

"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.

"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.

"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.

"AP-42" refers to the Compilation of Air Pollutant Emission Factors, published by the EPA Office of Air Quality Planning and Standards.

"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~~ by the City of Lincoln and/or the Lancaster County Board of Commissioners through rulemaking at the time of issuance ~~by~~ but 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 Sections 23, 27 and 28 of these Regulations and Standards relating to hazardous air pollutants listed in ~~a~~ 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;

“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 these Regulations and Standards and meets the definition of Title V permit for purposes of the Clean Air Act.

“Class I source” means any source subject to the Class I permitting requirements of Section 5 of these Regulations and Standards.

“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 these Regulations and Standards.

“Class II Source” means any source subject to the Class II permitting requirements of Section 5 of these Regulations and Standards.

“Commence” as applied to construction, reconstruction, or modification of a ~~dispersion tech~~ stationary source means that the owner or operator has all necessary pre-construction approvals and either has:

- (1) Begun, or caused to begin, a continuous program of physical on-site construction of the source to be completed within a reasonable time;
- (2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

“Complaint” means any charge, a however informal, to or by the Department that any person or agency, private or public, is polluting the air or is violating the provisions of these Regulations and Standards.

“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.

“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.

“Control and controlling” means prohibition of contaminants as related to air pollution.

“Control E equipment” means any equipment that functions to prevent the formation of or the emission to the atmosphere of air contaminants from any fuel burning equipment, incinerator, or process equipment.

“Control strategy” means a plan to attain National Ambient Air Quality Standards or to prevent exceeding those standards.

“Department” means the Lincoln-Lancaster County Health Department

- (4) Episodic restrictions on residential wood burning and open burning;
- (5) Techniques such as manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack, or other selective handling of exhaust gas streams, which increase final exhaust gas plume rise where the resulting ~~A~~ allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

“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, ~~A~~ affected ~~S~~ state review.

“Emergency Generator” means a generator whose sole function is to provide backup power when electric power from the local utility is interrupted.

“Emission data” means chemical analysis of process fuel and the manufacturing or production process, as well as operational procedure and actual nature and amounts of emissions.

“Emission limitation” and “Emission standard” mean a requirement established by a State, local government, 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.

“Emission allowable under the permit” means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement or applicable requirement under the Act that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid any of the same to which the source would otherwise be subject.

“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 II. subject to regulation under the Act. This term is not meant to alter or affect the definition of the “unit” for purposes of Title IV of the Act.

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

“Excessive concentrations” for the purpose of determining “good engineering practice stack height” defined elsewhere in this section, means:

- (1) For sources seeking credit for stack height exceeding that established in paragraphs (1) and (2) of the definition of “good engineering practice (GEP) stack height”, a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program (40 CFR 51.166 and 52.21), an excessive concentration alternatively means a maximum

“Fuel burning equipment” means any furnace, boiler, apparatus, stack and all ~~appurtenances thereto~~, associated equipment used in the process of burning fuel.

“Fugitive dust” means solid airborne particulate matter emitted from any source other than a flue or stack.

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

“Garbage” means all animal, fruit, or vegetable waste residue which is produced by preparation, dressing, use, cooking, dealing in, or storage of meats, fish, fowl, fruits, vegetables, cereals, grains for human consumption, and coffee or tea grounds.

“General permit” means Class I or Class II operating permit that meets the requirements of Section 9 of these Regulations and Standards.

“Good Engineering Practice (GEP) Stack Height” means the greater of:

- (1) Sixty-five (65) meters;
- (2) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required, $H_g = 2.5H$, provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limit, where:
 H_g = good engineering practice stack height measured from the ground level elevation at the base of the stack; and,
 H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack.
- (3) For all other stacks, $H_g = H + 1.5L$, where:
 H_g = good engineering practice stack height measured from the ground level elevation at the base of the stack; and,
 H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack; and,
 L = lesser dimension (height of projected width) of nearby structure(s).
Provided that the Director may require the use of a field study of fluid model to verify GEP stack height for the source; or
- (4) The height demonstrated by fluid model or a field study approved by the Director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

“Hazardous air pollutant” means any air pollutant:

- (1) † Listed in Appendix II, or
- (2) † To which no ambient air quality standard is applicable and which in the judgement of the Director may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

“Hospital waste” means discards generated at a hospital, except unused item returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment, or cremation.

~~“Implementation plan” means an implementation plan adopted by the Nebraska Department of Environmental Quality pursuant to Section 110 of the Act, to attain and maintain a national standard.~~

“Incinerator” means any article, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. Coatings bake off ovens (burn-off furnaces) that use pyrolysis to remove coating material from parts hangers and/or other devices with similar function shall not be considered incinerators. These units shall be treated as process equipment.

“Insignificant activities” refers to activities and emissions that may be excluded from reporting for operating permit applications and/or emissions inventories.

“Installation” means an identifiable piece of process equipment.

“LLCAPCPRS” means the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. This may also be referred to as the Regulations and Standards.

“LLCHD” mean the Lincoln-Lancaster County Health Department.

“Lowest Achievable Emission Rate (LAER)” means, for any source, the more stringent emission rate from either:

- (1) the most stringent emission limitation contained in the implementation plan of any state for such class or category of sources (as adopted by the Lancaster County Board of Commissioners) unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or
- (2) the most stringent emission limitation which is achieved in practice by such class or category or source and adopted by the Council. These limitations, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

“Major modification” means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act.

- (1) Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.
- (2) a physical change or change in the method of operation shall not include:
 - (a) Routine maintenance, repair and replacement;
 - (b) Use of an alternative fuel or raw material by reason of an order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Energy Regulatory Act;
 - (c) Use of an alternative fuel by reason of an order or rule under Section 125 of the Act;
 - (d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (e) Use of an alternative fuel or raw material by a stationary source which:
 - (1) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR p Part 51, Subpart I or 40 CFR 51.166; or
 - (2) The source is approved to use under any permit issued under regulations approved pursuant to 40 CFR 51.165.

- (f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or regulations approved pursuant to 40 CFR Part 51, Subpart I; or
- (g) Any change in ownership at a stationary source.

“Major stationary source or major source” means any source identified in Section 2 of these Regulations and Standards.

“Maximum achievable control technology (MACT)” means 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. 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.

“Method 9” refers to a visual determination of the opacity of emissions from a stationary source as defined in 40 CFR 60, Appendix A-4.

“Minor source” means any source which is not defined as a major source in Section 2 of these Regulations and Standards.

“Modification” means any physical change in, or change in method of operation of, an ~~A~~ affected facility which increases the amount of any air pollutant, except that;

- (1) Routine maintenance, repair, and replacement (except as defined as reconstruction) shall not be considered physical changes; and
- (2) an increase in the production rate or hours of operation shall not be considered a change in the method of operation unless such change would violate a permit condition.

“National standard” means either a primary or a secondary standard established pursuant to the Act.

“Nearby” means, as pertains to Good Engineering Practice Stack Height;

- (1) That distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one-half mile), and
- (2) For conducting demonstrations under paragraph (4) of the definition for “Good Engineering Practice (GEP) Stack Height”, that distance not greater than 0.8 km (½ mile), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height (HT) of the feature, not to exceed 2 miles if such feature achieves a height (HT) 0.8 km from the stack that is at least 40 percent of the GEP stack height determined by the formula provided in paragraph (3) of the definition for “Good Engineering Practice (GEP) Stack Height” or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

“Necessary pre-construction approvals or permits” means those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State Implementation Plan.

“Net emissions increase” means the amount by which the sum of the following exceeds zero:

- (1) Any increase in ~~A~~ actual emissions from a particular physical change or change in the method of operation at a stationary source; and

- (2) Any other increases and decreases in ~~A~~ actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. An increase or decrease in ~~A~~ actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs. An increase or decrease in ~~A~~ actual emissions is creditable only if:
 - (a) It occurs within a reasonable period, not to exceed one year, to be specified by the Director; and
 - (b) The Director has not relied on it in issuing a permit for the source under regulations approved pursuant to 40 CFR 51.165, which permit is in effect when the increase in ~~A~~ actual emissions from the particular change occurs.
- (3) An increase in ~~A~~ actual emissions is creditable only to the extent that the new level of ~~A~~ actual emissions exceeds the old level.
- (4) A decrease in ~~A~~ actual emissions is creditable only to the extent that:
 - (a) The old level of ~~A~~ actual emissions or the old level of ~~A~~ allowable emissions, whichever is lower, exceeds the new level of actual emissions;
 - (b) It is federally enforceable at and after the time that actual construction on the particular change begins;
 - (c) 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
 - (d) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (5) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

“Netting” means, for purposes of Article 2, Section 17(A)(3), the method used to calculate the difference between the potential emissions (potential to emit) associated with a replacement emission unit and the actual emissions (the average of these emissions over the most recent 24 month period) associated with the emission unit being replaced and, if applicable, any concurrent actual emissions increases and decreases associated with other equipment at the source.

“New Source” means any stationary source, the construction, modification, or reconstruction of which is commenced after the publication of regulations by the Lincoln-Lancaster County Health Department or the United States Environmental Protection Agency prescribing a standard of performance which will be applicable to such source.

“Non-attainment area” means any area designated by the Department or the U.S. Environmental Protection Agency pursuant to Section 107 (d) of the Act as an area exceeding any National Ambient Air Quality Standard.

“Non-emergency generator” means, for purposes of Article 2, Section 17(P), a generator that may be used to produce electricity during periods when electric power from the local utility is available.

“Odor” means that property of an air contaminant detectable by the Department, beyond the boundary line of the property on which the source is located.

“Opacity” means a state which renders material partially or wholly impervious to rays of visible light and causes obstruction of an observer’s view.

“Open burning” 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.

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

“PM₁₀” means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J at 40 CFR Part 50 or equivalent methods.

“Particulate matter” means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

“Particulate matter emissions” means all finely divided solid or liquid material, other than un-combined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method, specified by the U.S. Environmental Protection Agency, or by a test method specified in an approved State Implementation Plan.

“PM₁₀ emissions” means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified by the U.S. Environmental Protection Agency or by a test method specified in an approved State Implementation Plan.

“Permit modification” means a revision to a Class I or Class II operating permit that meets the requirements of Section 15 of these Regulations and Standards.

“Permit revision” means any Class I or Class II operating permit modification or administrative permit amendment.

“Person” means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof or any legal successor, representative, agent, or agency of the foregoing.

“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.

~~“Implementation plan”~~ “Plan” means an implementation plan adopted by the Nebraska Department of Environmental Quality pursuant to Section 110 of the Act, to attain and maintain a national standard.

“Potential to emit” means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source. This term does not alter or affect the use of this term for any other purposes under the Act, or the term “capacity factor” as used in Section 2 of these Regulations and Standards.

“Primary standard” means a national primary ambient air quality standard identified in Section 4 of these Regulation and Standards.

“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.

“Process equipment” means any equipment, device, or contrivance for changing any materials whatsoever or for storage or handling of any materials, the use or existence of which may cause any discharge of air contaminants.

“Process weight” means the total weight of all materials introduced into any source operation. Solid fuels charged with be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

“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 shall apply.

“Proposed Class I operating permit” means the version of a permit that the Department proposes to issue and forwards to the Administrator for review.

“Pyrolysis” means the endothermic (absorption of heat) gasification of waste material using external energy.

“Reasonable further progress” means such annual incremental reductions in emissions of the relevant air pollutant as are required by Part D of the Act or may reasonable be required by the Director for the purpose of ensuring attainment of the applicable ambient air quality standard by the applicable date.

“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 shall 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) shall be taken into account in assessing whether a standard of performance under 40 CFR Part 60 is applicable to such source.

“Refuse” means and includes garbage, rubbish, ashes, street refuse, dead animals, vehicles and parts thereof, industrial wastes, construction wastes, sewage treatment residue, leaves, and grass, and any other waste matter or material which accumulates in the conduct of a household, business establishment, shop, or factory of any kind of nature, and any other combustible waste material containing carbon in a free or combined state.

- (2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- (3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a ~~F~~ federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
- (4) For affected sources:
 - (a) The designated representative in so far as actions, standards, requirements, or prohibitions under Section 2 of these Regulations and Standards are concerned; and
 - (b) The designated representative for any other purposes under title V of the Act.

“Rule, regulation or standard” means any rule or regulation of the City of Lincoln or the Lancaster County Board of Commissioners.

“Salvage ~~Θ~~ operation” means any operations conducted in whole or in part for the salvaging or reclaiming of any product or material.

“Secondary emissions” means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

- (1) Emissions from ships or trains coming to or from the new or modified stationary source; and
- (2) Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

“Secondary standard” means a national secondary ambient air quality standard identified in Section 4 of these Regulations and Standards.

“Section 502(b)(10) changes” means changes that contravene an expressed permit term. Such changes do not include changes that would violate applicable requirements or applicable requirements under the ~~α~~ Act, or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting or compliance certification requirements.

“Significant” means, as pertains to a modification in a non-attainment area, a net increase in ~~Δ~~ Actual emissions by a rate that would equal or exceed the following:

Pollutant and Emission Rate
Carbon monoxide: 100 tons per year (tpy)
Nitrogen oxides: 40 tpy
Sulfur dioxide: 40 tpy
Particulate matter: 25 tpy
PM₁₀: 15 tpy
Ozone: 40 tpy of volatile organic compounds
Lead: 0.6 tpy
Fluorides: 3 tpy
Sulfuric acid mist: 7 tpy

Hydrogen sulfide (H₂S): 10 tpy
Total reduced sulfur (including H₂S): 10 tpy
Reduced sulfur compounds (including H₂S): 10 tpy
Municipal waste combustor organics
(Measured at total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzo furans): 3.2X10⁻⁶ megagrams per year (3.5 x 10⁻⁶ tons per year)
Municipal waste combustor metals
(Measured as particulate matter): 14 megagrams per year (15 tons per year)
Municipal waste combustor acid gases
(Measured as sulfur dioxide and hydrogen chloride): 35 megagrams per year (40 tons per year)
Municipal solid waste landfill emissions
(measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year)

“Source” means any factory, grain elevator, machine, industrial plant, real or personal property, or person contributing to air pollution.

“Stack” means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

“Stack height” means the distance from the ground level elevation of a stack to the elevation of the stack outlet.

“Stack in existence” means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

“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 (taking into account the cost of achieving such reduction) the Director determines has been adequately demonstrated.

“Startup of operation” means the beginning of routine operation of an affected facility.

“State” means ~~the State of Nebraska~~ any non-Federal permitting authority, including any local agency, interstate association, or statewide program.

“Stationary source” means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation by this Ordinance or these Regulations and Standards.

“Title V Program” means a program approved by the Administrator for purposes of Title V of the Act.

ARTICLE 2
SECTION 1

DEFINITIONS

“Type 4 Waste” (pathological) means ~~human and animal remains consisting of carcasses, organs, and solid tissue waste from medical and other facilities with a heat value of 1000 BTU/pound;~~ waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding, if applicable.

“Type 5 Waste” (hospital/medical/infectious) means ~~medical facilities waste including sharps, pathological, surgical, and associated infectious waste materials with a heat value of 8,500 BTU/pound;~~ hospital waste as defined in this section and any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that are listed as follows:

- (1) Cultures and stocks of infectious agents and associated biologicals;
- (2) Human pathological waste;
- (3) Human blood and blood products;
- (4) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories;
- (5) Animal waste;
- (6) Isolation wastes; and
- (7) Unused sharps.

Examples of the 7 waste types previously listed are included in the definition of medical/infectious waste at 40 CFR Part 60 Subpart E Section 60.51c.

Type 5 waste does not include hazardous waste identified or listed under the regulation in Part 261 of Title 40 Chapter I of the CFR; household waste as defined in Section 261.4(b)(1) of Chapter I; ash from incineration of Type 5 waste once the incineration process has been complete, human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage material identified in Section 261.4(a)(1) of Chapter I.

