

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

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- (A) Standards of Performance for New Stationary Sources. Notwithstanding any other provisions of these regulations, the following “Standards of Performance for New Stationary Sources”, also referred to as “New Source Performance Standards” (NSPS), published at 40 CFR Part 60, effective July 1, ~~2012~~ 2013, unless otherwise indicated are hereby adopted by reference and incorporated herein:
- (1) Subpart A: General Provisions
  - (2) Subpart D: NSPS for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971
  - (3) Subpart Da: NSPS for Electric Utility Steam Generating Units
  - (4) Subpart Db: NSPS for Industrial-Commercial-Institutional Steam Generating Units
  - (5) Subpart Dc: NSPS for Small Industrial-Commercial-Institutional Steam Generating Units
  - (6) Subpart E: NSPS for Incinerators (applicable to municipal type waste incinerators)
  - (7) Subpart Ea: NSPS for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
  - (8) Subpart Eb: NSPS for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
  - (9) Subpart Ec: NSPS for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
  - (10) Subpart F: NSPS for Portland Cement Plants
  - (11) Subpart G: NSPS for Nitric Acid Plants ~~(as amended at 77 FR 48445 on August 14, 2012)~~
  - (12) Subpart Ga: NSPS for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 ~~(as published at 77 Federal Register 48445 on August 14, 2012)~~
  - (13) Subpart H: NSPS for Sulfuric Acid Plants
  - (14) Subpart I: NSPS for Hot Mix Asphalt Facilities
  - (15) Subpart J: NSPS for Petroleum Refineries ~~(as amended at 77 FR 56463 on September 12, 2012)~~
  - (16) Subpart Ja: NSPS for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 ~~(as amended at 77 FR 56464 on September 12, 2012)~~
  - (17) Subpart K: NSPS for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
  - (18) Subpart Ka: NSPS for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
  - (19) Subpart Kb: NSPS for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
  - (20) Subpart L: NSPS for Secondary Lead Smelters
  - (21) Subpart M: NSPS for Secondary Brass and Bronze Production Plants
  - (22) Subpart N: NSPS for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
  - (23) Subpart Na: NSPS for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
  - (24) Subpart O: NSPS for Sewage Treatment Plants
  - (25) Subpart P: NSPS for Primary Copper Smelters
  - (26) Subpart Q: NSPS for Primary Zinc Smelters
  - (27) Subpart R: NSPS for Primary Lead Smelters
  - (28) Subpart S: NSPS for Primary Aluminum Reduction Plants
  - (29) Subpart T: NSPS for the Phosphate Fertilizer Industry – Wet-Process Phosphoric Acid Plants
  - (30) Subpart U: NSPS for the Phosphate Fertilizer Industry – Superphosphoric Acid Plants
  - (31) Subpart V: NSPS for the Phosphate Fertilizer Industry – Diammonium Phosphate Plants
  - (32) Subpart W: NSPS for the Phosphate Fertilizer Industry – Triple Superphosphate Plants
  - (33) Subpart X: NSPS for the Phosphate Fertilizer Industry – Granular Triple Superphosphate Storage Facilities
  - (34) Subpart Y: NSPS for Coal Preparation and Processing Plants
  - (35) Subpart Z: NSPS for Ferroalloy Production Facilities
  - (36) Subpart AA: NSPS for Steel Plants – Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983

