

SECTION 28. HAZARDOUS AIR POLLUTANTS – MACT EMISSION STANDARDS.

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(A) Notwithstanding any other provisions of ~~these Regulations and Standards~~ the LLCAPCRS, the following “National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories” published at 40 CFR Part 63, as effective on July 1, ~~2012~~ 2013 are hereby adopted and incorporated herein:

- (1) Subpart A: General Provisions
- (2) Subpart F: NESHAP for Organic HAPs from the Synthetic Organic Chemical Manufacturing Industry
- (3) Subpart G: NESHAP for the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
- (4) Subpart H: NESHAP for Organic HAPs from Equipment Leaks
- (5) Subpart I: NESHAP for Organic HAPs from Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
- (6) Subpart J: NESHAP for Polyvinyl Chloride and Copolymers Production
- (7) Subpart L: NESHAP for Coke Oven Batteries
- (8) Subpart M: National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
- (9) Subpart N: NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks ~~(as amended at 77 FR 58242 on September 19, 2012)~~
- (10) Subpart O: NESHAP for Ethylene Oxide from Sterilization Operations
- (11) Subpart Q: NESHAP for Industrial Process Cooling Towers
- (12) Subpart R: Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
- (13) Subpart S: NESHAP for the Pulp and Paper Industry
- (14) Subpart T: NESHAP for Halogenated Solvent Cleaning
- (15) Subpart U: NESHAP for Group I Polymers and Resins
- (16) Subpart W: NESHAP for Epoxy Resins Production and Non-Nylon Polyamides Production
- (17) Subpart X: NESHAP for Secondary Lead Smelting
- (18) Subpart AA: NESHAP for Phosphoric Acid Manufacturing Plants
- (19) Subpart BB: NESHAP for Phosphate Fertilizers Production Plants
- (20) Subpart CC: NESHAP for Petroleum Refineries
- (21) Subpart DD: NESHAP for Off-Site Waste and Recovery Operations
- (22) Subpart EE: NESHAP for Magnetic Tape Manufacturing Operations
- (23) Subpart GG: NESHAP for Aerospace Manufacturing and Rework Facilities
- (24) Subpart HH: NESHAP for Oil and Natural Gas Production Facilities ~~(as amended at 77 FR 49568 on August 16, 2012)~~
- (25) Subpart JJ: NESHAP for Wood Furniture Manufacturing Operations
- (26) Subpart KK: NESHAP for the Printing and Publishing Industry
- (27) Subpart LL: NESHAP for Primary Aluminum Reduction Plants
- (28) Subpart MM: NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
- (29) Subpart OO: NESHAP for Tanks – Level 1
- (30) Subpart PP: NESHAP for Containers
- (31) Subpart QQ: NESHAP for Surface Impoundments
- (32) Subpart RR: NESHAP for Individual Drain Systems
- (33) Subpart SS: NESHAP for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
- (34) Subpart TT: NESHAP for Equipment Leaks – Control Level 1 Standards
- (35) Subpart UU: NESHAP for Equipment Leaks – Control Level 2 Standards
- (36) Subpart VV: NESHAP for Oil-Water Separators and Organic-Water Separators
- (37) Subpart WW: NESHAP for Storage Vessels (Tanks) – Control Level 2
- (38) Subpart XX: NESHAP for Ethylene Manufacturing Process Units – Heat Exchange Systems and Waste Operations
- (39) Subpart YY: NESHAP for Source Categories – Generic MACT Standards
- (40) Subpart CCC: NESHAP for Steel Pickling – HCl Process and Hydrochloric Acid Regeneration Plants ~~(as amended at 77 FR 58250 on September 19, 2012)~~
- (41) Subpart DDD: NESHAP for Mineral Wool Production
- (42) Subpart EEE: NESHAP for Hazardous Waste Combustors
- (43) Subpart GGG: NESHAP for Pharmaceutical Production