“Volatile organic compound (VOC)” means any compound or carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

Acetone;
1-chloro-1,1-difluoroethane (HCFC-142b)
Chlorodifluoromethane (HCFC-22)
1-chloro-1-fluoroethane (HCFC-151a)
Chlorofluoromethane (HCFC-31)
Chloropentafluoroethane (CFC-115)
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
Dichlorodifluoromethane (CFC-12)
1,1-dichloro-1-fluoroethane (HCFC-141b)
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
1,1-difluoroethane (HFC-152a)
Difluoromethane (HFC-32)
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3,-heptafluoropropane [(CF₃)₂CF₂OCH₃]
Ethane
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3,-heptafluoropropane [(CF₃)₂CF₂OC₂H₅]
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅)
Ethylfluoride (HFC-161)
1,1,1,2,3,3-hexafluoropropane (HFC-236ea)

1,1,1,3,3,3-hexafluoropropane (HFC-236fa)

Methane;

Methyl acetate

Methylene chloride (dichloromethane)

1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄FH₉OCH₃)

Parachlorobenzotrifluoride (PCBTF)

1,1,1,3,3-pentafluorobutane (HFC 365mfc)

Pentafluoroethane (HCFC-125)

1,1,1,2,3,-pentafluoropropane (HFC-245eb)

1,1,2,2,3-pentafluoropropane (HFC-245ca)

1,1,2,3,3-pentafluoropropane (HFC-245ea)

1,1,1,3,3-pentafluoropropane (HFC-245fa)

Tetrachloroethylene (PERC)

1,1,1,2-tetrafluoroethane (HFC-134a);

1,1,2,2-tetrafluoroethane (HFC-134);

1,1,1-trichloroethane (methyl chloroform);

Trichlorofluoromethane (CFC-113);

1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)

1,1,1-trifluoro 2,2-dichloroethane (HCFC-123)

1,1,1-trifluoroethane (HFC-143a);

Trifluoromethane (HFC-23);

Volatile methyl siloxanes (VMS) and

Perfluorocarbon compounds which fall into the following classes:

- (a) Cyclic, branched, or linear, completely fluorinated alkanes;
- (b) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (c) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (d) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

~~Methylated siloxanes (cyclic, branched, or linear completely); and~~

Ref: Title 129, Chapter 1, Nebraska Department of Environmental Quality

SECTION 2. MAJOR SOURCES -- DEFINED.

(A) Hazardous Air Pollutants--A major source of hazardous air pollutants is defined as:

- (1) For pollutants other than radionuclides, any stationary source or any group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant listed in Appendix II, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall 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; or . All fugitive emissions must considered in determining whether a stationary source is a major source.
- (2) For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.

(B) 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). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of this subsection, unless the source belongs to one of the following categories of stationary source:

- (1) Coal cleaning plants (with thermal dryers);
- (2) Kraft pulp mills;
- (3) Portland cement plants;
- (4) Primary zinc smelters;
- (5) Iron and steel mills;
- (6) Primary aluminum ore reduction plants;
- (7) Primary copper smelters;
- (8) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (9) Hydrofluoric, sulfuric, or nitric acid plants;
- (10) Petroleum refineries;
- (11) Lime plants;
- (12) Phosphate rock processing plants;
- (13) Coke oven batteries;
- (14) Sulfur recovery plants;
- (15) Carbon black plants (furnace process);
- (16) Primary lead smelters;
- (17) Fuel conversion plants;
- (18) Sintering plants;
- (19) Secondary metal production plants;
- (20) Chemical process plants;
- (21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal units per hour heat input;
- (22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;
- (26) Fossil-fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input; or
- (27) All other stationary source categories regulated by a standard promulgated under Section 18, Section 23, Section 27, or Section 28 of these Regulations and Standards, ~~but only with respect to those air pollutants that have been regulated for that category.~~ regardless of the date of promulgation of the standard.
- (28) Concrete batch plants;
- (29) Grain handling facilities that are not regulated by a standard under Section 18;
- (30) Roofing granule production plants

Unless expressly prohibited by other applicable requirements of these Regulations and Standards or the Act, fugitive emissions associated with a major or minor source, including those associated with mobile sources (excluding evaporative emissions), may be considered in making permit applicability determinations.

- (C) A major stationary source of air pollutants is defined as one which emits, or has the potential to emit 5 tons per year or more of lead.
- (D) Any physical change that would occur at a stationary source not otherwise qualifying as a major stationary source, shall be considered a major stationary source, if the change by itself would constitute a major stationary source.
- (E) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.
- (F) A major stationary source for purposes of Section 17, paragraph (M) of these Regulations and Standards includes:
 - (1) For ozone non-attainment areas, sources 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 shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f)(1) or (2) of the Clean Air Act, that requirements under Section 182(f) of the Act do not apply;
 - (2) For ozone transport regions established pursuant to Section 184 (control of ozone or interstate ozone pollution) of the Act, sources with the potential to emit 50 tpy or more of volatile organic compounds;
 - (3) For carbon monoxide non-attainment areas:
 - (a) That are classified as “serious,” and
 - (b) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide; and
 - (4) For particulate matter (PM₁₀) non-attainment areas classified as “serious,” sources with the potential to emit 70 tpy or more of PM₁₀.
- (G) Major source, for purposes of Class I operating permits, means any stationary source (or group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons) under common control)) belonging to a single major industrial grouping and that are described in paragraph (A), (B), (C), (D), (E), or (F) of this definition. For the purposes of defining “major source,” a stationary source or group of stationary sources shall

SECTION 4. AMBIENT AIR QUALITY STANDARDS

The ambient air quality standards for Lancaster County, Nebraska are:

- (A) PM_{10} .
Primary and secondary standards.
(a) 50 micrograms per cubic meter annual arithmetic mean.
(b) 150 micrograms per cubic meter 24 hour average with not more than one exceedance per year.
(Attainment of these standards are determined in accordance with Appendix K of 40 CFR Part 50 which is adopted and incorporated herein).
- (1) $PM_{2.5}$
Primary and secondary standards
15.0 micrograms per cubic meter annual arithmetic mean
65 micrograms
24 hours average
(Attainment of these standards are determined in accordance with Appendix N of 40 CFR Part 50 which is adopted and incorporated herein.)
- (B) Sulfur dioxide
(1) Primary standards:
(a) 80 micrograms per cubic meter (0.03 ppm) annual arithmetic mean.
(b) 365 micrograms per cubic meter (0.14 ppm) maximum 24 hour concentration not to be exceeded more than once a year.
(2) Secondary standard:
(a) 1300 micrograms per cubic meter (0.5 ppm) as a 3-hour concentration not to be exceeded more than once a year.
- (C) Nitrogen dioxide
Primary and secondary standards:
100 micrograms per cubic meter (0.05 ppm) annual arithmetic mean.
- (D) Carbon monoxide
Primary and secondary standards:
(a) 10 milligrams per cubic meter (9 ppm) as a maximum 8-hour concentration not to be exceeded more than once a year.
(b) 40 milligrams per cubic meter (35 ppm) as a maximum 1-hour concentration not to be exceeded more than once a year.
- (E) Ozone
Primary and secondary standard:
235 micrograms per cubic meter (.12 ppm) as a maximum 1-hour concentration not to be exceeded more than one day a year. (Attainment of this standard is determined; in accordance with Appendix H of 40 CFR Part 50; which is adopted and incorporated herein).
- (F) Lead
Primary and secondary standard:
1.5 micrograms per cubic meter calendar quarter arithmetic mean.

Ref: Title 129, Chapter 4, Nebraska Department of Environmental Quality

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 major source 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 or required to do so by any other applicable requirement under these Regulations and Standards or the Act.
 - (2) Unless a Class I permit is required, Class II minor source 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 more of Oxides of Nitrogen (calculated as NO₂).
 - (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) In accordance with 40 CFR Part 70, Section 70.3(b)(1) and (2) as related to Section 70.3(a)(2) ~~All~~ sources listed in paragraph (A) above that are not major sources, or affected sources, ~~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 another applicable

~~requirement of these Regulations and Standards or under the Act. Any such exempt source may opt to apply for a permit under these regulations and shall be issued a permit if the applicant otherwise satisfies all of the requirements of these regulations.~~

- (2) The following sources are exempt from applying for and having a Class I or II operating permit:
- (a) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and
 - (b) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, paragraph 61.145, Standard for Demolition and Renovation.
 - (c) All sources and source categories subject only to regulations or requirements under Section 112(r) of the Act.
 - (d) All sources and source categories that would be required to obtain a permit solely because of the presence of an emergency generator whose sole function is to provide back-up power when electrical power from the local utility is interrupted. This exemption is unavailable to peaking units at electric utilities and any other generator which is used during time periods when power is available from the utility. ~~Exempted units must submit an annual report of hours of operation to the Department.~~
- (C) Emissions Units Covered.
- (1) Sources required to obtain an operating permit under these Regulations and Standards shall identify all relevant emission units in the permit application all relevant emission units except unless the emissions that are unit is specifically exempted pursuant to Section 7(F)(3) and (4). Emissions that have been exempted from reporting requirements because the emissions unit is an insignificant activity must still be included in the determination of whether a source must obtain a Class I or Class II operating permit.
 - (2) A source required to obtain an operating permit under these Regulations and Standards may comply through one of the following methods:
 - (a) The source may obtain a single permit for all relevant emission points located within a contiguous area under common control, whether or not falling under the same two-digit SIC code; or
 - (b) The source may request and obtain coverage for one or more emission points eligible for coverage under a general permit issued by the Department and obtain a separate permit for emission points not eligible for such coverage.
- (D) Fugitive Emissions. Fugitive emission from a source shall be included in the permit application and covered in the operating permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

SECTION 6. EMISSIONS REPORTING - WHEN REQUIRED

- (A) Every source subject to a permit requirement under Section 5 or Section 17 of these Regulations and Standards shall complete and submit to the Department an annual emissions inventory on forms furnished by or acceptable to the Department by March 31, and shall 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 form shall be certified in accordance with Section 7, paragraph (h) of these Regulations and Standards.
- (B) The annual emissions inventory form shall include the following information:
- (1) The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
 - (2) 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 such other information as is relevant to air pollution control and available or capable of being assembled in the normal course of operation; and, if required by the Director, ambient air quality and meteorological data.
 - (3) The actual quantity of emissions, including documentation of the method of measurement, calculation or estimation, of:
 - (a) Any single regulated non-hazardous air pollutants in a quantity greater than one ton.
 - (b) ~~Any combination of regulated air pollutants in a quantity greater than 2.5 tons.~~ Any single regulated hazardous air pollutant in a quantity greater than the reporting level listed in Appendix III.
 - (c) Any combination of regulated non-hazardous air pollutants or any combination of regulated hazardous air pollutants in a quantity greater than 2.5 tons in each case.
- (C) Actual emissions as defined in Section 1 of these Regulations and Standards shall be calculated using one of the following methods, as appropriate:
- (1) Any test method or procedure identified in Section 34 of these Regulations and Standards;
 - (2) Continuous emission monitor (CEM) data, provided that:
 - (a) The CEM operation is, and has been for the reporting period, in compliance with all applicable requirements under the Act;
 - (b) The total operating time of the applicable emission unit and the CEM are included in the inventory report; and
 - (c) The report includes an explanation of how the emissions were calculated using CEM data.

SECTION 7. OPERATING PERMITS -- APPLICATION

- (A) Duty to Apply. The owner or operator of any source required to obtain a Class I or Class II operating permit shall submit a timely and complete application in accordance with this § Section.
- (B) Timely Application
- (1) Sources that are required to obtain a Class I operating permit shall file applications in accordance with the following schedule:
 - (a) For the purpose of early submission of applications and processing of permits, the Department shall create and maintain an early permit application registry. The registry will be open for the first three months after the effective date of these Regulations and Standard. Sources may request to be placed on the registry on a first come, first served basis as of the date the request is received by the Department. If necessary, the Department will complete the registry with additional sources. These additional sources will be notified of their placement on the registry. Sources on this registry shall file a complete application with the Department, but no later than September 30, 1995.
 - (b) All other existing sources not on the registry shall file an application by November 17, 1996.
 - (2) A source that becomes subject to the Class I operating permit program at any time following the effective date of these regulations shall file an application within 12 months of the date on which the source first becomes operational or otherwise subject to the Title V program.
 - (3) A source that is required to meet the requirements under Sections 27 or 28 of these Regulations and Standards (~~MACT~~), or to have a permit under a pre-construction review program under Section 17 or Section 19 of these Regulations and Standards, shall file a complete application for a Class I or Class II operating permit, if so required, within 12 months after the source begins operation. Where an existing ~~Class I~~ operating permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operating.
 - (4) Sources that are required to obtain a Class II operating permit shall file applications within twelve months of the effective date of adoption of these Regulations and Standards, or within twelve months of the date on which the source first become operational or otherwise subject to the requirement to obtain a permit.
 - (5) A source issued an operating permit before November 1, 1993, may continue to operate as provided in the existing permit provided that the source has submitted a timely and complete application, until either of the following occurs:
 - (a) The operating permit is terminated.
 - (b) The Director issues or denies a Class I or Class II permit to the source.

- (6) For purposes of permit renewal, a timely application is one that is submitted at least 6 months prior to the date of permit expiration or such longer time as may be approved by the Director after notice to the permittee that ensures that the permit will not expire before the permit is renewed. In no event shall this time be greater than 18 months.
 - (7) Applications for initial phase II acid rain permits shall be submitted:
 - (a) by January 1, 1996, for sulfur dioxide, and
 - (b) by January 1, 1998, for oxides of nitrogen.
- (C) Complete Application for Class I and Class II permits.
- (1) An application will be deemed complete if it provides all the information required and is sufficient to evaluate the subject source and its application and to determine all applicable requirements. For purposes of this section only, applicable requirements include applicable requirements under the Act. The application shall be certified by a responsible official for the source.
 - (2) The Department shall determine that an application is complete within 60 days after receipt of the application. 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. 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.
 - (3) If the Department does not determine that the application is not complete, the application is automatically deemed to be complete 60 days after it was received by the Department. Nothing in this section shall prohibit the Department from requesting additional information that is necessary to evaluate or take final action on the application or release the applicant from providing such information.
 - (4) A source which has submitted a timely and complete application may continue to operate without a permit from the date the application is determined to be complete until the final action on the application is taken, provided that the applicant submits any requested additional information by the deadline established by the Department.
- (D) Confidential Information for Class I and Class II permits. --A source which has submitted information to the Department under a claim of confidentiality, may be required by the Department to submit a copy of such information to the EPA. Confidential information must be submitted separately. The permit application, compliance plan, schedule of compliance, monitoring reports, certification, and issued permits shall be available to the public. Emissions data shall not be entitled to confidential protection.

- (6) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the Class I source.
- (7) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to Section 16 of these Regulations and Standards.
- (8) Calculations on which the information in the above paragraphs is based.
- (9) The applicant shall indicate any emission points at the facility for which the applicant intends to request coverage under a general permit.
- (d) The following air pollution control requirements:
 - (1) Citation and description of all applicable requirements, and
 - (2) Description of or reference to any applicable test method for determining compliance with each applicable requirement.
- (e) Other specific information that may be necessary to implement and enforce other applicable requirements of the Act or these Regulations and Standards or to determine the applicability of such requirements.
- (f) An explanation of any proposed exemptions from otherwise applicable requirements.
- (g) Additional information as determined to be necessary by the permitting authority to define alternate operating scenarios identified by the source of to define permit terms and conditions related to modifications which do not require a permit revision.
- (h) A compliance plan for all Class I source that contains all the following:
 - (1) A description of the compliance status of the source with respect to all applicable requirements.
 - (2) A description as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
 - (c) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
 - (3) A compliance schedule as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

- (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.
- (i) 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 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:

- (a) Support activities (e.g., janitorial, cafeteria or laundry) may be listed as insignificant if they are not themselves marketed or traded, and do not use equipment or material of a size or nature that are themselves subject to an applicable requirement under the Act or these Regulations and Standards;
 - (b) Activities or emissions units which can be determined to result in air contaminant emissions less than those specified in Section 5 (A) (2) based on size, capacity or an expectation of incidental usage (e.g., back-up generators) may be determined to be insignificant. The Director may consider standard industrial practices and the results of rulemaking efforts under the Act in establishing such thresholds;
 - (c) Laboratory and research and development (R & D) activities may be listed as insignificant activities only if conducted in the nonprocess areas of the facility. If the principal activity of a site is laboratory services or R & D activities for other locations or under contract, such activities cannot be insignificant;
 - (d) 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.
- (4) The list of insignificant activities shall describe classes of activities that may be excluded from the permit application or only listed with a limited amount of support data. The list must specify the following:
- (a) The applicant must provide all such information necessary to determine if a specific activity, piece of equipment or group of items is subject to an applicable requirement under the Act of 1 these Regulations and Standards, if requested; and
 - (b) The inclusion of an activity, emission unit or specific use of storage of a regulated pollutant on the list does not absolve an applicant from any applicable requirements under the Act or these Regulations and Standards to which such activity or emission unit is otherwise subject.
- (G) Class II permits - Standard Application Form and Required Information.
- (1) Identifying information, including company name and address, and plant name and address, if different, owner's name and address, and telephone number, and names of plant site manager or contact;
 - (2) A description of the source's processes and products, including Standard Industrial Codes;
 - (3) Emissions-related information, including:
 - (a) Emissions of regulated pollutants emitted from any emission unit,
 - (b) Identification and description of all emission units,
 - (c) Emissions rate, both in actual and potential, in tpy,
 - (d) The following information if needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules,
 - (e) Identification and description of air pollution control equipment and compliance monitoring devices or activities,

