

SECTION 38. EMERGENCY EPISODES – OCCURRENCE AND CONTROL – CONTINGENCY PLANS.

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- (A) Whenever the Director finds that an emergency exists requiring immediate action to protect the public health and welfare, he shall issue an announcement to the general public. In addition, the Director is required to issue an order, showing the date of issuance, stating the existence of such an emergency and requiring such action be taken as deemed necessary to meet the emergency. The Director shall hold a hearing on the emergency order ten (10) days after its issuance if requested. Said hearing shall be held in accordance with provisions specified by the Lincoln City Council and Lancaster County Board of Commissioners.
- (B) Regulations which shall be enforced in the event of an Air Pollution Emergency Episode are attached hereto as Appendix I to the LLCAPCPRS and hereby incorporated in these regulations the same as if set out herein verbatim. Appendix I to the LLCAPCPRS is designed to prevent the excessive buildup of air pollutants to concentrations which can result in an imminent and substantial danger to public health.
- (C) Episode Criteria.
  - (1) Conditions justifying the proclamation of an ~~a~~Air ~~p~~Pollution ~~a~~Alert, ~~a~~Air ~~p~~Pollution ~~w~~Warning, or ~~a~~Air ~~p~~Pollution ~~e~~Emergency shall be deemed to exist whenever the Director determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Director will be guided by the following:
    - (a) Air Pollution Forecast. —An internal watch by the Department shall be actuated by National Weather Service Advisory that Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric conditions.
    - (b) Alert. —The "Alert" level is defined as that concentration of pollutants which require initiation of first stage emission control actions. An air pollution "Alert" will be declared when any one of the levels set forth in Table 38-1, below, is reached at any monitoring site and, that meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken:

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Table 38-1

Pollutants	24-hour Average	8-hour Average	1-hour Average
SO <sub>2</sub>	800.0 µg/m <sup>3</sup>	---	---
PM <sub>10</sub>	350.0 µg/m <sup>3</sup>	---	---
CO	---	17.0 mg/m <sup>3</sup>	---
Ozone	---	---	400.0 µg/m <sup>3</sup>
NO <sub>2</sub>	282.0 µg/m <sup>3</sup>	---	1130.0 µg/m <sup>3</sup>

Note: "µg/m<sup>3</sup>" means micrograms per cubic meter.  
"mg/m<sup>3</sup>" means milligrams per cubic meter.

- (c) **Warning.**—The "Warning" level indicates that air quality is continuing to degrade - pollutant concentrations are increasing - and that additional control actions are necessary. An air pollution "Warning" will be declared when any one of the levels set forth in Table 38-2, below, is reached at any monitoring site and, meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken:

Table 38-2

Pollutants	24-hour Average	8-hour Average	1-hour Average
SO <sub>2</sub>	1600.0 µg/m <sup>3</sup>	---	---
PM <sub>10</sub>	420.0 µg/m <sup>3</sup>	---	---
CO	---	34.0 mg/m <sup>3</sup>	---
Ozone	---	---	800.0 µg/m <sup>3</sup>
NO <sub>2</sub>	565.0 µg/m <sup>3</sup>	---	2260.0 µg/m <sup>3</sup>

- (d) **Emergency.**—The "Emergency" level indicates that air quality is continuing to degrade to a level that should never be reached, totally unacceptable, and that the most stringent actions are necessary. An air pollution "Emergency" will be declared when any one of the levels set forth in Table 38-2, below, is reached at any monitoring sites and, meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours:

Table 38-3

Pollutants	24-hour Average	8-hour Average	1-hour Average
SO <sub>2</sub>	2100.0 µg/m <sup>3</sup>	---	---
PM <sub>10</sub>	500.0 µg/m <sup>3</sup>	---	---
CO	---	46.0 mg/m <sup>3</sup>	---
Ozone	---	---	1000.0 µg/m <sup>3</sup>
NO <sub>2</sub>	750.0 µg/m <sup>3</sup>	---	3000.0 µg/m <sup>3</sup>

- (e) **Termination.**—When any of the above three levels of air pollution has been declared (by virtue of pollutant concentrations meeting the defined criteria for the level) the declared level will remain in effect until the concentrations fall below the specified criteria. The new lower level(s) will be assumed until the pollutant concentrations decrease below the criteria defined for the "alert" level, at which time the episode will be declared "terminated". The concomitant "emission reduction actions" for any declared level cannot be relaxed until the declared level criteria are determined to be no longer met.