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- (44) Subpart HHH: NESHAP for Natural Gas Transmission and Storage Facilities ~~(as amended at 77 FR-49584 on August 16, 2012)~~
- (45) Subpart III: NESHAP for Flexible Polyurethane Foam Production
- (46) Subpart JJJ: NESHAP for Group IV Polymers and Resins
- (47) Subpart LLL: NESHAP for the Portland Cement Manufacturing Industry ~~(as amended at 78 FR 10036 on February 12, 2013)~~
- (48) Subpart MMM: NESHAP for Pesticide Active Ingredient Production
- (49) Subpart NNN: NESHAP for Wool Fiberglass Manufacturing
- (50) Subpart OOO: NESHAP for Manufacture of Amino/Phenolic Resins
- (51) Subpart PPP: NESHAP for Polyether Polyols Production
- (52) Subpart QQQ: NESHAP for Primary Copper Smelting
- (53) Subpart RRR: NESHAP for Secondary Aluminum Production
- (54) Subpart TTT: NESHAP for Primary Lead Smelting
- (55) Subpart UUU: NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units
- (56) Subpart VVV: NESHAP for Publicly Owned Treatment Works
- (57) Subpart XXX: NESHAP for Ferrous Alloys Production – Ferromanganese and Silicomanganese
- (58) Subpart AAAA: NESHAP for Municipal Solid Waste Landfills
- (59) Subpart CCCC: NESHAP for Manufacturing of Nutritional Yeast
- (60) Subpart EEEE: NESHAP for Organic Liquids Distribution (Non-Gasoline)
- (61) Subpart DDDD: NESHAP for Plywood and Composite Wood Products
- (62) Subpart FFFF: NESHAP for Miscellaneous Organic Chemical Manufacturing
- (63) Subpart GGGG: NESHAP for Solvent Extraction for Vegetable Oil Production
- (64) Subpart HHHH: NESHAP for Wet-Formed Fiberglass Mat Production
- (65) Subpart IIII: NESHAP for Surface Coating of Automobiles and Light-Duty Trucks
- (66) Subpart JJJJ: NESHAP for Paper and Other Web Coating
- (67) Subpart KKKK: NESHAP for Surface Coating of Metal Cans
- (68) Subpart MMMM: NESHAP for Surface Coating of Miscellaneous Metal Parts and Products
- (69) Subpart NNNN: NESHAP for Surface Coating of Large Appliances
- (70) Subpart OOOO: NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles
- (71) Subpart PPPP: NESHAP for Surface Coating of Plastic Part and Products
- (72) Subpart QQQQ: NESHAP for Surface Coating of Wood Building Products
- (73) Subpart RRRR: NESHAP for Surface Coating of Metal Furniture
- (74) Subpart SSSS: NESHAP for Surface Coating of Metal Coil
- (75) Subpart TTTT: NESHAP for Leather Finishing Operations
- (76) Subpart UUUU: NESHAP for Cellulose Products Manufacturing
- (77) Subpart VVVV: NESHAP for Boat Manufacturing
- (78) Subpart WWWW: NESHAP for Reinforced Plastic Composites Production
- (79) Subpart XXXX: NESHAP for Rubber Tire Manufacturing
- (80) Subpart YYYYY: NESHAP for Stationary Combustion Turbines
- (81) Subpart ZZZZ: NESHAP for Stationary Reciprocating Internal Combustion Engines ~~(as revised at 78-
FR 6700-6720 on January 30, 2013 and corrected at 78 FR 14457 on March 6, 2013)~~
- (82) Subpart AAAAA: NESHAP for Lime Manufacturing Plants
- (83) Subpart BBBBB: NESHAP for Semiconductor Manufacturing
- (84) Subpart CCCCC: NESHAP for Coke Ovens: Pushing, Quenching, and Battery Stacks
- (85) Subpart DDDDD: NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources ~~(as amended at 78 FR 7162-7210 on January 31, 2013)~~
- (86) Subpart EEEEE: NESHAP for Iron and Steel Foundries
- (87) Subpart FFFFF: NESHAP for Integrated Iron and Steel Manufacturing Facilities
- (88) Subpart GGGGG: NESHAP for Site Remediation
- (89) Subpart HHHHH: NESHAP for Miscellaneous Coating Manufacturing
- (90) Subpart IIIII: NESHAP for Mercury Emissions From Mercury Cell Chlor-Alkali Plants
- (91) Subpart JJJJJ: NESHAP for Brick and Structural Clay Products Manufacturing
- (92) Subpart KKKKK: NESHAP for Clay Ceramics Manufacturing
- (93) Subpart LLLLL: NESHAP for Asphalt Processing and Asphalt Roofing Manufacturing
- (94) Subpart MMMMM: NESHAP for Flexible Polyurethane Foam Fabrication Operations
- (95) Subpart NNNNN: NESHAP for Hydrochloric Acid Production