SECTION 8. OPERATING PERMIT -- CONTENT

- (A) Each Class I Operating Permit shall include the standard permit requirements in paragraphs (B) through (K) of this Section.
- (B) Emission limitations and standards. Each permit shall specify emission limitations and standards, including those operational requirements and limitations that assure compliance with all requirements applicable at the time of permit issuance.
- (1) The permit shall specify and reference the origin of, and authority for, each term or condition. In addition, it shall identify any difference to the terms or conditions as compared to the applicable requirement upon which the term or condition is based.
 - (2) Where an applicable requirement is more stringent than an applicable requirement specified in Section 26 of these Regulations and Standards, both provisions shall be incorporated into the permit.
 - (3) If an applicable implementation plan or an applicable requirement allows a source to comply through an alternative emission limit or means of compliance equivalent to that contained in the plan, a source may request that such an alternative limit or means of compliance be specified in its permit. Such an alternative emission limit or means of compliance shall be included in a source's permit upon a showing that it is quantifiable, accountable, enforceable, and based on replicated procedures. The source shall propose permit terms and conditions to satisfy these requirements in its application.
- (C) Permit duration
- (1) Class I and Class II operating permits shall be issued for a fixed term not to exceed 5 years, ~~except as provided below:~~ ;
 - (2) ~~The Director may issue any Class I permit, except as limited in subparagraph (C) (4) and (C) (5) below, for a duration that is less than the full allowable term under (C) (1) above.~~
 - (3) ~~The term of a permit shall not be extended by modification beyond the maximum duration specified except that the conditions of an expiring permit shall continue until the effective date of a new permit in accordance with Section 12 of these Regulations and Standards, provided that:~~
 - (a) The permittee has submitted a timely application (except as provided in (C)(3)) which has been deemed complete by the Department, and
 - (b) The Director, through no fault of the permittee, does not issue a new permit with an effective date before the expiration date of the previous permit.
 - (3) A Class II permittee who has failed to submit a permit renewal application by the deadline established in the current permit may apply for a variance in order to have the conditions of an expiring permit extended until the effective date of a new permit. The variance request shall be submitted no later than 30 days after the deadline for submittal of the permit renewal application and according to the requirements of Article 1, Section 5 of the Regulations and Standards. The Director may grant a variance of up to 60 days to submit the permit renewal application.
 - (4) ~~Class I permits for affected sources shall be issued for a fixed term of 5 years.~~
 - (5) ~~Class I permits for solid waste incineration units combusting municipal waste subject to the standards under Section 18 of these Regulations and Standards shall be issued for period not to exceed 5 years.~~

- (D) Monitoring and related record keeping and reporting requirements.
- (1) Each Class I permit shall contain the following monitoring requirements:
 - (a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods ~~promulgated~~ established in Section 21 of these Regulations and Standards or pursuant to sections 114 (a) (3) or 504 (b) of the Act; any permit or order issued by the Director under these regulations.
 - (b) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring, periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement.
 - (c) As necessary, requirements concerning the use, maintenance, and installation of monitoring equipment or methods and quality assurance and control procedures.
 - (2) Each Class I permit shall incorporate all applicable record keeping requirements and require, if necessary, the following:
 - (a) Records of required monitoring information that include the following:
 - (1) The date and place as defined in the permit, and time of sampling or measurements;
 - (2) The date(s) analyses were performed;
 - (3) The company or entity that performed the analyses;
 - (4) The analytical techniques or methods used;
 - (5) The results of such analyses; and
 - (6) The operating conditions existing at the time of sampling or measurement.
 - (b) Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. The permit may specify that records may be maintained in computerized form.
 - (3) Each Class I permit shall incorporate all applicable reporting requirements and require the following:
 - (a) Submittal of reports of required monitoring at least every 6 months. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official in accordance with Section 7, paragraph (H) of these Regulations and Standards.
 - (b) Reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The permit shall require reporting of deviations as follows:

- (2) It shall not be a defense for a permittee 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.
 - (3) The permit may be modified; revoked, reopened, and reissued; or terminated for cause in accordance with the provisions of these Regulations and Standards. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not ~~stay~~ supersede any permit condition.
 - (4) The permit does not convey any property rights of any sort, or any exclusive privilege.
 - (5) The permittee shall 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 permittee shall also furnish to the Department, copies of records required to be kept in accordance with the permit or, for information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality pursuant to, Nebraska Revised Statute 84-712.05.
 - (6) The provisions of a permit issued under these Regulations and Standards supersede the provisions of any previously issued operating or construction permit.
- (H) Fees. Each Class I permit shall contain a provision to ensure that a major source of regulated pollutants pay fees to the Department consistent with the fee schedule in Section 29 of these Regulations and Standards.
- (I) Alternative operating scenarios. Each permit shall 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:
- (1) Shall 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;
 - (2) Must ensure that the terms and conditions of each alternative scenario meet all applicable requirements and the requirements of the permit ; and
 - (3) The permit shield, if requested, described in paragraph (N) of this section shall apply to all terms and conditions under each such operating scenario.
- (J) Reopening for cause. Each permit shall include provisions specifying the conditions under which the permit will be reopened, revoked and reissued, or terminated, in accordance with Section 15, paragraph (F) of these Regulations and Standards.

- (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 (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 13. CLASS I OPERATING PERMIT -- EPA REVIEW -- AFFECTED STATED REVIEW

- (A) Unless the Administrator waives or modifies this requirement , the Department shall provide to the Administrator a copy of each Class I 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.
- (B) The Department shall give notice of each draft Class I permit to any affected State on or before the time that the Department provides notice to the public. The Department shall notify the Administrator 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.
- (C) The Department shall not issue a Class I permit if the Administrator objects to its issuance in writing within 45 days of receipt of the proposed permit and any necessary supporting information.
- (D) If the Administrator objects to a Class I permit as a result of a petition for review filed pursuant to Section 505 (b) (2) of the Clean Air 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 days EPA review period and prior to an EPA objection.
- (E) If the Department has issued a Class I permit to which EPA objects as a result of a petition for review filed pursuant to Section 505 (b) (2) of the Clean Air Act, the permit may be reopened in accordance with the procedures in Section ~~27~~ 15, paragraph (F) of these Regulations and Standards.
- (F) Prohibition on Default Issuance.
- (1) Notwithstanding the time period specified in Section 7, paragraph (I) of these Regulations and Standards, no Class I operating permit, including a permit renewal or revision, shall be issued until:
- (a) Affected States and the Administrator have had an opportunity to review the proposed permit.
- (b) The Director has acted on the application.
- (2) No Class II operating permit, including a permit renewal or revision, shall be issued until the Director has acted an the application.

Ref: Title 129, Chapter 13, Nebraska Department of Environmental Quality

- (d) Do not seek to establish or change a permit term or condition for which there is no corresponding applicable requirement or applicable requirements under the Act to which the source would otherwise be subject. Such terms and conditions include:
 - (1) A federally enforceable emissions cap assumed to avoid classification as a modification which require a construction permit under Section 17; and
 - (2) An alternative emissions limit approved pursuant to Sections 27 or 28 of these Regulations and Standards;
 - (e) Are not modifications which:
 - (1) r R require a construction permit under Section 17,
 - (2) a A re defined as a modification under the General Provisions for the standards of performance for new stationary sources incorporated by references in Section 18; and
 - (3) Are defined as a modification subject to preconstruction review under Section 19.
 - (4) Are defined as a modification under the National Emissions Standard for Hazardous Air Pollutants incorporated by reference in Section 23.
 - (f) Are not required by the Director to be processed as a significant modification; and
 - (g) Involve the use of economic incentives, marketable permits, emissions trading, and other similar programs or procedures; provided that such minor permit modification procedures are explicitly allowed for in a applicable State Implementation Plan or in an applicable requirement or applicable requirement under the Act.
- (2) A permittee may request a minor permit modification by filing the standard form for either a Class I or a Class II operating permit, as appropriate, and shall include the following:
- (a) A description of the change, the emissions resulting from the change, and any new applicable requirements and or applicable requirements under the Act that will apply if the change occurs;
 - (b) The source's suggested draft permit language;
 - (c) Certification by the responsible official, in accordance with Section 7, paragraph (H) of these Regulations and Standards that the proposed modification meets the criteria in subparagraph (C) (1) above for use of minor modification procedures and a request that such procedures be used;
 - (d) For a Class I minor permit modification only, two extra copies of completed forms identified in subparagraph (C) (2) (a) through (C) (2) (c) above for the Department to use to notify the Administrator and Affected States.
- (3) For Class I operating permit modifications only, within 5 working days of receipt of a complete permit modification application, the Department shall notify the Administrator and Affected States of the requested permit modification.
- (a) Affected States shall have 30 days to review and provide comments on the requested permit modification. The Department shall provide notice to the Administrator and any Affected State in writing of any refusal by the Department to accept all recommendations that the Affected State has submitted.

- (b) The source's requested draft permit language;
- (c) Certification by a responsible official, in accordance with Section 7, paragraph (H) of these Regulations and Standards, that the proposed modification meets the criteria for use of groups processing procedures and a request that such procedures be used;
- (d) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (D) (2) (b) above;
- (e) For Class I modifications only, two extra copies of completed forms for the Department to use to notify the Administrator and Affected States.
 - (1) Within 5 working days of receipt of an application for the group processing of a source's minor permit modification requests, the Department shall notify the Administrator and Affected States of the request for group processing.
 - (2) Affected States shall have 30 days to review and comment on the request. The Department shall notify EPA and any Affected State in writing of any refusal by the Department to accept all recommendations for the proposed permit modification that the Affected State has submitted.
 - (3) EPA shall have 45 days to review and comment on request for group processing of minor permit modifications. The Department shall not issue a final permit modification until after EPA's 45 day review period or until EPA has notified the permitting authority that EPA will not object to issuance of the permit modification, whichever is first.
 - (4) Within 180 days of receipt of the application for group processing of minor permit modifications or 15 days after the end of the EPA's 45 day review period, the Director shall:
 - (a) Issue the permit modification as proposed;
 - (b) Deny the permit modification application;
 - (c) Determine that the requested modification does not meet the criteria for group processing in subparagraph (D) (2) of this section and should be reviewed under the significant modification procedures; or
 - (d) Revise the draft permit modification and, for Class I permit modifications only, transmit to the Administrator the new proposed permit modification as required by subparagraph (D) (3) (e) (3) above.
 - (5) A source submitting a request for a group processing of minor permit modifications may make the change proposed immediately after it files the application unless notices by the Department that the request did not qualify as a minor permit modification. After the source makes the change, and until the Department takes action under subparagraph (D) (4) (a) through (D) (4) (c) above, the source must comply with applicable requirements governing the change, applicable requirements under the Act 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 modify may be enforced and such failure to comply shall cause for denial of the minor permit modification request.

- (6) The permit shield described in Section 8, paragraph (N) shall not apply to group-processed minor permit modifications.

(E) Significant modifications.

- (1) A “significant modification” is any revision or change to a permit that cannot be accomplished as an administrative permit amendment or as a minor permit modification. Any relaxation in existing monitoring, reporting, or record keeping shall be considered significant.
- (2) A permittee may request a significant modification by complying with the application procedures for permit issuance in Section 7, paragraph (F) of these Regulations and Standards.
- (3) The Department shall review an application for a significant modification following the applicable procedures for permit issuance, including public participation, EPA and Affected States review.
- (4) The permit shield described in Section 8, paragraph (L) of these Regulations and Standards, shall apply to a significant modification only after the Director approves the modification, provided that the permit contains a permit shield.

(F) Reopening for cause; revocation and reissuance; and termination.

- (1) Any Class I or Class II operating permit issued by the Director shall be reopened, revoked and reissued or terminated, during its term for cause, including but not limited to:
- (a) Additional applicable requirements under the Act or these Regulations and Standards become applicable to a Class I or Class II permitting source with a remaining permit term of 3 or more years. Such reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions had been extended.
- (b) Additional requirements, including excess emissions requirements, become applicable to an ~~A~~ affected source under the acid rain program under Title IV of the Act.
- (c) The Director, or Administrator for a Class I permit only, determines that the permit must be revoked and reissued to assure compliance with the applicable requirements.
- (d) The Director, or the Administrator for a Class I permit only, determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms and conditions of the permit.
- (e) The Director, or the Administrator for a Class I permit only, determines that an applicable requirement or applicable requirement under the Act applies which was not identified by the permittee in its application.

- (1) Section 502 (b) (10) changes, as defined in Section 1, provided that the written notification required above shall include:
 - (a) A brief description of the change within the permitted facility;
 - (b) The date on which the change will occur;
 - (c) Any changes in emissions; and
 - (d) Any permit term or condition that is no longer applicable as a result of the change.
 - (2) Trading of increases and decreases in emissions in the permitted facility, where the applicable implementation plan provides for such emissions trades without requiring a permit revision; ~~P~~provided that the written notification required above shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including at a minimum:
 - (a) The date the proposed change will occur;
 - (b) A description of each such change;
 - (c) Any change of emissions;
 - (d) The regulatory provisions and permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan; and
 - (e) The pollutants emitted subject to the emissions trade.
 - (3) Trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that has been established pursuant to Section 8, paragraph (S); ~~P~~provided, that the written notification required above shall include:
 - (a) The date the change will occur,
 - (b) A description of the changes in emission that will result, and
 - (c) How these increases and decreases in emissions will comply with the terms and conditions of the permit.
- (H) No permit revisions shall be required under any State-approved programs providing for economic incentives, marketable permits, emissions trading or other similar programs or processed for changes that are provided for in the permit.

Ref: Title 129, Chapter 15, Nebraska Department of Environmental Quality

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 or emission unit, 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: such that there is a net increase in potential emissions equal to or exceeding the following levels (except as provided in (A)(3):

(a) For any source which is major for purposes of prevention of significant deterioration, any increase in particulate matter emissions which would subject such source to review or, except for enforceable limits established through the construction permit issued pursuant to this Section would subject such source to review under the provisions of 40 CFR Part 52, as adopted in Section 19.

(ab) Fifteen (15) tons/year of PM10 emissions.

(bc) Forty (40) tons/year of SO₂ or SO₃, or any combination of the two.

(cd) Forty (40) tons/year of oxides of nitrogen (calculated as NO₂)

(de) Forty (40) tons/year of volatile organic compounds (VOC).

(ef) Fifty (50) tons/year of carbon monoxide.

(fg) Six tenths (0.6) tons/year of lead.

(gh) 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, including all associated fugitive emissions.

When determining the net change in potential emissions under (A)(1) above, fugitive emissions shall be addressed in accordance with the requirements of Article 2 Section 2(A)(1) and Section 2(B) without regard to classification of the source as major or minor.

(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.

(3) When a source replaces an existing emission unit with a new unit, that performs the same function as that of the unit being replaced, netting shall not be used to determine the need for a permit under this section, except as follows: (a) The procedure for determining a net increase in potential emissions will be allowed for sources where the equipment replacement would be subject to the requirements of Article 2, Section 19 of these Regulations and Standards; and (b) In cases where the source can demonstrate to the Department that netting will result in a net reduction in emissions of individual criteria and toxic air pollutants and total toxic air pollutants, where applicable. In this case, the source may also use actual emissions decreases from emission units that are dissimilar in function to the unit(s) being replaced in order to make this demonstration, provided the actual emissions decreases are concurrent with the planned replacement. However, any emissions increases that occur at this time with respect to these emission units must also be included in this demonstration. The result of the netting calculation must be a difference of less than zero tons per year of emission. This demonstration is not applicable to emission units that are subject to the requirements of Article 2, Section 27(C).

If the exceptions of (a) or (b) are not applicable, the potential emissions of regulated air pollutants associated with the new (replacement) unit alone shall be used to determine the need for a permit, i.e., no reduction in emissions from the new unit shall be allowed because of the elimination of actual emissions from the existing emission unit which is being replaced and those associated with other emission units at the facility. A new unit shall not mean an existing emission unit which is being relocated from another site.

(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 permittee 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.
- (G) The Department shall require in the application information 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.
- (H) If an 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 shall be used in evaluating the effect of the source(s) on air quality.
- (I) Disapproval of Application for Permits.
 - (1) If it is determined by the Director that emissions resulting from the operation of a source to be constructed or modified will violate the “Standards of Performance for New Stationary Sources”, violate any portion of these rules and regulations, or interfere with attainment or maintenance of a National Ambient Air Quality Standard, no permit will be granted until necessary changes are made in the plans and specifications to obviate the objections to issuance.
 - (2) A construction permit will not be issued for any major source or major modification when such source or modification would cause or contribute to violation of a national ambient air quality standard by exceeding, at a minimum, the following significant levels at any locality that does not or would not meet the applicable national standard:

Pollutants	Annual	Averaging Time 24 hrs	Averaging Time 8 hrs	Averaging Time 3 hrs	Averaging 1 hr
	SO ₂	1.0 ug/m ³	5.0 ug/m ³	-----	25 ug/m ³
PM ₁₀	1.0 ug/m ³	5.0 ug/m ³	-----	-----	-----
NO ₂	1.0 ug/m ³	-----	-----	-----	-----
CO	-----	-----	0.5 mg/m ³	-----	2 mg/m ³

- (J) Issuance of permits. The Director shall publish notice of intent to approve or disapprove the application in accordance with procedures in Section 14 of these Regulations and Standards.
- (K) Approval, by issuance of a permit for any construction, reconstruction, or modification, does not relieve the owner or operator from his or her responsibility to comply with the applicable portions of the Implementation Plan control strategy.

