

MEMORANDUM

TO: Lancaster County Board of Health

FROM: Scott Holmes, Environmental Public Health Division Manager
Chris Schroeder, Air Quality Program Supervisor

DATE: September 20, 2013

RE: Proposed changes to the Lincoln-Lancaster County Air Pollution Control Program Regulation and Standards (LLCAPCPRS), Explanatory Statement for October 2013 Lancaster County Board of Health Meeting.

Short Description:

The changes proposed by the Air Quality Program seek to address current typographic errors, spelling and grammar errors, punctuation and capitalization errors, expanding on abbreviated terms, formatting problems, corrections of erroneous references, removal of unnecessary references, and the 'spelling out' of numeric quantities, and modifications to the language used to reference other sections and paragraphs of the LLCAPCPRS.

Additionally, the Air Quality Program is proposing to incorporate minor language revisions, as needed, to provide greater clarity in the regulations.

Finally, the Air Quality Program is proposing to update the effective date of Federal Regulations currently adopted into the LLCAPCPRS. The new effective date for all adopted Federal Regulations will be July 1, 2013, which is the most recent date of publication of Title 40 of the Code of Federal Regulations. This action will incorporate all revisions made to the affected Federal Regulations between the previously adopted date and the newly adopted date.

Detailed Description:

1. The following sections are those that contain proposed corrections of typographic errors, spelling and grammar errors, punctuation and capitalization errors, expanding on abbreviated terms, formatting problems, corrections of erroneous references, removal of unnecessary references, and the 'spelling out' of numeric quantities, and modifications to the language used to reference other sections and paragraphs of the LLCAPCPRS. Due to the minor nature of these changes, no further description of the proposed changes is provided herein. Sections linked are those with only the simple changes described here.

Article 1, Section 1	Article 2, Section 16
Article 1, Section 2	Article 2, Section 17
Article 1, Section 3	Article 2, Section 18
Article 1, Section 4	Article 2, Section 19
Article 1, Section 5	Article 2, Section 20
Article 1, Section 6	Article 2, Section 21
Article 1, Section 7	Article 2, Section 22
Article 1, Section 8	Article 2, Section 23
Article 1, Section 9	Article 2, Section 24
Article 2, Section 1	Article 2, Section 25
Article 2, Section 2	Article 2, Section 26
Article 2, Section 4	Article 2, Section 27
Article 2, Section 5	Article 2, Section 28
Article 2, Section 6	Article 2, Section 29
Article 2, Section 7	Article 2, Section 30
Article 2, Section 8	Article 2, Section 32
Article 2, Section 9	Article 2, Section 33
Article 2, Section 10	Article 2, Section 34
Article 2, Section 11	Article 2, Section 35
Article 2, Section 12	Article 2, Section 36
Article 2, Section 13	Article 2, Section 37
Article 2, Section 14	Article 2, Section 38
Article 2, Section 15	

2. In addition to the changes described in item #1 above, the following sections are those that contain minor language revisions to provide greater clarity in the regulations. The language changes include brief sentences that clarify requirements stated in the regulations. A description of the clarifying language changes proposed each section is provided.

Article 1, Section 1

- o Language has been added to the introductory paragraph to clarify that all references to articles and sections, unless otherwise stated, are to articles and sections of the LLCAPCPRS. This allows us to remove repetitive references to 'the Regulations and Standards' throughout the LLCAPCPRS. Language has also been added to the 'Section 1. Intent' paragraph to clarify that the air pollution control regulations of the State of Nebraska are set forth under Title 129 of the Nebraska Administrative Code.

Article 1, Section 8

- Added the phrase “has occurred” to clarify the statement.

Article 2, Section 1

- Under the definition of “Area source”, added language to clarify that regulations are adopted by both the City of Lincoln and the Lancaster County Board.
- Under the definition of “Net emissions increase” paragraph (5)(c), added clarifying language to the definition to make it consistent with NDEQ regulations.
- Under the definition of “Type 4 waste”, removed “(pathological)” and added language clarifying that Type 4 waste is also referred to as pathological waste.

Article 2, Section 2

- Under paragraphs (B) and (H), have reorganized the terms to keep similar source types together, and to add consistency to the regulations.
- Under paragraph (F)(4), expanded upon the abbreviation of PM₁₀ to clarify the term.

Article 2, Section 5

- Under paragraphs (A)(2) and (A)(3), expanded upon the abbreviations of several pollutants to clarify the terms used.

Article 2, Section 17

- Under paragraph (A)(4)(a), removed the term “toxic” and replaced with the term “hazardous” to maintain consistency with other portions of the regulations.
- Under paragraphs (O) and (P), reorganized the sections to remove extraneous language, and added clarifying language as needed to provide consistency in the regulations.

Article 2, Section 19

- Under paragraphs (L) and (P)(7), clarified that “µg/m³” means micrograms per cubic meter.

Article 2, Section 20

- Under paragraphs (E) and (F), moved the language from the previous location, and incorporated the language from the former paragraph (G) into paragraph (E).

Article 2, Section 22

- Under paragraph (A)(14), replaced existing language with language referencing the definition of Type 4 waste as defined in Article 2, Section 1.

Article 2, Section 27

- Under paragraphs (B) and (C), added clarifying language to better describe the type of permit being discussed.

3. In addition to the changes described in items #1 and #2 above, the following sections are those that contain updated effective dates of Federal Regulations currently adopted into the LLCAPCPRS. All effective dates of Title 40 of the Code of Federal Regulations (CFR) referenced in each section are being updated to July 1, 2013, which is the most recent publication date Title 40 of the CFR.

Article 2, Section 1

Article 2, Section 27

Article 2, Section 4

Article 2, Section 28

Article 2, Section 18

Article 2, Section 34

Article 2, Section 19

Article 2, Section 21

Article 2, Section 23

Article 2, Section 26