- (37) Subpart AAa: NSPS for Steel Plants – Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
- (38) Subpart BB: NSPS for Kraft Pulp Mills
- (39) Subpart CC: NSPS for Glass Manufacturing Plants
- (40) Subpart DD: NSPS for Grain Elevators
- (41) Subpart EE: NSPS for Surface Coating of Metal Furniture
- (42) Subpart GG: NSPS for Stationary Gas Turbines
- (43) Subpart HH: NSPS for Lime Manufacturing Plants
- (44) Subpart KK: NSPS for Lead-Acid Battery Manufacturing Plants
- (45) Subpart LL: NSPS for Metallic Mineral Processing Plants
- (46) Subpart MM: NSPS for Automobile and Light Duty Truck Surface Coating Operations
- (47) Subpart NN: NSPS for Phosphate Rock Plants
- (48) Subpart PP: NSPS for Ammonium Sulfate Manufacture
- (49) Subpart QQ: NSPS for the Graphic Arts Industry: Publication Rotogravure Printing
- (50) Subpart RR: NSPS for Pressure Sensitive Tape and Label Surface Coating Operations
- (51) Subpart SS: NSPS for Industrial Surface Coating – Large Appliances
- (52) Subpart TT: NSPS for Metal Coil Surface Coating
- (53) Subpart UU: NSPS for Asphalt Processing and Asphalt Roofing Manufacture
- (54) Subpart VV: NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006
- (55) Subpart VVa: NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
- (56) Subpart WW: NSPS for the Beverage Can Surface Coating Industry
- (57) Subpart XX: NSPS for Bulk Gasoline Terminals
- (58) Subpart AAA: NSPS for New Residential Wood Heaters
- (59) Subpart BBB: NSPS for the Rubber Tire Manufacturing Industry
- (60) Subpart DDD: NSPS for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
- (61) Subpart FFF: NSPS for Flexible Vinyl and Urethane Coating and Printing
- (62) Subpart GGG: NSPS for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006
- (63) Subpart GGGa: NSPS for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
- (64) Subpart HHH: NSPS for Synthetic Fiber Production Facilities
- (65) Subpart III: NSPS for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
- (66) Subpart JJJ: NSPS for Petroleum Dry Cleaners
- (67) Subpart KKK: NSPS for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants ~~(as amended at 77 FR 49542 on August 16, 2012)~~
- (68) Subpart LLL: NSPS for Onshore Natural Gas Processing – SO<sub>2</sub> Emissions ~~(as amended at 77 FR 49542 on August 16, 2012)~~
- (69) Subpart NNN: NSPS for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
- (70) Subpart OOO: NSPS for Nonmetallic Mineral Processing Plants
- (71) Subpart PPP: NSPS for Wool Fiberglass Insulation Manufacturing Plants
- (72) Subpart QQQ: NSPS for VOC Emissions From Petroleum Refinery Wastewater Systems
- (73) Subpart RRR: NSPS for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes
- (74) Subpart SSS: NSPS for Magnetic Tape Coating Facilities
- (75) Subpart TTT: NSPS for Industrial Surface Coating – Surface Coating of Plastic Parts for Business Machines
- (76) Subpart UUU: NSPS for Calciners and Dryers in Mineral Industries
- (77) Subpart VVV: NSPS for Polymeric Coating of Supporting Substrates Facilities
- (78) Subpart WWW: NSPS for Municipal Solid Waste Landfills