- (L) If construction, reconstruction, or modification of the source is not commenced within 18 months, the construction permit shall lapse except upon showing by the permittee that the complexity of the construction, reconstruction, or modification requires additional time.
- (M) Additional Requirements for Construction or Modification of Sources in non-attainment Areas.
- (1) No permit to construct or modify will be issued for a proposed major source of a major modification if the source is located or is to be located in an area that is non-attainment for a pollutant for which the source or modification is major unless it determined that;
- (a) By the time the facility is to commence operation, total Allowable emissions from the same source or existing sources in the same non-attainment area, from new sources which are not major emitting facilities, and from existing sources allowed under the Implementation Plan prior to the application for such permit to construct or modify represent a net decrease in emissions and show reasonable further progress toward attainment and maintenance of the ambient air quality standards, and provided that any emission reductions required as a precondition of the issuance of a permit shall be federally enforceable before such permit is issued.
- (b) The proposed source is required to comply with the lowest achievable emission rate; and
- (c) The owner or operator of the proposed new or modified source has demonstrated that all other major stationary sources owned or 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, with all applicable emission limitations and standards.
- (d) The proposed source is in compliance with requirements established under the Implementation plan and the Director shall not issue a permit if the Administrator has determined that the applicable Implementation plan is not adequately implemented for the non-attainment area in which the proposed source is to be constructed or modified.
- (e) The source has completed an analysis of alternative sites, sizes, production processes, and environmental and social costs imposed as a result of its location, construction, or modification.
- (2) The requirements of subparagraph (M) (1) (a) above for emission reductions from existing sources in the vicinity of proposed new sources or modifications shall be determined on a case-by-case basis. The offset baseline shall be the ~~A~~actual emissions of the source from which offset credit is obtained.
- (3) The following shall apply to emission offsets:
- (a) If the emissions limit under these ~~r~~ Regulations and Standards allow a greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential;
- (b) For an existing fuel combustion source, credit shall be based on the ~~A~~allowable emissions under the applicable State Implementation Plan for the type of fuel burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date,

- emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. The Director will ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.
- (c) Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, provided that the work force to be affected had been notified of the proposed shutdown or curtailment. Source shutdowns and curtailments in production or operating hours occurring prior to the date the new source application is filed generally may not be used for emissions offset credit. However, where an applicant can establish that it shutdown or curtailed production less than one year prior to the date of permit application, and the proposed new source is a replacement for the shutdown or curtailment may be applied to offset emissions for the new source;
 - (d) No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds." (42 FR 35314, July 8, 1977);
 - (e) The procedures set out in 40 CFR Part 51, Appendix S, Section IV(D), relating to the permissible location of offsetting emissions, shall be followed, unless the Director determines that an equally stringent or more stringent procedure is appropriate.
 - (f) 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 51 Subpart I or in demonstrating attainment or reasonable further progress.
 - (g) Emissions reductions otherwise required by the Act or these Regulations and Standards shall not be creditable as emission reductions for purposes of any offset.
- (4) The provisions of subparagraph (M) above do not apply to a source or modification that would be a 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 following categories:
- (a) Coal cleaning plants (with thermal dryers);
 - (b) Kraft pulp mills;
 - (c) Portland cement plants;
 - (d) ~~Primarily~~ Primary zinc smelters;
 - (e) Iron and steel mills;
 - (f) Primary aluminum ore reduction plants;
 - (g) Primary copper smelters;
 - (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

- (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;~~ by a standard promulgated under Sections 111 or 112 of the Act as of August 7, 1980.
- (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~~ Section.
- (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

- (e) The nature of the constructed facility will be consistent with that described in the original public notice materials.
 - (2) Modifications meeting the conditions of (1) above shall be processed as follows:
 - (a) The owner or operator shall submit an application for modification of a construction permit as provided in (C) above and provide such additional information as may be required to determine if the conditions of (1) above have been met;
 - (b) The Department shall review the application and determine whether or not a modification of the construction permit is required. The applicant shall not proceed with the project until a determination is made by the Director.
 - (3) Proposed m Modifications at a source subject to a construction permit which do not meet the conditions of (1) above must be processed through the full construction permit process as provided in (C) through (M) above.
- (O) Construction Permit Exemption for Commercial, Industrial, and Institutional Emergency Generators. This subsection shall apply to the following emergency generators where the total emergency generator capacity at a commercial, industrial, or institutional facility is or will be equal to or greater than 200 KW for fuel oil and/or natural gas-fired units, or 19 KW where one or more of these generators is fueled with gasoline: (a) Existing stationary units that were installed on or after 11-15-93; (b) New stationary units that are installed after the effective date of this regulation; (c) Existing portable units that are currently being operated in Lancaster County and existing portable units that are sited in Lancaster County after the effective date of this regulation; and (d) New portable units that will be operated in Lancaster County after the effective date of this regulation.
- (1) To qualify for the exemption, owners/operators of these units shall comply with the following requirements:
 - (a) For existing units, provide records, to the extent available, that demonstrate the units for which exemptions are sought have never been operated more than 500 hours during any calendar year. For new units, stipulate that annual operating hours will not exceed 500 and that records of annual operating hours will be maintained.
 - (b) Record operating hours for both test and emergency conditions.
 - (c) The sulfur content of any fuel oil combusted in these units shall not exceed 0.5% by weight.
 - (2) To obtain the exemption, owners/operators of existing stationary emergency generators that qualify shall submit their requests to the Department and provide the following information for each unit:
 - (a) The make and model number.
 - (b) The horsepower rating.
 - (c) The type of fuel (natural gas, fuel oil, gasoline) combusted.
 - (d) If fuel oil is combusted, indicate the grade, such as No. 2, and the sulfur content (% by weight). Provide a statement of certification from the fuel supplier confirming the grade and sulfur content of the fuel oil delivered and a letter from the owner/operator certifying that this is the only type of fuel oil being combusted.

- (e) The greatest number of hours the unit has been operated in any calendar year since the date of installation and the quantity of fuel that was combusted during that period, to the extent this information is available.

The deadline for submittal of the request for exemption and payment of the exemption request fee established in Section 17 (O)(6) shall be no later than 180 days after the effective date of this regulation. After this period, an owner/operator shall be required to submit a construction permit application and obtain a permit. Within 18 months of issuance of a construction permit, the Department may require an owner/operator to submit an application for an operating permit in accordance with the requirements of Article 2, Section 5 of these Regulations and Standards.

- (3) To obtain the exemption, owners/operators of qualifying new and existing portable emergency generators, or new stationary emergency generators, shall submit their requests to the Department and provide the following information:
 - (a) All of the information required in Section 17(O)(2)(a) through (e)
 - (b) An estimate of the anticipated annual hours of unit operation at the commercial, industrial, or institutional facility. The estimate shall include both test and emergency operating conditions.
 - (c) The estimated quantity of fuel that will be combusted annually.
 - (d) A site plan showing the proposed location of the unit and the location of any adjacent habitable structures, such as businesses, schools, and residences. The height of the unit's exhaust stack and the elevations of surrounding habitable structures shall also be indicated. Approval of the unit's location by the Department is required before an exemption will be granted.

After the effective date of this regulation, the deadline for submittal of the request for exemption and payment of the exemption request fee for new and existing portable units (not currently operating in Lancaster County) shall be no later than 20 days prior to their relocation to and operation in Lancaster County, 60 days after the effective date of this regulation for existing portable units currently operating in Lancaster County, and 60 days prior to the installation of any new stationary units. An exemption for a portable unit shall not be required in cases where the unit is relocated to Lancaster County for the express purpose of addressing an immediate emergency condition, such as the result of a natural or man-made disaster, and the unit will not remain operational for a period greater than seven days (168 hours). If a portable unit will be operated more than seven days, the owner/operator shall be required to apply for the exemption within 24 hours after conclusion of the seventh day of operation in order to avoid the construction permit requirement. After these periods, the owner/operator will be required to submit a construction permit application and to obtain a permit. Within 18 months of issuance of the construction permit, the Department may require the owner/operator to submit an operating permit application and obtain an operating permit in accordance with the requirements of Article 2, Sections 5 or 10 of these Regulations and Standards.

- (4) In the event the owner/operator of an emergency generator who holds an exemption no longer qualifies for the exemption according to the requirements of Section 17 (O)(1)(a) through (c), or the owner/operator chooses to operate the generator for other than emergency purposes, the owner/operator shall submit a construction permit application to the Department within 60 days of the finding or declaration and shall obtain a permit. Within 18 months of issuance of a construction permit, the Department may require the owner/operator to submit an application for an operating permit in accordance with the requirements of Article 2, Sections 5 or 10 of these Regulations and Standards.

- (5) Owners/operators of emergency generators who operate these units in noncompliance with the requirements of Section 17 (O)(2), (3), or (4) shall be deemed in violation of these requirements and shall be subject to the provisions of Article 1, Sections 3 and 4 of these Regulations and Standards. The owner/operator of an emergency generator whose hours of operation exceed 500 hours during the year shall report this event to the Department no later than 30 days after the month in which the 500 hours per year limit was exceeded.
- (6) A processing fee for review of the construction permit exemption request shall be assessed according to the following schedule:
- (a) For those emergency generators addressed in Section 17 (O)(2), exemption requests received by the Department within 90 days of the effective date of this regulation will be assessed a fee of \$25.00 for up to three units owned by the source and operated in Lancaster County. For more than three units, a fee of \$75.00 will be assessed. Exemption requests received between 91 days and 180 days after the effective date of this regulation will be assessed a fee of \$100 for up to three units and a fee of \$200.00 for more than three units.
- (b) For those emergency generators addressed in Section 17 (O)(3), exemption requests will be assessed a fee of \$35.00 for up to three portable units owned and/or operated by a source in Lancaster County. For more than three units, a fee of \$85.00 will be assessed. The exemption request fee for a new stationary emergency generator that will be operated in Lancaster County is \$35.00.
- (7) The Department will provide a letter of exemption to the owner/operator of an emergency generator who has requested the exemption, has provided the information required in Section 17 (O)(2) and/or Section 17 (O)(3), the Department has determined the unit qualifies for the exemption according to Section 17 (O)(1)(a) through (c), and has submitted the applicable exemption request fee. The exemption shall remain in effect for each unit that continues to qualify. In the event the Department determines that an exemption can not be granted, a letter explaining the reason(s) for refusal will be sent to the owner/operator. The owner/operator who is denied an exemption may provide additional information to support their request. If the Department, after review of this additional information, continues to deny the exemption, the owner/operator may appeal the decision to the Director according to the procedures established in Article 1, Section 4 of these Regulations and Standards.
- (P) Construction Permit Requirements for Commercial, Industrial, and Institutional Nonemergency Generators. This subsection shall apply to any existing stationary electric power producing generators operated at commercial, industrial or institutional facilities where the owner/operator participates in a program established by the local utility in which the utility may request that the owner/operator use these generators to produce a limited number of hours of electric power during periods when power from the local utility is available. An owner/operator who participates in this program must obtain a construction permit from the Department that applies to all generators at the facility that may be used for this nonemergency purpose. The owner/operator may utilize these generators for emergency purposes but they will be designated as nonemergency generators for purposes of this subsection.
- (1) To qualify for and to obtain this permit, an owner/operator shall comply with the following requirements and provide the following information:
- (a) Each generator that may be used for nonemergency purposes must be specifically identified. A distinction must be maintained between those generators that may be used to generate power for nonemergency purposes and those units that will be used solely as emergency generators.

- (b) The number of hours the unit may be operated for nonemergency purposes shall be limited to no more than 200 hours per calendar year, and for emergency purposes, including testing, the unit's operation shall be limited to no more than 300 hours per calendar year. Regardless of the 200 hour limit allowed each unit for nonemergency operation, the emission limit established in subparagraph (g) of this subsection shall not be exceeded.
- (c) A record of unit operating hours for emergency and testing purposes and for nonemergency purposes shall be maintained on a monthly basis. These records shall be made available to authorized representatives of the Department upon request. The owner/operator shall report to the Department any exceedences of the 200 hour per year and/or 300 hour per year limit that are applicable to a generator operating under the requirements of this subsection. The report of exceedences shall be submitted no later than 30 days after the month in which the 200 hour per year and/or 300 hour per year limit is exceeded.
- (d) A record of the quantity of fuel (natural gas, No. 2 fuel oil) combusted annually for emergency and testing purposes and for nonemergency purposes shall be maintained.
- (e) An annual emissions inventory shall be submitted to the Department on forms provided by the Department by March 31st of each year for the previous calendar year. The inventory must include a separate accounting of the emissions resulting from nonemergency operation and those resulting from emergency, including testing, operation of each generator subject to the requirements of this subsection. This submittal shall also include the records required in subparagraph (c) (operating hours) and (d) (quantities of fuel) above.
- (f) The sulfur content of fuel oil combusted shall not exceed 0.5% by weight. The owner/operator shall provide a statement of certification from the fuel supplier confirming that the fuel oil delivered does not exceed this limit, and the owner/operator shall also certify that oil with this sulfur limit is the only type of fuel oil being combusted.
- (g) Total criteria and noncriteria emissions from all of these units at a facility during nonemergency operation shall be less than ten (10) tons during a calendar year. The emission factors used to calculate these emissions shall be those provided in AP-42, by the generator manufacturer, or by other sources of information acceptable to the Department.
- (h) Within 30 days of the date the Department issues the construction permit, the owner/operator shall submit a construction permit fee in the amount of \$50.00.
- (i) Annually, the permittee shall pay emission fees to the Department according to the following schedule:
 - (1) \$500.00 for total actual emissions between 1 and 9.99 tons per year during nonemergency operation of the generator; or
 - (2) \$100.00 for total actual emissions of less than 1 ton per year during nonemergency operation of the generator.

No annual fees shall be assessed for those emissions that occur during use for emergency and testing purposes. For sources operating under Class I or Class II operating permits that have been issued this construction permit, this fee schedule shall not apply. Those sources shall be assessed fees that include nonemergency use emissions in accordance with the schedule established in Article 1, Section 6 of these Regulations and Standards.

- (j) The owner/operator shall provide the following information for each nonemergency generator in the construction permit application submitted to the Department:

- (1) The make and model number of the generator;
 - (2) The KW and horsepower ratings;
 - (3) The type of fuel(s) combusted;
 - (4) If fuel oil is combusted, indicate the grade, such as No. 2, and the sulfur content (% by weight); and
 - (5) A site plan showing the location of the stationary nonemergency generator(s) and the location of any adjacent habitable structures, such as businesses, schools, and residences. The height of each unit's exhaust stack and the elevations of surrounding habitable structures shall also be indicated. Depending on the level of concern raised by evaluation of the site plan, the Department may request that an ambient air quality impact analysis be performed.
- (2) The owner/operator who has been issued a construction permit for a stationary nonemergency generator(s) that will be operated in accordance with the requirements of this subsection is not required to obtain an operating permit for the unit provided that emissions from the unit in combination with those of other emissions units at the facility do not make the facility subject to the requirements of Article 2, Section 5 of these Regulations and Standards. The emissions from emergency generators operated in conjunction with nonemergency generators at a facility must also be included in determining the need for an operating permit. A nonemergency generator shall not be considered an insignificant activity and it must be included as an emission unit in the operating permit for facilities required to have this permit.
- (3) Construction permits issued under this subsection to owners/operators of facilities that are not required to have operating permits shall not be subject to the public participation provisions of Section 14 of these Regulations and Standards. Issuance of construction permits to sources required to have Class I or Class II operating permits are considered significant operating permit modifications according to Section 15 (E)(1). A construction permit issued to a Class I source is subject to both Sections 13 and 14 because it is a significant modification pursuant to Section 15(E)(3) of these Regulations and Standards. A construction permit issued to a Class II source is subject only to the public participation requirements of Section 14.
- (Q) Construction Permit Requirements for Commercial, Industrial, and Institutional Electrical Generators Used for Purposes Other Than Those Pertaining to Subsections (O) and (P) of this Section. These generators, powered by fuel oil, natural gas, or gasoline, shall be required to obtain a construction permit if the provisions of Subsection (A) of this Section apply. Additionally, these units may be subject to any or all of the operating permit requirements of Article 2, Sections 5, 9, and 10 of these Regulations and Standards.

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

SECTION 18. NEW SOURCE PERFORMANCE STANDARDS AND EMISSION LIMITS FOR EXISTING SOURCES

(A) Standards of Performance for New Stationary Sources.

