Operations, Subpart DD~~
- ~~(21)(19)~~ Tanks-Level 1, Subpart OO
- ~~(22)(20)~~ Containers, Subpart PP
- ~~(23)(21)~~ Surface Impoundments, Subpart QQ
- ~~(24)(22)~~ Individual Drain Systems, Subpart RR
- ~~(25)(23)~~ Oil-Water Separators and Organic-Water Separators, Subpart VV
- ~~(26)(24)~~ Polyethylene Terephthalate and Styrene Polymer Production, Subpart JJJ
- (25) Pulp and Paper Manufacturing - Subpart S
- (26) Phosphoric Acid Manufacturing Plants - Subpart AA
- (27) Phosphate Fertilizers Production Plants - Subpart BB
- (28) Petroleum Refineries - Subpart CC
- (29) Oil and Gas Production Facilities - Subpart HH
- (30) Primary Aluminum Reduction Plants - Subpart LL
- (31) Closed Vent Systems/Control Devices - Subpart SS
- (32) Equipment Leaks Control Level 1 - Subpart TT
- (33) Equipment Leaks Control Level 2 - Subpart UU
- (34) Storage Tanks Control Level 2 - Subpart WW
- (35) Generic MACT Standards - subpart YY
- (36) Steel Pickling Plants (HCl Process and Hydrochloric Acid Regeneration Processes) - Subpart CCC
- (37) Mineral Wool Production - Subpart DDD
- (38) Pharmaceutical Production - Subpart GGG
- (39) Natural Gas Transmission and Storage Facilities - Subpart HHH
- (40) Flexible Polyurethane Foam Production - Subpart III
- (41) Portland Cement Manufacturing - Subpart LLL
- (42) Pesticide Active Ingredient Production - Subpart MMM
- (43) Wool Fiberglass Manufacturing - Subpart NNN

- (44) Polyether Polyols Production - Subpart PPP
- (45) Primary Lead Smelting - Subpart TTT
- (46) (Ferromanganese and Silicomanganese Production - Subpart XXX
- (47) Hazardous Waste Combustors - Subpart EEE
- (48) Manufacture of Amino/Phenolic Resins - Subpart OOO

- (E) A continuous monitoring system for the measurement of opacity shall 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 found to be in violation of Section 20 of these Regulations and Standards. Installation, calibration, operation and reporting shall be in accordance with the procedures specified in 40 CFR Part 60.
- (F) 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 stationary monitoring equipment as is required 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.
- (G) When a new or modified stationary source becomes operational, the owner or operator will submit a written report of performance tests if required to the Director within 60 days after reaching maximum capacity but not later than 180 days after the startup 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 Article 2, Section 5 of these Regulations and Standards.
- (H) Notwithstanding any other provisions of these Regulations and Standards, the following methods may be used to determine compliance with applicable requirements:
- (1) A monitoring method approved for the source and incorporated in an operating permit pursuant to Section 8;
 - (2) Any compliance test method specified in the State Implementation Plan;
 - (3) Any test or monitoring method approved for the source in a permit issued pursuant to Section 17, Section 19 or Section 27;
 - (4) Any test or monitoring method provided for in these Regulations and Standards; or
 - (5) Any other test, monitoring, or information gathering method that produces information comparable to that produced by any method described in items (1) through (4) of this subsection.

Ref: Title 129, Ch. 34, Nebraska Department of Environmental Quality