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- (96) Subpart PPPPP: NESHAP for Engine Test Cells/Stands
- (97) Subpart QQQQQ: NESHAP for Friction Materials Manufacturing Facilities
- (98) Subpart RRRRR: NESHAP for Taconite Iron Ore Processing
- (99) Subpart SSSSS: NESHAP for Refractory Products Manufacturing
- (100) Subpart TTTTT: NESHAP for Primary Magnesium Refining
- (101) Subpart UUUUU: NESHAP for Coal- and Oil-Fired Electric Utility Steam Generating Units (~~as published on 77 FR 9464 on February 16, 2012, and amended at 77 FR 23402-23408 on April 19, 2012~~)
- (102) Subpart WWWW: NESHAP for Hospital Ethylene Oxide Sterilizers at Area Sources
- (103) Subpart YYYYY: NESHAP for Area Sources – Electric Arc Furnace Steelmaking Facilities
- (104) Subpart ZZZZZ: NESHAP for Iron & Steel Foundries Area Sources
- (105) Subpart BBBB: NESHAP for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities at Area Sources
- (106) Subpart CCCCC: NESHAP for Gasoline Dispensing Facilities at Area Sources
- (107) Subpart DDDDD: NESHAP for Polyvinyl Chloride and Copolymers Production Area Sources (~~as amended at 77 FR 22904-22906 on April 17, 2012~~)
- (108) Subpart EEEEE: NESHAP for Primary Copper Smelting Area Sources
- (109) Subpart FFFFF: NESHAP for Secondary Copper Smelting Area Sources
- (110) Subpart GGGGG: NESHAP for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium
- (111) Subpart HHHHH: NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
- (112) Subpart JJJJJ: NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources (~~as amended at 78 FR 7506-7521 on February 1, 2013~~)
- (113) Subpart LLLLL: NESHAP for Acrylic and Modacrylic Fibers Production Area Sources
- (114) Subpart MMMMM: NESHAP for Carbon Black Production Area Sources
- (115) Subpart NNNNN: NESHAP for Chemical Manufacturing Area Sources: Chromium Compounds
- (116) Subpart OOOOO: NESHAP for Flexible Polyurethane Foam Production and Fabrication Area Sources
- (117) Subpart PPPPP: NESHAP for Lead Acid Battery Manufacturing Area Sources
- (118) Subpart QQQQQ: NESHAP for Wood Preserving Area Sources
- (119) Subpart RRRRR: NESHAP for Clay Ceramics Manufacturing at Area Sources
- (120) Subpart SSSSS: NESHAP for Glass Manufacturing Area Sources
- (121) Subpart TTTTT: NESHAP for Secondary Nonferrous Metals Processing Area Sources
- (122) Subpart VVVVV: NESHAP for Chemical Manufacturing Area Sources (~~as amended at 77 FR-75756-75762 on December 21, 2012~~)
- (123) Subpart WWWW: NESHAP for Plating and Polishing Operations at Area Sources
- (124) Subpart XXXXX: NESHAP for Nine Metal Fabrication and Finishing Source Categories at Area Sources
- (125) Subpart YYYYY: NESHAP for Area Sources – Ferroalloys Production Facilities
- (126) Subpart ZZZZZ: NESHAP – Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries
- (127) Subpart AAAAA: NESHAP for Area Sources – Asphalt Processing and Asphalt Roofing Manufacturing
- (128) Subpart BBBB: NESHAP for Chemical Preparation Industry at Area Sources
- (129) Subpart CCCCC: NESHAP for Paints and Allied Products Manufacturing at Area Sources
- (130) Subpart DDDDD: NESHAP for Prepared Feeds Manufacturing at Area Sources
- (131) Subpart EEEEE: NESHAP – Gold Mine Ore Processing and Production Area Source Category
- (132) Subpart HHHHH: NESHAP for Polyvinyl Chloride and Copolymers Production at Major Sources