Notwithstanding any other provisions of these regulation, the following “Standards of Performance for New Stationary Sources” published at 40 CFR p Part 60, effective July 1, ~~1996~~ 2002, unless otherwise indicated are hereby adopted by reference and incorporated herein:

- (1) General Provisions - Subpart A
- (2) Ammonium sulfate manufacture - Subpart PP
- (3) Asphalt processing and asphalt roofing manufacture - Subpart UU
- (4) Automobile and light duty truck surface coating operations - Subpart MM
- (5) Beverage can surface coating industry - Subpart WW
- (6) Bulk gasoline terminals - Subpart XX
- (7) Calciners and Dryers in Mineral Industries - Subpart UUU (57 Federal Register 44496, September 28,1992)
- (8) Coal preparation plants - Subpart Y
- (9) Commercial and industrial solid waste incineration units - Subpart CCCC
- (9 10) Electric arc furnaces and argon-oxygen decarbonization vessels constructed after August 17, 1983 - Subpart AAa
- ~~(10 11)~~ Electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983 - Subpart AA
- ~~(11 12)~~ Electric Utility Steam Generator Units for which construction was commenced after September 18, 1978 - Subpart Da
- ~~(12 13)~~ Equipment leaks of VOC from onshore natural gas processing plants - Subpart KKK
- ~~(13 14)~~ Equipment leaks of VOC in petroleum refineries - Subpart GGG
- ~~(14 15)~~ Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry - Subpart VV
- ~~(15 16)~~ Ferroalloy production facilities - Subpart Z
- ~~(16 17)~~ Flexible vinyl and urethane coating and printing - Subpart FFF
- ~~(17 18)~~ Fossil-Fuel-Fired Steam Generators for which construction is commenced after August 17, 1971 - Subpart D
- ~~(18 19)~~ Glass manufacturing plants - Subpart CC
- ~~(19 20)~~ Grain elevators - Subpart DD
- ~~(20 21)~~ Graphic arts industry: publication rotogravure printing - Subpart QQ
- (22) Hospital/medical/infectious waste incinerators - Subpart Ec
- ~~(21 23)~~ Hot Mix Asphalt facilities (Asphalt concrete plants) - Subpart I
- ~~(22 24)~~ Industries-Commercial Institutional Steam Generating Units - Subpart Db
- ~~(23 25)~~ Industrial surface coating: large appliances - Subpart SS
- ~~(24 26)~~ Industrial surface coating: plastic parts for business machines - Subpart TTT
- ~~(25)~~ ~~Kraft Pulp Mills - Subpart BB~~
- ~~(26 27)~~ Lead-acid battery manufacturing plants - Subpart KK
- ~~(27 28)~~ Lime manufacturing plants - Subpart HH
- ~~(28 29)~~ Magnetic tape coating facilities - Subpart SSS
- ~~(29 30)~~ Metal coil surface coating - Subpart TT
- ~~(30 31)~~ Metallic mineral processing plants - Subpart LL
- ~~(31 32)~~ Municipal incinerators - Subpart E
- ~~(32 33)~~ Municipal Solid Waste Landfill - Subparts ~~Cc~~ & WWW
- ~~(33 34)~~ Municipal Waste Combustor - Subpart Ea & ~~Eb~~
- (35) Municipal waste combustor - Subpart Eb
- (36) Municipal waste combustion unit (small) - Subpart AAAA
- ~~(34 37)~~ New Residential Wood Heater - Subpart AAA
- ~~(35 38)~~ Nitric Acid Plants - Subpart G
- ~~(36 39)~~ Nonmetallic mineral processing plants - Subpart OOO

- (~~37~~ 40) Onshore natural gas processing; SO₂ emissions - Subpart LLL
- (~~38~~ 41) Petroleum dry cleaners - Subpart JJJ
- (~~39~~ 42) Petroleum refineries - Subpart J
- (~~40~~ 43) Phosphate fertilizer plants - Subpart T through X
- (~~41~~ 44) Phosphate rock plants - Subpart NN
- (~~42~~ 45) Polymeric coating of supporting substrates facilities - Subpart VVV
- (~~43~~ 46) Portland cement plants -Subpart F
- (~~44~~ 47) Pressure sensitive tape and label surface coating operations - Subpart RR
- (~~45~~ 48) Primary aluminum reduction plants - Subpart S
- (~~46~~ 49) Primary Copper smelters - Subpart P
- (~~47~~ 50) Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973 - Subpart N

- (~~48~~ 51) Primary lead smelters - Subpart R
- (~~49~~ 52) Primary zinc smelters - Subpart Q
- (~~50~~ 53) Rubber Tire Manufacturing Industry - Subpart BBB
- (~~51~~ 54) Secondary Brass and Bronze Production Plants - Subpart M
- (~~52~~ 55) Secondary emissions from basic oxygen process steel making facilities for which construction commenced from after January 20, 1983 - Subpart Na

- (~~53~~ 56) Secondary lead smelters- Subpart L
- (~~54~~ 57) Sewage Treatment Plants - Subpart O
- (~~55~~ 58) Small industries-commercial - institutional steam generation units - Subpart Dc
- (~~56~~ 59) Stationary gas turbines - Subpart GG
- (~~57~~ 60) Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978 - Subpart K
- (~~58~~ 61) Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 232, 1984 - Subpart Ka

- (~~59~~ 62) Sulfuric Acid Plants - Subpart H
- (~~60~~ 63) Surface coating of metal furniture - Subpart EE
- (~~61~~ 64) Synthetic fiber production facilities - Subpart HHH
- (~~62~~ 65) Volatile Organic Compounds (VOC) emissions from petroleum refinery waste water systems - Subpart QQQ
- (~~63~~ 66) Volatile Organic Compounds (VOC) emissions from the polymer Manufacturing Industry - Subpart DDD

- (~~64~~ 67) Volatile Organic Compounds (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit process - Subpart III
- (~~65~~ 68) Volatile Organic Compounds (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) distillation operations - Subpart NNN
- (~~66~~ 69) Volatile Organic Compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) reactor processes - Subpart RRR

- (66 ~~70~~) Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 - Subpart Kb
- (68 ~~71~~) Wool fiberglass insulation manufacturing plants constructed after February 7, 1984 - Subpart PPP
- (69 ~~72~~) Appendices A, B, C, and F.
- (B) Except as provided in D below, standards of performance are applicable only to those new, modified, or reconstructed facilities specified or defined as an “affected facility”.
- (C) Should the source need assistance in determining the CFR requirements the Department will provide the needed information on request.
- (D) Emission Limits for Existing Stationary Sources. Notwithstanding any other provisions of these Regulations and Standards, the following emission limits are applicable to existing sources as follows:
- (1) 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 had additional capacity available for future waste deposition.
- (a) Each designated facility shall submit an initial design capacity report 90 days after adoption of this section on forms provided by the Department. The final determination of design capacity shall be subject to review and approval by the Department. Any changes in the physical boundaries, operation or waste deposition practices which increase or decrease the design capacity of the landfill shall require the submittal of an amended design capacity report.
- (b) Each designated facility having an aggregate design capacity of 2.5 million megagrams or 2.5 million cubic meters or more shall calculate and report nonmethane organic compound (NMOC) emissions as provided for new MSW landfills under Section 18, (A) (~~32~~ 3) beginning 90 days after adoption of this section.
- (c) Each designated facility having an NMOC emission rate of 50 megagrams per year or more shall design, install and operate a landfill gas collection and control system (LGCCS) as provided for new MSW landfills under Section 18, (A) (~~32~~ 3).
- (d) Each designated facility subject to the control provisions of (D) (1) (c) above shall 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 shall install the approved LGCCS within 30 months of that report, except as provided under Section 18 (A) (~~32~~ 3).
- (e) Each designated facility subject to the control provisions of (D) (1) (c) above shall conduct testing, monitoring record keeping and reporting for the LGCCS as provided for new landfills under Section 18 (A) (~~32~~ 3).
- (2) Hospital/medical/infectious waste incinerators. The designated facility to which these limits apply is each individual hospital/medical/infectious waste incinerator for which construction, reconstruction or modification was commenced on or before June 20, 1996. The emission limits under this section apply at all times except during startup, shutdown or malfunction, provided that no hospital waste or medical/infectious waste is charged to the designated facility during startup, shutdown or malfunction. For purposes of this section, the definitions in 40 CFR Part 60, Subpart 60.31e, and the exceptions and exemptions from the definition of designated facility in 40 CFR Part 60, Subpart 60.32e(b) through (h), are adopted by reference and incorporated herein.
- (a) Each designated facility subject to this section shall be operated pursuant to a Class I operating permit.
- (b) For purposes of this section, the size classifications and emission limits provided in Tables 1 and 2 of 40 CFR Part 60, Subpart Ce are adopted by reference and incorporated herein. On or after the date on which the initial compliance test is required, no designated facility shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits for its size, as provided in either Table 1 or 2, as applicable, or exhibit greater than 10 percent opacity, as evaluated by Method 9 in Appendix A of 40 CFR Part 60.

- (c) Each designated facility subject to the provisions of this section shall comply with the requirements for operator training and qualification, waste management plans, and record keeping and reporting, except for requirements relating to siting and fugitive emissions, as provided for new sources under Section 18(A)(22).
- (d) Each designated facility subject to the provisions of Table 1 as adopted in (D)2.b. shall comply with the requirements for compliance and performance testing and monitoring, except for fugitive emissions testing, as provided for new sources under Section 18(A)(22).
- (e) Each designated facility subject to the provisions of Table 2 as adopted under (D)2.b. shall undergo an initial equipment inspection within 1 year of the effective date of this section, and subsequent equipment inspections no more than 12 months following each previous equipment inspection. For purposes of this paragraph, the inspection requirements in 40 CFR Part 60, Subpart 60.36e(a)(1) and (2) are adopted by reference.
- (f) Each designated facility subject to the provisions of Table 2 as adopted under (D)2.b. shall comply with the following:
 - (1) Requirements for compliance and performance testing as provided in 40 CFR Part 63, Subpart 60.37e(b)(1) through (5)
 - (2) Requirements for monitoring as provided in 40 CFR Part 63, Subpart 60.37e(d)(1) through (3); and
 - (3) Requirements for reporting and record keeping as provided in 40 CFR Part 60, Subpart 60.38e(b)(1) and (2).

Ref: Title 129, Chapter 18, Nebraska Department of Environmental Quality

SECTION 19. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

- (A) Notwithstanding any other provisions of these ~~r~~ Regulations and Standards, Section 52.21 of Title 40 Code of Federal Regulations (CFR) Part 52, ~~June 3, 1994~~ July 1, 1997 edition pertaining to Prevention of Significant Deterioration of Air Quality, is hereby adopted and incorporated herein with exceptions as noted in paragraphs (B) and (C) below.
- (B) Subsections (a) Plan Approval, (q) Public Participation, (s) Environmental Impact Statement, and (u) Delegation of Authority of subsection 52.21 are not included in this adoption by reference.
- (C) The term “Administrator” as is appears in 40 CFR 52.21 shall mean the Director, except:
 - (1) In subparagraph (b)(3)(iii) relating to “net emissions increase” and (w)(2) relating to “permit rescission,” it shall mean both the Director and the Administrator.
 - (2) It shall mean the Administrator in the following subsections:
 - (b)(17) Definition of federally enforceable
 - (f)(1)(v), (f) (3), (f)(4)(i) Exclusions from increment consumption
 - (g)(1) - (g)(6) Redesignation
 - (1)(2) Air Quality Models
 - (p)(1) - (p)(2) Sources impacting Federal Class I areas
 - (t) Disputed permits or redesignations
- (D) The procedural requirements of 40 CFR 51.166 (q) (excluding the phrase “The plan shall provide that ...”) are hereby adopted and incorporated herein, except that the phrase “specified time limit” shall mean thirty (30) days.
- (E) The Director will transmit to the Administrator a copy of each permit application subject to this regulation and will notify the Administrator of each significant action the Director takes on the application.

Ref: Title 129, Chapter 18, 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; and coatings bake off ovens (burn-off furnaces), in excess of the amounts allowed in Table 20-1 during any one hour.

(1) Coatings bake off ovens (burn-off furnaces) shall comply with the following requirements:

- (a) Particulate matter discharged into the outdoor atmosphere shall not exceed 0.1 grains per dry standard cubic foot (gr/dscf) of exhaust gas, corrected to 12% carbon dioxide.
- (b) The oven's secondary combustion chamber shall be equipped with an auxiliary burner(s) capable of heating and maintaining the combustion in this chamber at a minimum temperature of 1,200EF. The burner(s) shall be interlocked with operation of the primary combustion chamber so that the oven can not be operated unless the secondary combustion chamber burner(s) is functioning.

(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:

$$A = \frac{1.026}{I^{.233}}$$

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 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.

Table 20-1

		Process		Process	
Process	Process	Allowable	Weight	Weight	Allowable
Weight	Weight	Rate of	Process	Allowable	Rate of
Rate	Rate	Emission	Weight Rate	Rate of	Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	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	2.0	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70	47.8
6,000	3.0	8.56	160,000	80.	49.0
7,000	3.5	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
10,000	5.00	12.0	6,000,000	3,000	92.7
12,000	6.00	13.6			

Interpolation of the data in this table for process weight rates up to 60,000 Lb/Hr shall be accomplished by use of the equation $E = 4.10P^{.67}$ and interpolation and extrapolation of the data for process weight rates in excess of 60,000 Lb/Hr shall be accomplished by use of the equation $E = 55.0P^{.11-40}$, where E = rate of emission in Lb/Hr and P = process weight rate in Tons/Hr. If two or more units discharge into a single stack, the allowable emission rate will be determined by the sum of all process weights discharge into the single stack.

(F) Exceptions:

- (1) No person shall cause or allow emissions from any existing teepee waste wood burner which are of an opacity equal to or greater than forty percent (40%);
- (2) No person shall cause or allow emissions from any existing alfalfa dehydration plant dryer which are of an opacity equal to or greater than thirty percent (30%);
- (3) (1) Emission sources subject to monitoring requirements of Section 34, paragraph (E) of these Regulations and Standards are allowed to have one six minute period per hour of not more than 27 percent opacity.

(G) All new sources shall comply with paragraph (E) of this Section unless a New Source Performance Standard applies as specified in Section 18 of more stringent opacity standard applies as specified elsewhere in these Regulations and Standards.

ARTICLE 2
SECTION 21
MONITORING

COMPLIANCE ASSURANCE

SECTION 21. COMPLIANCE ASSURANCE MONITORING

The provisions of 40 CFR Part 64, as in effect on July 1, ~~2000~~ 2002 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 22. INCINERATOR EMISSIONS

The following provisions shall apply to the following categories of incinerators, except those that are specifically regulated by the federal New Source Performance Standards and the resource Recovery and Conservation Act:

Category I - All incinerators used for refuse disposal, except those burning Type 5 waste, or for the processing of salvageable materials and including those used exclusively for burning Type 4 waste; and Category II - All incinerators that burn Type 5 waste.

(A) All Category I incinerators shall comply with the following requirements:

- (1) No person shall cause or permit emissions of particulate matter from any incinerator to be discharged into the outdoor atmosphere to exceed 0.10 grains per dry standard cubic foot (gr/dscf) of exhaust gas, corrected to 12% carbon dioxide. The exhaust gases contributed by the burning of a liquid or gaseous fuel shall be excluded.
- (2) The burning capacity of an incinerator shall 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.
- (3) Waste burned during performing testing required by paragraph (4) below shall be representative of the waste normally burned by the Affected facility and shall be charged at a rate equal to the burning capacity of the incinerator. Copies of additional operational data recorded during the test shall be submitted to the Department together with the completed test report forms.
- (4) Instructions for proper operation of each incinerator shall be posted on site and written certification that each operator has read these instructions, understands them and intends to comply, shall be kept on record by the owner.

(B) All Category II incinerators shall comply with the following requirements:

- (1) Design
 - (a) Automatically controlled auxiliary burners capable of heating and maintaining the combustion in the primary combustion chamber at a minimum temperature of 1300°F and a one-hour average temperature of 1400°F; and in the secondary combustion chamber at a minimum temperature of 1800°F for the two seconds residence time at an oxygen concentration greater than 7% by volume measured on a dry basis.
 - (b) A fugitive emissions control system for the waste incinerator and its pollution control devices including double doors on the feed chamber with interlocks to prevent both doors from being opened at once.
 - (c) A door lockout mechanism which prevents charging of waste between the manufacturer's designated burn cycle and which prevents charging if primary or secondary chamber temperatures fall below designated minimum temperature and/or carbon monoxide levels exceed designated shutdown criteria and/or excess visible emissions occur.
 - (d) A pollution control system containing at a minimum either an acid gas scrubber and a particulate control device, or a dry sorbent injection and fabric filter, shall be in place and in working order with a maximum emission gas temperature of 300°F continuously monitored and recorded exiting from the pollution control system.