**ARTICLE 2**  
**SECTION 18**

**NEW SOURCE PERFORMANCE**  
**STANDARDS**

- (79) Subpart AAAA: NSPS for 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
  - (80) Subpart CCCC: NSPS for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001 ~~(as amended at 78 FR 9178 on February 7, 2013)~~
  - (81) Subpart DDDD: Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999 ~~(as amended at 78 FR 9195 on February 7, 2013)~~
  - (82) Subpart EEEE: NSPS for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006
  - (83) Subpart FFFF: Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004
  - (84) Subpart IIII: NSPS for Stationary Compression Ignition Internal Combustion Engines ~~(as amended at 78 FR 6695 on January 30, 2013)~~
  - (85) Subpart JJJJ: NSPS for Stationary Spark Ignition Internal Combustion Engines ~~(as amended at 78 FR 6697 on January 30, 2013)~~
  - (86) Subpart KKKK: NSPS for Stationary Combustion Turbines
  - (87) Subpart LLLL: NSPS for New Sewage Sludge Incineration Units
  - (88) Subpart OOOO: NSPS for Crude Oil and Natural Gas Production, Transmission and Distribution
  - (89) Appendices A, B, C, and F
- (B) Except as provided in paragraphs (C) and (D) below, New Source Performance Standards (NSPS) are applicable only to those new, modified, or reconstructed facilities specified or defined as an "affected facility".
- (C) Emission Limits for Existing Municipal Solid Waste (MSW) Landfills. The designated facility to which these limits apply is each existing MSW landfill for which construction, reconstruction, or modification was commenced before May 30, 1991, which has accepted waste at any time since November 8, 1987, or has additional capacity available for future waste deposition:
- (1) Each designated facility shall submit an initial design capacity report ninety (90) days after September 8, 1997 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.
  - (2) Each designated facility having an aggregate design capacity of two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters or more shall calculate and report non-methane organic compound (NMOC) emissions as provided for new MSW landfills under paragraph (A)(78) of this section beginning ninety (90) days after September 8, 1997.
  - (3) Each designated facility having an NMOC emission rate of fifty (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 paragraph (A)(78) of this section. An alternate design plan may be approved by the Department provided the source demonstrates that:
    - (a) Meeting the requirements of paragraph (A)(78) of this section will result in unreasonable costs of control due to plant age, location, or basic process design.
    - (b) It will be physically impossible to install necessary control equipment needed to meet the requirements of paragraph (A)(78) of this section, or
    - (c) Other factors specific to the facility will make application of a less stringent standard significantly more reasonable than meeting the requirements of paragraph (A)(78) of this section.
  - (4) Each designated facility subject to the control provisions of paragraph (C)(3) above shall submit the LGCCS design for Department review within one (1) year of the first report in which NMOC emissions equal or exceed fifty (50) megagrams per year, and shall install the approved LGCCS within thirty (30) months of that report, except as provided under paragraph (A)(78) of this section.

- (5) Each designated facility subject to the control provisions of paragraph (C)(3) above shall conduct testing, monitoring record keeping and reporting for the LGCCS as provided for new landfills under paragraph (A)(78) of this section.
  - (6) If a source received approval for an alternate design plan under paragraph (C)(3) above, the Department may also approve alternative testing and monitoring procedures for the source provided the source demonstrates that the testing and monitoring requirements in paragraph (A)(78) of this section are not practical for the alternate design and that the alternate procedures are adequate to determine compliance with the approved alternate design plan.
- (D) Emission Limits for Existing 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 Ce §60.31e, and the exceptions and exemptions from the definition of designated facility in 40 CFR Part 60, Subpart Ce §60.32e (b) through (h), are adopted by reference and incorporated herein.
- (1) Beginning September 15, 2000, each designated facility subject to paragraph (D) shall be operated pursuant to a Class I operating permit.
  - (2) For purposes of paragraph (D), 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 of 40 CFR Part 60, Subpart Ce, as applicable, or exhibit greater than ten (10) percent opacity, as evaluated by Method 9 in Appendix A of 40 CFR Part 60.
  - (3) 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 paragraph (A)(9) of this section.
  - (4) Each designated facility subject to the provisions of Table 1 of 40 CFR Part 60, Subpart Ce shall comply with the requirements for compliance and performance testing and monitoring, except for fugitive emissions testing, as provided for new sources under paragraph (A)(9) of this section.
  - (5) Each designated facility subject to the provisions of Table 2 of 40 CFR Part 60, Subpart Ce shall undergo an initial equipment inspection within one (1) year of the effective date of December 15, 1998, and subsequent equipment inspections no more than twelve (12) months following each previous equipment inspection. For purposes of this paragraph, the inspection requirements in 40 CFR Part 60, Subpart Ce §60.36e (a)(1) and (2) are adopted by reference.
  - (6) Each designated facility subject to the provisions of Table 2 of 40 CFR Part 60, Subpart Ce shall comply with the following:
    - (a) Requirements for compliance and performance testing as provided in 40 CFR Part 60, Subpart Ce §60.37e (b)(1) through (5)
    - (b) Requirements for monitoring as provided in 40 CFR Part 60, Subpart Ce §60.37e (d)(1) through (3); and
    - (c) Requirements for reporting and record keeping as provided in 40 CFR Part 60, Subpart Ce §60.38e (b)(1) and (2).
  - (7) Each designated facility subject to the provisions of paragraph (D) shall comply with all provisions of paragraph (D) no later than one (1) year after the EPA approval of the state plan for existing hospital/medical/infectious waste incinerators.

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