(B) Operational Limits for Area Sources. Area sources subject to a standard adopted by reference in subsection paragraph (A) of this section and specifically referenced in subsection (B) this paragraph may accept operational limits to avoid the requirements associated with operating at the source's maximum design capacity.

- (1) General Provisions. An owner or operator of a source may apply for coverage under this provision if the following criteria are met:
 - (a) The Director has established operational limitations for the industry category in paragraph (B)(6) below.

- (b) The responsible official for the source certifies that it will comply with the applicable-~~subsection(s) paragraph(s)~~ of this section.
- (c) Records are collected and maintained as described for each applicable ~~subsection paragraph~~ and retained for a period of not less than five (5) years and made available to the Department for review upon request.
- (d) A source may change its status under paragraph (B)(6) below without violating this rule by meeting the following requirements:
 - (1) The owner or operator of the source must provide written notification to the Department of the intent to change status. The notification must be certified by the responsible official for the source;
 - (2) The source must comply with the requirements for its industry category;
 - (3) Once a source changes status, it is no longer eligible for coverage under ~~Subsection paragraph~~ (B).
- (2) Approval Procedures.
 - (a) Notice of Intent. The owner or operator of a source intending to be covered under this provision shall submit a complete Notice of Intent Form provided by the Department.
 - (b) Department ~~a~~ Approval. Department approval of the Notice of Intent Form request shall be in writing. Upon approval, the source must comply with the applicable limitations specified in ~~Subsection paragraph~~ (B) of this section.
- (3) Duty to Comply. Each source approved for coverage under this provision must comply with all-~~subsections paragraphs~~ of this section applicable to the source. Any non-compliance shall constitute a violation of the LLCAPCPRS and the Act, and is grounds for enforcement action and/or for disapproval of the Notice of Intent to operate under this provision.
- (4) Compliance with Other Applicable Requirements. Compliance with the provisions of this section does not shield the owner or operator from the duty to comply with any other applicable requirement under the LLCAPCPRS or the Act not specifically addressed in this section.
- (5) Duty to Provide Requested Information. Additional information, such as an annual emissions inventory as required by Article 2, Section 6, or information necessary to determine applicability or to determine that emissions from the source in conjunction with all other sources will not prevent attainment or maintenance of the ambient air quality standards specified in Article 2, Section 4, must be provided upon Department request.
- (6) Industry Categories Eligible to Accept Operational Limits.
 - (a) A bulk gasoline terminal subject to 40 CFR Part 63, Subpart BBBBBB (NESHAP for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities at Area Sources), with a maximum calculated design throughput capacity greater than or equal to twenty thousand (20,000) gallons per day, may be approved to operate pursuant to the provisions of ~~Subsection paragraph (B) of this section~~ if the owner or operator certifies that the source will comply with paragraphs (B)(1) through (B)(5) above and each of the following:
 - (1) Limit actual gasoline throughput to less than twenty thousand (20,000) gallons per day; and
 - (2) Maintain a daily record of actual gasoline throughput, in accordance with the provisions of paragraph (B)(1)(c); and
 - (3) Comply with the requirements specified in 40 CFR Part 63, Subpart BBBBBB for bulk gasoline plants with a maximum design throughput capacity of less than twenty thousand (20,000) gallons per day.

Ref: Title 129, Chapter 28, Nebraska Department of Environmental Quality