- (e) Except during periods of start-up and shutdown, achieve a combustion efficiency (CE) of ninety-nine and nine-tenths percent (99.9%) based on a clock-hour average, to be calculated as follows:

$$CE = \frac{CO_2}{CO_2 + CO} \times 100$$

where CO_2 = carbon dioxide in the exhaust gas, ppmv (dry); and CO = carbon monoxide in the exhaust gas, ppmv (dry).

- (f) The appropriate access in the stack and other flue areas for sampling to determine compliance with these Regulations and Standards.
- (g) A stack design and height built in accordance with good engineering practices.

(2) Emissions Standards

- (a) A particulate matter emissions limit of 0.03 grains per dry standard cubic foot adjusted to 7% oxygen.
- (b) Acid gases - hydrochloric acid emissions shall be no greater than 50 parts per million by volume corrected to 7% oxygen on an hourly average or shall be reduced 90% by weight of uncontrolled emissions on an hourly average, whichever is less stringent. Sulfur dioxide emissions shall be no greater than 100 parts per million by volume corrected to 7% oxygen hourly average or shall be reduced to 70% by weight of uncontrolled emissions on an hourly average, whichever is less stringent.
- (c) Carbon monoxide - carbon monoxide emissions shall be no greater than 50 parts per million by volume corrected to 7% oxygen on a dry basis as a 4 hour average.
- (d) Opacity - the opacity of all emissions except uncombined water shall not exceed 5% for a six minute running average in accordance with the EPA Method 9.
- (e) Dioxins/furans shall be limited to no greater than 30 nanograms per dry standard cubic meter (dscm).
- (f) Mercury shall be limited to no greater than 50 micrograms per dry standard cubic meter in the stack gas corrected to 7% oxygen. This limit will be waived for those units demonstrating compliance with a particulate matter emissions limit equal to or less than 0.015 grains per dry standard cubic foot at 7% oxygen.

(3) Continuous Monitors with Recorders

- (a) The following parameters will be monitored/recorded:
- (1) Primary and secondary combustion chamber temperatures, and temperatures at the exit of the pollution control system. Temperature in the secondary chamber shall be recorded a minimum of one second downstream from the entrance of the secondary chamber.
 - (2) Carbon monoxide in the emissions gases.
 - (3) Opacity of the emissions gases.
- (b) Continuous monitors with recorders and interlocks shall be in place and in working order to monitor and stop feed to the incinerator if designated levels for the monitored parameters are not achieved. The continuous monitors for carbon monoxide and opacity shall meet Performance Specification 4 and 1, respectively, as provided at 40 CFR, Part 60, Appendix B.

- (4) Performance Testing
- (a) All existing incinerators shall be performance-tested within one year from the effective date of this regulation.
 - (b) All new incinerators shall be performance-tested within 180 days after start-up.
 - (c) After the initial performance test, all incinerators shall be performance-tested a minimum of once every two years.
 - (d) Wastes burned in conjunction with the performance-testing shall be a representative sample of the refuse to be burned in the incinerator.
 - (e) Sample and velocity traverses, determination of stack velocity and volumetric flow rate and gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight shall be determined according to 40 CFR, Part 60, Appendix A, Methods 1, 2, and 3, respectively.
 - (f) Particulate matter emissions shall be determined according to 40 CFR, Part 60, Appendix A, Method 5.
 - (g) Hydrochloric acid (HCL) emissions shall be determined according to 40 CFR, Part 60, Appendix A, Method 26.
 - (h) Sulfur dioxide emissions shall be determined according to 40 CFR, Part 60, Appendix A, Method 6.
 - (i) Carbon monoxide emissions shall be determined according to 40 CFR, Part 60, Appendix A, Method 10.
 - (j) Opacity shall be determined according to 40 CFR, Part 60, Appendix A, Method 9.
 - (k) Dioxins/furans shall be determined according to 40 CFR, Part 60, Appendix A, Method 23.
 - (l) Mercury emissions shall be determined according to 40 CFR, Part 61, Appendix B, Method 101A.
- (5) Ash Testing (Bottom and Fly Ash)
- Bottom and fly ash shall be tested separately on an annual basis or more frequently as required for carbon residue, TCLP metals, radioactivity, and recognizable organic matter. The carbon residue shall be a maximum of 7% carbon by dry weight and there shall be no recognizable organic matter present. Ash that tests as hazardous must be reported to the Director immediately and managed in accordance with EPA Hazardous Waste Regulations. Radioactivity testing shall be performed in accordance with accepted radiological standards and practices and State and Federal Regulations. Results shall be copied to the appropriate office.
- (6) Records and Reporting
- (a) The owner shall keep all records pertaining to the operation of the incinerator or the compliance with this regulation for a period of no less than three years, the owner shall provide the Director access to such records during hours of operation as allowed in the operating permit. A summary of all logs, continuous monitor results and records of equipment or operational changes shall be reported quarterly (calendar).
 - (b) The Air Pollution Control Program of the Lincoln-Lancaster County Health Department shall maintain incinerator compliance records on each permitted waste incinerator for a minimum of five years. All compliance records shall be open to public inspection during regular working hours except when the records are part of an investigation. Copies of such records may be obtained by the public based on actual cost to the Department.

- (7) **Operator Training**
- (a) Each incinerator operator shall be trained in the incinerator operating procedures as developed either by the American Society of Mechanical Engineers (ASME), by the incinerator manufacturer or by a trained individual with more than one year's experience in the operation of the incinerator that the trainee will be operating. Minimum training shall include the basic combustion theory, operating procedures, monitoring of combustion control parameters of the incinerator and all emergency procedures to be followed should the incinerator malfunction or exceed operating parameters.
 - (b) An operator who meets the requirements of operator training shall be on duty and immediately accessible during all periods of incinerator operation. The manufacturer's operating instructions and guidelines shall be available on site at all times.
 - (c) A written certification of the appropriate training received by the operator, with the date of training that includes a listing of the instructor's qualifications or ASME certification school, shall be available at the incinerator site at all times.
- (8) **Compliance Schedule for Existing Incinerators**
- All existing incinerators shall demonstrate compliance with these requirements no later than 36 months from the effective date of this regulation unless a variance has been obtained by the owner in accordance with applicable law. Any existing incinerator which cannot demonstrate compliance and for which a variance had not been granted within the aforementioned period of time shall terminate operation.

The following categories of waste burning combustion units shall be regulated by this Section:

- (A) Small municipal waste combustion units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001 (40 CFR Part 60 Subpart AAAA). This standard applies to municipal waste combustion units that meet two criteria:
- (1) The unit is new as defined at Section 60.1015, Subpart AAAA.
 - (2) The unit has the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refuse-derived fuel. There are units that are exempt from the requirements of this subpart. Section 60.1020(a) through (k) should be consulted to determine whether a specific type of unit is exempt.
- (B) Small municipal waste combustion units constructed on or before August 30, 1999 (40 CFR Part 60 Subpart BBBB, Emission Guidelines and Compliance Times)
As of the effective date of these revised Regulations and Standards there are currently no existing municipal waste combustions units located within Lincoln-Lancaster County that have the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refused derived fuel and were constructed on or before August 30, 1999.
- (C) Air curtain incinerators (as defined in Section 60.1465 of 40 CFR Part 60 Subpart AAAA) that burn 100 percent yard waste (as defined in Section 60.1440 of subpart AAAA)
These units shall comply with the requirements of 40 CFR Part 60 Subpart AAAA, Section 60.1445, 60.1450, and 60.1455. These requirements apply to air curtain incinerators that combust at least 35 tons per day of municipal solid waste and no more than 250 tons per day of municipal solid waste. As of the effective date of these Regulations and Standards there are no air curtain incinerators located within Lincoln-Lancaster County.
- Any air curtain incinerators that are installed in Lincoln-Lancaster County and that have a burn limit of less than 35 tons per day of 100 percent yard waste shall meet these limits: (1) The opacity limit is 15 percent (6 minute average) except at startup; and (2) The opacity limit is 40 percent (6 minute average) during the startup period that is within the first 30 minute of operation. Monitoring, record keeping and reporting requirements shall be those established by the Department.
- (D) Large municipal waste combustors that are constructed on or before September 20, 1994 (40 CFR Part 60 Subpart Cb, Emission Guidelines and Compliance Times)
As of the effective date of these revised Regulations and Standards there are currently no existing municipal waste combustion units located in Lincoln-Lancaster County with a combustion capacity greater than 250 tons per day of municipal solid waste and were constructed on or before September 20, 1994.
- (E) Hospital/medical/infectious waste incinerators constructed on or before June 20, 1996 (40 CFR Part 60 Subpart Ce, Emission Guidelines and Compliance Times)
A hospital/medical/infectious waste incinerator or HMIWI unit means any device that combusts any amount of Type 5 waste. A combustor is not subject to this subpart if it qualifies under one of the exceptions listed in paragraphs (b) through (h) of Section 60.32e, Subpart Ce. As of the effective date of these Regulations and Standards there are currently no hospital/medical/infectious waste incinerators located in Lincoln-Lancaster County that were constructed on or before June 20, 1996 that are subject to this subpart.

- (F) Commercial and industrial solid waste incineration units for which construction commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001 (40 CFR Part 60 Subpart CCCC)
A commercial and industrial solid waste incinerator is a combustion device as defined in Section 60.2265 of Subpart CCCC. A combustor is not subject to this subpart if it qualifies under one of the exceptions listed in paragraphs (a) through (o) of Section 60.2020, Subpart CCCC. As of the effective date of these Regulations and Standards there are currently no commercial and industrial solid waste incineration units located in Lincoln-Lancaster County that were constructed after November 30, 1999 or that have been modified or reconstructed on or after June 1, 2001 that are subject to this subpart.
- (G) Commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999 (40 CFR Part 60 Subpart DDDD, Emission Guidelines and Compliance Times)
A commercial and industrial solid waste incinerator as defined in Section 60.2875 of Subpart DDDD and that is not exempt according to Section 60.2555 of Subpart DDDD is subject to the emission guidelines and compliance times of this subject if it was constructed on or before November 30, 1999. As of the effective date of these Regulations and Standards there are currently no commercial and industrial solid waste incineration units located in Lincoln-Lancaster County that were constructed on or before November 30, 1999 that are subject to this subpart.
- (H) Incinerators, as defined at 40 CFR Part 60, Subpart E, Section 60.51, charging more than 50 tons per day that were constructed or modified after August 17, 1971 (40 CFR Part 60 Subpart E)
As of the effective date of these Regulations and Standards there are currently no incinerators located in Lincoln-Lancaster County that were constructed or modified after August 17, 1971 that are capable of charging more than 50 tons per day of solid waste.
- (I) Municipal waste combustors constructed after December 20, 1989 and on or before September 20, 1994 (40 CFR Part 60 Subpart Ea)
This subpart applies to municipal waste combustion units with capacities greater than 250 tons per day of municipal solid waste that were constructed after December 20, 1989 and on or before September 20, 1994 or were modified or reconstructed after December 20, 1989 and on or before June 19, 1996 unless the combustor is excepted under one of the provisions, paragraphs (c) through (k), of Section 60.50a, Subpart Ea. As of the effective date of these Regulations and Standards there are currently no municipal solid waste combustors located in Lincoln-Lancaster County that are subject to this subpart.
- (J) Large municipal waste combustors constructed after September 20, 1994 or modified or reconstructed after June 19, 1996 (40 CFR Part 60, Subpart Eb)
This subpart applies to large municipal waste combustion units with capacities greater than 250 tons per day of municipal solid waste which are constructed, modified or reconstructed after the dates indicated herein unless the combustor is excepted under one of the provisions, paragraphs (b), (d), (e), (f), (g), (h), (i), (j), (m), and (p), of Section 60.50b, Subpart Eb. As of the effective date of these Regulations and Standards there are currently no large municipal solid waste combustors located in Lincoln-Lancaster County that are subject to this subpart.
- (K) Hospital/medical/infectious waste incinerators constructed after June 20, 1996 or modified after March 16, 1998 (40 CFR Part 60 Subpart Ec)
A hospital/medical/infectious waste incinerator or HMIWI unit means any device that combusts any amount of Type 5 waste. A combustor is not subject to this subpart if it qualifies for an exemption under one of the provisions listed in paragraphs (b) through (h) of Section 60.50c, Subpart Ec. As of the effective date of these Regulations and Standards there are currently no hospital/medical/infectious waste incinerators located in Lincoln-Lancaster County that are subject to this subpart.

(L) Hazardous waste combustors

A hazardous waste combustor means a hazardous waste incinerator, hazardous waste burning cement kiln, or hazardous waste burning lightweight aggregate kiln. Hazardous waste is defined in 40 CFR Part 261 Subpart A, Section 261.3. A source planning to construct a hazardous waste incinerator in Lincoln-Lancaster County shall contact both the Department and the Nebraska Department of Environmental Quality to determine all of the requirements that are applicable to a facility of this nature and to be advised as to which agency is responsible for specific requirements. A significant number of requirements that are applicable to hazardous waste incinerators are not part of the air quality Regulations and Standards administered by the Lincoln-Lancaster County Health Department.

(M) Other incineration units

Incineration units that are not subject to the requirements in paragraphs (A) through (L) of this section shall comply with the following requirements:

- (1) No person shall cause or permit emissions of particulate matter from any incinerator to be discharged into the outdoor atmosphere to exceed 0.10 grains per dry standard cubic foot (gr/dscf) of exhaust gas, corrected to 12% carbon dioxide. The exhaust gases contributed by the burning of a liquid or gaseous fuel shall be excluded.
- (2) The burning capacity of an incinerator shall 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.
- (3) Waste burned during performing testing required by paragraph (4) below shall be representative of the waste normally burned by the affected facility and shall be charged at a rate equal to the burning capacity of the incinerator. Copies of additional operational data recorded during the test shall be submitted to the Department together with the completed test report forms.
- (4) Instructions for proper operation of each incinerator shall be posted on site and written certification that each operator has read these instructions, understands them and intends to comply, shall be kept on record by the owner.
- (5) Each incinerator shall meet the design criteria as set forth in the definition of incinerator at Article 2, Section 1 of these Regulations and Standards and shall meet the additional requirement that the products of combustion be vented through an adequate stack, duct, or chimney.
- (6) Chemotherapeutic and low level radioactive wastes (as defined at 40 CFR Part 60 Subpart Ec, Section 60.51c) shall not be incinerated.

Typically, other incineration units include those that incinerate Type 4 (pathological) waste, crematories for humans and animals and those that incinerate a variety of a wastes including municipal solid waste.

Ref: Title 129, Chapter 22, Nebraska Department of Environmental Quality

SECTION 23. HAZARDOUS AIR POLLUTANTS--EMISSION STANDARDS

- (A) 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, ~~1992~~ 2001, are hereby adopted and incorporated herein:
- (1) Subpart A - General Provisions
 - (2) Subpart C - National Emission Standard for Beryllium
 - (3) Subpart D - National Emission Standard for Beryllium Rocket Motor Firing
 - (4) Subpart E - National Emission Standard for Mercury
 - (5) Subpart F - National Emission Standard for Vinyl Chloride
 - (6) Subpart J - National Emission Standard for Equipment Leaks (fugitive emission sources) of Benzene
 - (7) Subpart L - National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
 - (8) Subpart M - National Emission Standard for Asbestos, and the following:
 - (a) All asbestos containing waste covered under 40 CFR 61.144, 61.145, 61.146, and 61.147 Subpart M shall be maintained in an adequate wetted state until disposed of by acceptable methods.
 - (b) All asbestos containing waste bags shall be transparent so that the asbestos-containing material (ACM) is visible after packaging.
 - (c) Containment projects shall use a viewing window or windows where ever practical.
 - (9) Subpart N - National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants
 - (10) Subpart O - National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters
 - (11) Subpart P - National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities
 - (12) Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
 - (13) Subpart Y - National Emission Standard for Benzene Emissions from Benzene Storage Vessels
 - (14) Subpart BB - National Emission Standard for Benzene from Benzene Transfer Operations
 - (15) Subpart FF - National Emission Standard for Benzene Waste Operations.
 - (16) Appendices A, B, and C

Ref: Title 129, Chapter 23, Nebraska Department of Environmental Quality

SECTION 26. ACID RAIN

- (A) The provisions of 40 CFR ~~p~~ Part 72, as in effect on July 1, ~~1997~~ 2001, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Act, are hereby adopted and incorporated by reference. The term "permitting Authority" shall mean the Department and the term "administrator" shall mean the Administrator of the U.S. Environmental Protection Agency.
- (B) If the provisions or requirements of 40 CFR ~~p~~ Part 72 conflict with other provisions of these Regulations and Standards as they apply to affected sources, the ~~p~~ Part 72 provisions and requirements shall apply and take precedence.
- (C) The provisions of 40 CFR ~~p~~ Part 75, as in effect on July 1, ~~1997~~ 2001, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Act, are hereby adopted and incorporated by reference.
- (D) The provisions of 40 CFR ~~p~~ Part 76, as in effect on July 1, ~~1997~~ 2001, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Act, are hereby adopted and incorporated by reference.