(D) **Emission Reduction Plans.**

- (1) **Air Pollution Alert.**—When the Director declares an Air Pollution Alert, any person responsible for the operation of a source of air pollutants as set forth in [Paragraph 1.1 of Appendix I to the LLCAPCPRS, Paragraph 1.1](#) shall take all Air Pollution Alert actions as are required for such source of air pollutants and shall put into effect the pre-planned abatement strategy for an Air Pollution Alert.
- (2) **Air Pollution Warning.**—When the Director declares an Air Pollution Warning, any person responsible for the operation of a source of air pollutants as set forth in [Paragraph 1.2 of Appendix I to the LLCAPCPRS, Paragraph 1.2](#) shall take all Air Pollution Emergency Actions as required for such source of air pollutants and shall put into effect the pre-planned abatement strategy for an Air Pollution Warning.

ARTICLE 2  
SECTION 38

EMERGENCY EPISODES  
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- (3) Air Pollution Emergency. —When the Director declares an Air Pollution Emergency, any person responsible for the operation of a source of air pollutants as described in Paragraph 1.3 of Appendix I to the LLCAPCPRS; Paragraph 1.3 shall take all Air Pollution Emergency Actions as required for such source of air pollutants and shall put into effect the pre-planned abatement strategy for an Air Pollution Emergency.
  - (4) When the Director determines that a specified criteria level has been reached at one or more monitoring sites solely because of emissions from a limited number of sources, he shall notify such source(s), that the pre-planned abatement strategies of Paragraphs 1.2 and 1.3 of Appendix I to the LLCAPCPRS, Paragraph 1.2 and 1.3 or of the standby plans are required insofar as it applies to such source(s), and shall be put into effect until the criteria of the specified level are no longer met.
- (E) Pre-planned Abatement Strategies.
- (1) Any person responsible for the operation of a source of air pollutants as set forth in Paragraph 1.4 of Appendix I to the LLCAPCPRS; Paragraph 1.4 shall prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth in Paragraphs 1.1, 1.2, and 1.3 of Appendix I to the LLCAPCPRS, Paragraph 1.1, 1.2, and 1.3 which are made a part of this section.
  - (2) Any person responsible for the operation of a source of air pollutants not set forth under Paragraph 1.4 of Appendix I to the LLCAPCPRS; Paragraph 1.4 shall, when requested by the Director in writing, prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth as above.
  - (3) Standby plans as required under ~~sub~~ paragraphs (E)(1) and (E)(2) of this section shall be in writing and identify the sources of air pollutants, the approximate amount of reduction of pollutants and a brief description of the manner in which the reduction will be achieved during an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency.
  - (4) During a condition of Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency, standby plans as required by this section shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.
  - (5) Standby plans as required by this section shall be submitted to the Director upon request within thirty (30) days of the receipt of such request; such standby plans shall be subject to review and approval by the Director. If, in the opinion of the Director, a standby plan does not effectively carry out the objectives as set forth in Paragraphs 1.1, 1.2, and 1.3 of Appendix I to the LLCAPCPRS, Paragraphs 1.1, 1.2 and 1.3, the Director may disapprove it, state his or her reason for disapproval, and order the preparation of an amended standby plan within the time period specified in the order.

Ref: Title 129, Chapter 38, Nebraska Department of Environmental Quality