Ref: Title 129, Chapter 26, Nebraska Department of Environmental Quality

SECTION 27. HAZARDOUS AIR POLLUTANTS -- MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT)

- (A) Notwithstanding any other provisions of these ~~r~~Regulations and Standards, Sections 63.70 through 63.81 of Title 40 Code of Federal Regulations (CFR) Part 63, Subpart D, effective ~~November 21, 1994~~ December 29, 1992, pertaining to compliance extensions for early reductions, are hereby adopted and incorporated by reference.
- (B) Requirements for new, modified, or reconstructed sources of hazardous air pollutants: A permit 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 the level specified in Section 17, subparagraph (A)(1)~~(g)~~ (h) of these ~~r~~Regulations and Standards only if best available control technology (as determined by the Director) is applied for each hazardous air pollutant and the source will comply with all other requirements of these Regulations and Standards. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under Section 18, Section 23, Section 27, or Section 28.
- (C) Requirements for new or reconstructed major sources of hazardous air pollutants. A permit as required under ~~section~~ subparagraph (A)(1)~~(g)~~ (h) of ~~Chapter~~ Section 17 for construction or reconstruction of a source with the potential to emit an amount equal to or in excess of 10 tons per year of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, will only be issued if maximum achievable control technology, as determined by the Director, is applied, and the source is required to comply with all other requirements of these ~~r~~Regulations and Standards.
- (1) 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 December 27, 1996, are hereby adopted and incorporated by reference.
- (2) Except as provided in (C)(1), the provisions and procedures of ~~Chapter~~ Section 17 and (B) above apply.
- (D) Notwithstanding any other provisions of these Regulations and Standards, Section 63.50 through 63.56 of Title 40 Code of Federal Regulations (CFR) Part 63, Subpart B, as amended at 67 Federal Register 16582 on April 5, 2002, 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.
- ~~(E)~~ (E) Notwithstanding any other provisions of these ~~r~~Regulations and Standards, Title 40 Code of Federal Regulations (CFR) Part 68, Subparts A thru H, effective January 6, 1998, pertaining to Chemical Accident Release Prevention, are hereby adopted and incorporated by reference.

Ref: Title 129, Chapter 27, 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 Part 63 effective July 1, ~~2000~~ 2002 are hereby adopted and incorporated herein:

- (1) Perchloroethylene Dry Cleaning Facilities - Subpart M
- (2) General Provisions - Subpart A
- (3) Hard and Decorative Chromium Electroplating and Anodizing Tanks - Subpart N
- (4) Ethylene Oxide Commercial Sterilizers and Fumigation Operations - Subpart O
- (5) Chromium Emissions from Industrial Process Cooling Towers - Subpart Q
- (6) Gasoline Distribution Facilities - Subpart R
- (7) Halogenated Solvent Cleaning Machines - Subpart T
- (8) Magnetic Tape Manufacturing Operations - Subpart EE
- (9) Hazardous Organic NESHAPs - Subparts F, G, H, and I
- (10) Aerospace Industry - Subpart GG
- (11) Off-Site Waste Operations - Subpart DD
- (12) Petroleum Refineries - Subpart CC
- (13) Printing/Publishers Ind. - Subpart KK
- (14) Polymer & Resins - Subpart U
- (15) Polymer & Resins - Subpart W
- (16) Polymer & Resins - Subpart JJJ
- (17) Secondary Lead Smelters - Subpart X
- (18) Wood Furniture Manuf. - Subpart JJ
- (19) Tanks-Level 1, Subpart 00
- (20) Containers, Subpart PP
- (21) Surface Impoundments, Subpart QQ
- (22) Individual Drain Systems, Subpart RR
- (23) Oil-Water Separators and Organic-Water Separators, Subpart VV
- (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 L 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
- (49) Secondary Aluminum Production - Subpart RRR
- (50) Publicly Owned Treatment Works - Subpart VVV
- (51) Solvent Extraction for Vegetable Oil Production - Subpart GGGG
- (52) Boat Manufacturing - Subpart VVVV
- (53) Manufacturing of Nutritional Yeast - Subpart CCCC

SECTION 34. EMISSION SOURCES -- TESTING -- MONITORING

- (A) 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 ~~r~~Regulations and Standards. 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. Such a requirement shall be considered as an order and subject to all administrative and legal requirements specified.
- (B) Required tests shall be conducted in accordance with the following test methods and procedures, as applicable:
- (1) 40 CFR Part 51, Appendix M, effective July 1, ~~1992~~ 1996
 - (2) 40 CFR Part 60, Appendices A, B, C, F, effective July 1, ~~1992~~ 1996
 - (3) 40 CFR Part 61, Appendix B, effective July 1, ~~1992~~ 1996
 - (4) 40 CFR Part 63, Appendix A, 57 Federal Register 61970, December 29, ~~1992~~ 1996
 - (5) 40 CFR Part 266, Appendix IX, July 1, ~~1992~~ 1995
 - (6) Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 (3rd Edition) (November 1986) and its Revisions ~~I (December 1987)~~, II and III, effective June 13, 1997.
 - (7) Such tests shall be conducted by reputable, qualified individuals. A certified written copy of the test results signed by the person conducting the test shall be provided to the Department within 45 days of completion of the test.
- (C) The owner or operator of a source shall provide the Department 30 days notice prior to testing to afford the Department an opportunity to have an observer present.
- (D) The Department may conduct tests of emissions of contaminants from any stationary source.
- (1) Upon written request from the Department, the person responsible for the source to be tested shall cooperate with the Department in providing 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 required to conduct the test with due regard being given to expenditures and possible disruption of normal operations of the source.
 - (2) A report concerning the findings of such tests shall be furnished to the person responsible for the source upon request.

APPENDIX II
HAZARDOUS AIR POLLUTANTS

<u>Chemical Name</u>	<u>CAS Number</u>
Acetaldehyde	75-07-0
Acetamide	60-35-5
Acetonitrile	75-05-8
Acetophenone	98-86-2
2-Acetylaminofluorene	53-96-3
Acrolein	107-02-8
Acrylamide	79-06-1
Acrylic acid	79-10-7
Acrylonitrile	107-13-1
Allyl chloride	107-05-1
4-Aminobiphenyl	92-67-1
Aniline	63-53-3
o-Anisidine	90-04-0
Asbestos	1332-21-4
Benzene	71-43-2
Benzidine	92-87-5
Benzotrichloride	98-07-7
Benzyl chloride	100-44-7
Biphenyl	92-52-4
Bis(2-ethylhexy)phthalate	117-81-7
Bis(chloromethyl)ether	542-88-1
Bromoform	75-25-2
1,3-Butadiene	106-99-0
Calcium cyanamide	156-62-7
Caprolactam	105-60-2
Captan	133-06-2
Cabaryl	63-25-2
Carbon disulfide	75-15-0
Carbon tetrachloride	56-23-5
Carbonyl sulfide	463-58-1
Catechol	120-80-9
Chloramben	133-90-4
Chlordane	57-74-9
Chlorine	7782-50-5
Chloroacetic acid	79-11-8
2-Chloroacetophenone	532-27-4
Chlorobenzene	108-90-7
Chlorobenzilate	510-15-6
Chloroform	67-66-3
Chloromethyl methyl ether	107-30-2
Chloroprene	126-99-8
Cresols (mixed isomers)	1319-77-3
m-Cresol	108-39-4
o-Cresol	95-48-7

v. 2003

APPENDIX III
REPORTING LEVELS OF HAZARDOUS AIR POLLUTANTS FOR EMISSION INVENTORY

<u>CAS #</u>	<u>Chemical Name</u>	<u>Reporting</u>	<u>Level</u> <u>Pounds/year)Us</u>
	es ^a		
<u>57147</u>	<u>1,1-Dimethyl hydrazine</u>	<u>16</u>	<u>T,A</u>
<u>79005</u>	<u>1,1,2-Trichloroethane</u>	<u>1,000</u>	<u>T,I</u>
<u>79345</u>	<u>1,1,2,2-Tetrachloroethane</u>	<u>300</u>	<u>T,I</u>
<u>96128</u>	<u>1,2-Dibromo-3-chloropropane</u>	<u>20</u>	<u>T,A</u>
<u>122667</u>	<u>1,2-Diphenylhydrazine</u>	<u>90</u>	<u>T,I</u>
<u>106887</u>	<u>1,2-Epoxybutane</u>	<u>1,000</u>	<u>T,I</u>
<u>75558</u>	<u>1,2-Propylenimine (2-Methyl aziridine)</u>	<u>6</u>	<u>T,A</u>
<u>120821</u>	<u>1,2,4-Trichlorobenzene</u>	<u>2,000</u>	<u>T,I</u>
<u>106990</u>	<u>1,3-Butadiene</u>	<u>70</u>	<u>T,I</u>
<u>542756</u>	<u>1,3-Dichloropropene</u>	<u>1,000</u>	<u>T,I</u>
<u>1120714</u>	<u>1,3-Propane sultone</u>	<u>30</u>	<u>T,I</u>
<u>106467</u>	<u>1,4-Dichlorobenzene(p)</u>	<u>1,000</u>	<u>T,I</u>
<u>123911</u>	<u>1,4-Dioxane (1,4-Diethyleneoxide)</u>	<u>2,000</u>	<u>T,I</u>
<u>53963</u>	<u>2-Acetylaminofluorine</u>	<u>10</u>	<u>T,A</u>
<u>532274</u>	<u>2-Chloroacetophenone</u>	<u>60</u>	<u>T,I</u>
<u>79469</u>	<u>2-Nitropropane</u>	<u>1,000</u>	<u>T,I</u>
<u>540841</u>	<u>2,2,4-Trimethylpentane</u>	<u>2,000</u>	<u>T,I</u>
<u>1746016</u>	<u>2,3,7,8-Tetrachlorodibenzo-p-dioxin</u>	<u>0.0012</u>	<u>T,A</u>
<u>584849</u>	<u>2,4-Toluene diisocyanate</u>	<u>100</u>	<u>T,I</u>
<u>51285</u>	<u>2,4-Dinitrophenol</u>	<u>1,000</u>	<u>T,I</u>
<u>121142</u>	<u>2,4-Dinitrotoluene</u>	<u>20</u>	<u>T,A</u>
<u>94757</u>	<u>2,4-D, salts, esters (2,4-Dichlorophenoxy acetic acid)</u>	<u>2,000</u>	<u>T,I</u>
<u>95807</u>	<u>2,4-Toluene diamine</u>	<u>20</u>	<u>T,A</u>
<u>95954</u>	<u>2,4,5-Trichlorophenol</u>	<u>1,000</u>	<u>T,I</u>
<u>88062</u>	<u>2,4,6-Trichlorophenol</u>	<u>2,000</u>	<u>T,A</u>
<u>91941</u>	<u>3,3-Dichlorobenzidene</u>	<u>200</u>	<u>T,I</u>
<u>119904</u>	<u>3,3'-Dimethoxybenzidine</u>	<u>100</u>	<u>T,I</u>
<u>119937</u>	<u>3,3'-Dimethyl benzidine</u>	<u>16</u>	<u>T,A</u>
<u>92671</u>	<u>4-Aminobiphenyl</u>	<u>1,000</u>	<u>T,I</u>
<u>92933</u>	<u>4-Nitrobiphenyl</u>	<u>1,000</u>	<u>T,I</u>
<u>100027</u>	<u>4-Nitrophenol</u>	<u>2,000</u>	<u>T,I</u>
<u>101144</u>	<u>4,4-Methylene bis (2-chloroaniline)</u>	<u>200</u>	<u>T,I</u>
<u>101779</u>	<u>4,4'-Methylenedianiline</u>	<u>1,000</u>	<u>T,I</u>
<u>534521</u>	<u>4,6-Dinitro-o-cresol, and salts</u>	<u>100</u>	<u>T,I</u>
<u>75070</u>	<u>Acetaldehyde</u>	<u>2,000</u>	<u>T,I</u>
<u>60355</u>	<u>Acetamide</u>	<u>1,000</u>	<u>T,I</u>
<u>75058</u>	<u>Acetonitrile</u>	<u>1,000</u>	<u>T,I</u>
<u>98862</u>	<u>Acetophenone</u>	<u>1,000</u>	<u>T,I</u>

<u>79061</u>	<u>Acrylamide</u>	<u>20</u>	<u>T,A</u>
<u>79107</u>	<u>Acrylic acid</u>	<u>600</u>	<u>T,I</u>
<u>107131</u>	<u>Acrylonitrile</u>	<u>300</u>	<u>T,I</u>
<u>107051</u>	<u>Allyl chloride</u>	<u>1,000</u>	<u>T,I</u>
<u>62533</u>	<u>Aniline</u>	<u>1,000</u>	<u>T,I</u>
<u>71432</u>	<u>Benzene</u>	<u>1,000</u>	<u>T,I</u>
<u>92875</u>	<u>Benzidine</u>	<u>0.6</u>	<u>T,A</u>
<u>98077</u>	<u>Benzotrichloride</u>	<u>12</u>	<u>T,A</u>
<u>100447</u>	<u>Benzyl chloride</u>	<u>100</u>	<u>T,I</u>
<u>57578</u>	<u>beta-Propiolactone</u>	<u>100</u>	<u>T,I</u>
<u>92524</u>	<u>Biphenyl</u>	<u>2,000</u>	<u>T,I</u>
<u>117817</u>	<u>Bis(2-ethylhexyl)phthalate (DEHP)</u>	<u>2,000</u>	<u>T,I</u>
<u>542881</u>	<u>Bis(chloromethyl)ether</u>	<u>0.6</u>	<u>T,A</u>
<u>75252</u>	<u>Bromoform</u>	<u>2,000</u>	<u>T,I</u>
<u>156627</u>	<u>Calcium cyanamide</u>	<u>2,000</u>	<u>T,I</u>
<u>133062</u>	<u>Captan</u>	<u>2,000</u>	<u>T,I</u>
<u>63252</u>	<u>Carbaryl</u>	<u>2,000</u>	<u>T,I</u>
<u>75150</u>	<u>Carbon disulfide</u>	<u>1,000</u>	<u>T,I</u>
<u>56235</u>	<u>Carbon tetrachloride</u>	<u>1,000</u>	<u>T,I</u>
<u>463581</u>	<u>Carbonyl sulfide</u>	<u>2,000</u>	<u>T,I</u>
<u>120809</u>	<u>Catechol</u>	<u>2,000</u>	<u>T,I</u>
<u>133904</u>	<u>Chloramben</u>	<u>1,000</u>	<u>T,I</u>
<u>57749</u>	<u>Chlordane</u>	<u>20</u>	<u>T,A</u>
<u>7782505</u>	<u>Chlorine</u>	<u>100</u>	<u>T,I</u>
<u>79118</u>	<u>Chloroacetic acid</u>	<u>100</u>	<u>T,I</u>
<u>108907</u>	<u>Chlorobenzene</u>	<u>2000</u>	<u>T,I</u>
<u>510156</u>	<u>Chlorobenzilate</u>	<u>400</u>	<u>T,I</u>
<u>67663</u>	<u>Chloroform</u>	<u>900</u>	<u>T,I</u>
<u>107302</u>	<u>Chloromethyl methyl ether</u>	<u>100</u>	<u>T,I</u>
<u>126998</u>	<u>Chloroprene</u>	<u>1,000</u>	<u>T,I</u>
<u>1319773</u>	<u>Cresols/Cresylic acid (isomers and mixture)</u>	<u>1,000</u>	<u>T,I</u>
<u>95487</u>	<u>o-Cresol</u>	<u>1,000</u>	<u>T,I</u>
<u>108394</u>	<u>m-Cresol</u>	<u>1,000</u>	<u>T,I</u>
<u>106445</u>	<u>p-Cresol</u>	<u>1,000</u>	<u>T,I</u>
<u>98828</u>	<u>Cumene</u>	<u>2,000</u>	<u>T,I</u>
<u>334883</u>	<u>Diazomethane</u>	<u>1,000</u>	<u>T,I</u>
<u>132649</u>	<u>Dibenzofuran</u>	<u>2,000</u>	<u>T,I</u>
<u>72559</u>	<u>DDE (p,p'-Dichlorodiphenyl-di-chloroethylene)</u>	<u>20</u>	<u>T,A</u>
<u>84742</u>	<u>Dibutylphthalate</u>	<u>2,000</u>	<u>T,I</u>
<u>111444</u>	<u>Dichloroethyl ether (Bis(2-chloroethyl)ether)</u>	<u>60</u>	<u>T,I</u>
<u>62737</u>	<u>Dichlorvos</u>	<u>200</u>	<u>T,I</u>
<u>11422</u>	<u>Diethanolamine</u>	<u>2,000</u>	<u>T,I</u>
<u>64675</u>	<u>Diethyl sulfate</u>	<u>1,000</u>	<u>T,I</u>
<u>60117</u>	<u>Dimethyl aminoazobenzene</u>	<u>1,000</u>	<u>T,I</u>
<u>79447</u>	<u>Dimethyl carbamoyl chloride</u>	<u>20</u>	<u>T,A</u>

<u>68122</u>	<u>Dimethyl formamide</u>	<u>1,000</u>	<u>T,I</u>
<u>131113</u>	<u>Dimethyl phthalate</u>	<u>2,000</u>	<u>T,I</u>
<u>77781</u>	<u>Dimethyl sulfate</u>	<u>100</u>	<u>T,I</u>
<u>106898</u>	<u>Epichlorohydrin</u>	<u>1,000</u>	<u>T,I</u>
<u>140885</u>	<u>Ethyl acrylate</u>	<u>1,000</u>	<u>T,I</u>
<u>100414</u>	<u>Ethyl benzene</u>	<u>2,000</u>	<u>T,I</u>
<u>51796</u>	<u>Ethyl carbamate (Urethane)</u>	<u>800</u>	<u>T,I</u>
<u>75003</u>	<u>Ethyl chloride</u>	<u>2,000</u>	<u>T,I</u>
<u>106934</u>	<u>Ethylene dibromide (Dibromoethane)</u>	<u>100</u>	<u>T,I</u>
<u>107062</u>	<u>Ethylene dichloride (1,2-Dichloroethane)</u>	<u>800</u>	<u>T,I</u>
<u>107211</u>	<u>Ethylene glycol</u>	<u>2,000</u>	<u>T,I</u>
<u>151564</u>	<u>Ethylene imine (Aziridine)</u>	<u>6</u>	<u>T,A</u>
<u>75218</u>	<u>Ethylene oxide</u>	<u>100</u>	<u>T,I</u>
<u>96457</u>	<u>Ethylene thiourea</u>	<u>600</u>	<u>T,I</u>
<u>75343</u>	<u>Ethylidene dichloride (1,1-Dichloroethane)</u>	<u>1,000</u>	<u>T,I</u>
<u>50000</u>	<u>Formaldehyde</u>	<u>1,000</u>	<u>T,I</u>
<u>76448</u>	<u>Heptachlor</u>	<u>20</u>	<u>T,A</u>
<u>118741</u>	<u>Hexachlorobenzene</u>	<u>20</u>	<u>T,A</u>
<u>87683</u>	<u>Hexachlorobutadiene</u>	<u>900</u>	<u>T,I</u>
<u>77474</u>	<u>Hexachlorocyclopentadiene</u>	<u>100</u>	<u>T,I</u>
<u>67721</u>	<u>Hexachloroethane</u>	<u>2,000</u>	<u>T,I</u>
<u>822060</u>	<u>Hexamethylene,-1,6-diisocyanate</u>	<u>20</u>	<u>T,A</u>
<u>680319</u>	<u>Hexamethylphosphoramide</u>	<u>20</u>	<u>T,A</u>
<u>110543</u>	<u>Hexane</u>	<u>2,000</u>	<u>T,I</u>
<u>302012</u>	<u>Hydrazine</u>	<u>8</u>	<u>T,A</u>
<u>7647010</u>	<u>Hydrochloric acid</u>	<u>2,000</u>	<u>T,I</u>
<u>7664393</u>	<u>Hydrogen fluoride</u>	<u>100</u>	<u>T,I</u>
<u>123319</u>	<u>Hydroquinone</u>	<u>1,000</u>	<u>T,I</u>
<u>78591</u>	<u>Isophorone</u>	<u>2,000</u>	<u>T,I</u>
<u>58899</u>	<u>Lindane (hexachlorcyclohexane, gamma)</u>	<u>20</u>	<u>T,A</u>
<u>108316</u>	<u>Maleic anhydride</u>	<u>1,000</u>	<u>T,I</u>
<u>67561</u>	<u>Methanol</u>	<u>2,000</u>	<u>T,I</u>
<u>72435</u>	<u>Methoxychlor</u>	<u>2,000</u>	<u>T,I</u>
<u>74839</u>	<u>Methyl bromide (Bromomethane)</u>	<u>2,000</u>	<u>T,I</u>
<u>74873</u>	<u>Methyl chloride (Chloromethane)</u>	<u>2,000</u>	<u>T,I</u>
<u>71556</u>	<u>Methyl chloroform (1,1,1-Trichloroethane)</u>	<u>2,000</u>	<u>T,I</u>
<u>78933</u>	<u>Methyl ethyl ketone (2-Butanone)</u>	<u>2,000</u>	<u>T,I</u>
<u>60344</u>	<u>Methyl hydrazine</u>	<u>60</u>	<u>T,I</u>
<u>74884</u>	<u>Methyl iodide (Iodomethane)</u>	<u>1,000</u>	<u>T,I</u>
<u>108101</u>	<u>Methyl isobutyl ketone</u>	<u>2,000</u>	<u>T,I</u>
<u>624839</u>	<u>Methyl isocyanate</u>	<u>100</u>	<u>T,I</u>
<u>80626</u>	<u>Methyl methacrylate</u>	<u>2,000</u>	<u>T,I</u>
<u>1634044</u>	<u>Methyl tert-butyl ether</u>	<u>2,000</u>	<u>T,I</u>
<u>12108133</u>	<u>Methylcyclopentadienyl manganese</u>	<u>100</u>	<u>T,I</u>

<u>75092</u>	<u>Methylene chloride (Dichloromethane)</u>	<u>2,000</u>	<u>T,I</u>
<u>101688</u>	<u>Methylene diphenyl diisocyanate</u>	<u>100</u>	<u>T,I</u>
<u>91203</u>	<u>Naphthalene</u>	<u>2,000</u>	<u>T,I</u>
<u>98953</u>	<u>Nitrobenzene</u>	<u>1,000</u>	<u>T,I</u>
<u>62759</u>	<u>N-Nitrosodimethylamine</u>	<u>2</u>	<u>T,A</u>
<u>69892</u>	<u>N-Nitrosomorpholine</u>	<u>1,000</u>	<u>T,I</u>
<u>684935</u>	<u>N-Nitroso-N-methylurea</u>	<u>0.4</u>	<u>T,A</u>
<u>121697</u>	<u>N,N-Dimethylaniline</u>	<u>1,000</u>	<u>T,I</u>
<u>90040</u>	<u>o-Anisidine</u>	<u>1,000</u>	<u>T,I</u>
<u>95534</u>	<u>o-Toluidine</u>	<u>1,000</u>	<u>T,I</u>
<u>56382</u>	<u>Parathion</u>	<u>100</u>	<u>T,I</u>
<u>82688</u>	<u>Pentachloronitrobenzene (Quintobenzene)</u>	<u>300</u>	<u>T,I</u>
<u>87865</u>	<u>Pentachlorophenol</u>	<u>700</u>	<u>T,I</u>
<u>108952</u>	<u>Phenol</u>	<u>100</u>	<u>T,I</u>
<u>75445</u>	<u>Phosgene</u>	<u>100</u>	<u>T,I</u>
<u>7803512</u>	<u>Phosphine</u>	<u>2,000</u>	<u>T,I</u>
<u>7723140</u>	<u>Phosphorous</u>	<u>100</u>	<u>T,I</u>
<u>85449</u>	<u>Phthalic anhydride</u>	<u>2,000</u>	<u>T,I</u>
<u>1336363</u>	<u>Polychlorinated biphenyls (Aroclors)</u>	<u>18</u>	<u>T,A</u>
<u>106503</u>	<u>p-Phenylenediamine</u>	<u>2,000</u>	<u>T,I</u>
<u>123386</u>	<u>Propionaldehyde</u>	<u>2,000</u>	<u>T,I</u>
<u>114261</u>	<u>Propoxur (Baygone)</u>	<u>2,000</u>	<u>T,I</u>
<u>78875</u>	<u>Propylene dichloride (1,2-Dichloropropane)</u>	<u>1,000</u>	<u>T,I</u>
<u>75569</u>	<u>Propylene oxide</u>	<u>2,000</u>	<u>T,I</u>
<u>91225</u>	<u>Quinoline</u>	<u>12</u>	<u>T,A</u>
<u>106514</u>	<u>Quinone</u>	<u>2,000</u>	<u>T,I</u>
<u>100425</u>	<u>Styrene</u>	<u>1,000</u>	<u>T,I</u>
<u>96093</u>	<u>Styrene oxide</u>	<u>1,000</u>	<u>T,I</u>
<u>127184</u>	<u>Tetrachloroethylene (Perchloroethylene)</u>	<u>2,000</u>	<u>T,I</u>
<u>7550450</u>	<u>Titanium tetrachloride</u>	<u>100</u>	<u>T,I</u>
<u>108883</u>	<u>Toluene</u>	<u>2,000</u>	<u>T,I</u>
<u>8001352</u>	<u>Toxaphene (chlorinated camphene)</u>	<u>20</u>	<u>T,A</u>
<u>79016</u>	<u>Trichloroethylene</u>	<u>2,000</u>	<u>T,I</u>
<u>121448</u>	<u>Triethylamine</u>	<u>2,000</u>	<u>T,I</u>
<u>1582098</u>	<u>Trifluralin</u>	<u>2,000</u>	<u>T,I</u>
<u>108054</u>	<u>Vinyl acetate</u>	<u>1,000</u>	<u>T,I</u>
<u>593602</u>	<u>Vinyl bromide (bromoethene)</u>	<u>600</u>	<u>T,I</u>
<u>75014</u>	<u>Vinyl chloride</u>	<u>200</u>	<u>T,I</u>
<u>75354</u>	<u>Vinylidene chloride (1,1-Dichloroethylene)</u>	<u>400</u>	<u>T,I</u>
<u>1330207</u>	<u>Xylenes (isomers and mixture)</u>	<u>2,000</u>	<u>T,I</u>
<u>108383</u>	<u>m-Xylenes</u>	<u>2,000</u>	<u>T,I</u>
<u>95476</u>	<u>o-Xylenes</u>	<u>2,000</u>	<u>T,I</u>
<u>106423</u>	<u>p-Xylenes</u>	<u>2,000</u>	<u>T,I</u>

CHEMICAL COMPOUND CLASSES

=	<u>Arsenic and inorganic arsenic compounds</u>	<u>10</u>	<u>T,A</u>
<u>7784421</u>	<u>Arsine</u>	<u>10</u>	<u>T,A</u>
=	<u>Antimony compounds (except those specifically listed)*</u>	<u>2,000</u>	<u>T,I</u>
<u>1309644</u>	<u>Antimony trioxide</u>	<u>1,000</u>	<u>T,I</u>
<u>1345046</u>	<u>Antimony trisulfide</u>	<u>100</u>	<u>T,I</u>
<u>7783702</u>	<u>Antimony pentafluoride</u>	<u>100</u>	<u>T,I</u>
<u>28300745</u>	<u>Antimony potassium tartrate</u>	<u>1,000</u>	<u>T,I</u>
=	<u>Beryllium compounds (except Beryllium salts)</u>	<u>16</u>	<u>T,A</u>
=	<u>Beryllium salts</u>	<u>0.04</u>	<u>T,A</u>
=	<u>Cadmium compounds</u>	<u>20</u>	<u>T,A</u>
<u>130618</u>	<u>Cadmium oxide</u>	<u>20</u>	<u>T,A</u>
=	<u>Chromium compounds (except Hexavalent and Trivalent)</u>	<u>2,000</u>	<u>T,I</u>
=	<u>Hexavalent Chromium compounds</u>	<u>4</u>	<u>T,A</u>
=	<u>Trivalent Chromium compounds</u>	<u>2,000</u>	<u>T,I</u>
<u>10025737</u>	<u>Chromic chloride</u>	<u>100</u>	<u>T,I</u>
<u>744084</u>	<u>Cobalt metal (and compounds, except those specifically listed)*</u>	<u>100</u>	<u>T,I</u>
<u>10210681</u>	<u>Cobalt carbonyl</u>	<u>100</u>	<u>T,I</u>
<u>62207765</u>	<u>Fluomine</u>	<u>100</u>	<u>T,I</u>
=	<u>Coke oven emissions</u>	<u>30</u>	<u>T,I</u>
=	<u>Cyanide compounds (except those specifically listed)*</u>	<u>2,000</u>	<u>T,I</u>
<u>143339</u>	<u>Sodium cyanide</u>	<u>100</u>	<u>T,I</u>
<u>151508</u>	<u>Potassium cyanide</u>	<u>100</u>	<u>T,I</u>
=	<u>Glycol ethers (except those specifically listed)*</u>	<u>2,000</u>	<u>T,I</u>
<u>110805</u>	<u>2-Ethoxy ethanol</u>	<u>2,000</u>	<u>T,I</u>
<u>111762</u>	<u>Ethylene glycol monobutyl ether</u>	<u>2,000</u>	<u>T,I</u>
<u>108864</u>	<u>2-Methoxy ethanol</u>	<u>2,000</u>	<u>T,I</u>
=	<u>Lead and compounds (except those specifically listed)*</u>	<u>20</u>	<u>T,A</u>
<u>75741</u>	<u>Tetramethyl lead</u>	<u>20</u>	<u>T,A</u>
<u>78002</u>	<u>Tetraethyl lead</u>	<u>20</u>	<u>T,A</u>
<u>7439965</u>	<u>Manganese and compounds (except those specifically listed)*</u>	<u>800</u>	<u>T,I</u>
<u>12108133</u>	<u>Methylcyclopentadienyl manganese</u>	<u>100</u>	<u>T,I</u>
=	<u>Mercury compounds (except those specifically listed)*</u>	<u>20</u>	<u>T,A</u>
<u>10045940</u>	<u>Mercuric nitrate</u>	<u>20</u>	<u>T,A</u>
<u>748794</u>	<u>Mercuric chloride</u>	<u>20</u>	<u>T,A</u>
<u>62384</u>	<u>Phenyl mercuric acetate</u>	<u>20</u>	<u>T,A</u>
=	<u>Elemental Mercury</u>	<u>20</u>	<u>T,A</u>
=	<u>Mineral fiber compounds (except those specifically listed)*</u>	<u>b</u>	<u>-</u>
<u>1332214</u>	<u>Asbestos</u>	<u>b</u>	<u>-</u>
=	<u>Erionite</u>	<u>b</u>	<u>-</u>
=	<u>Silica (crystalline)</u>	<u>b</u>	<u>-</u>
=	<u>Talc (containing asbestos form fibers)</u>	<u>b</u>	<u>-</u>
=	<u>Glass wool</u>	<u>b</u>	<u>-</u>

-	<u>Rock wool</u>	b	-
-	<u>Slag wool</u>	b	-
-	<u>Ceramic fibers</u>	b	-
-	<u>Nickel compounds (except those specifically listed)*</u>	1,000	T,I
<u>13463393</u>	<u>Nickel Carbonyl</u>	100	T,I
<u>12035722</u>	<u>Nickel refinery dust</u>	80	T,I
-	<u>Nickel subsulfide</u>	40	T,I
-	<u>Polycyclic organic matter-POM (except those specifically listed)*</u>	20	T,A
<u>56553</u>	<u>Benz(a)anthracene</u>	20	T,A
<u>50328</u>	<u>Benzo(a)pyrene</u>	20	T,A
<u>205992</u>	<u>Benzo(b)fluoranthene</u>	20	T,A
<u>57976</u>	<u>7,12-Dimethylbenz(a)anthracene</u>	20	T,A
<u>225514</u>	<u>Benz(c)acridine</u>	20	T,A
<u>218019</u>	<u>Chrysene</u>	20	T,A
<u>53703</u>	<u>Dibenz(ah)anthracene</u>	20	T,A
<u>189559</u>	<u>1,2,7,8-Dibenzopyrene</u>	20	T,A
<u>193395</u>	<u>Indeno(1,2,3-cd)pyrene</u>	20	T,A
-	<u>Dioxins & Furans (TCDD equivalent) **</u>	-	-
<u>7782492</u>	<u>Selenium and compounds (except those specifically listed)*</u>	100	T,I
<u>7488564</u>	<u>Selenium sulfide (mono and di)</u>	100	T,I
<u>7783075</u>	<u>Hydrogen selenide</u>	100	T,I
<u>10102188</u>	<u>Sodium selenite</u>	100	T,I
<u>13410010</u>	<u>Sodium selenate</u>	100	T,I
<u>99999918</u>	<u>Radionuclides (including radon)</u>	c	-

* 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.

** 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 used which are compound specific.

^a Refer to the instruction sheet for the treatment of HAP-containing mixtures. The uses to be reported are as follows:
T = Total annual use
A = All individual processes or activities in which the HAP is used
I = Each individual process or activity with annual usage = or > the amount listed in the Reporting Level column.

^b *De minimis* values are zero pending public comment on the rule. Currently available data do not support assignment of a “trivial” emission rate, therefore, the value assigned will be policy based.

^c 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.