

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, ten (10) tons per year (tpy) or more of any hazardous air pollutant listed in Appendix II or III of the LLCAPCPRS, twenty-five (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. All fugitive emissions must be considered in determining whether a stationary source is a major source.
 - (2) For radionuclides, “major source” shall have the meaning specified by the Administrator of the EPA 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, one hundred (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 of EPA). 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) Fossil-fuel-fired steam electric plants of more than two-hundred fifty million British Thermal Units per hour (250.0 MMBtu/hr) heat input;
 - (2) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British Thermal units per hour (250.0 MMBtu/hr) heat input;
 - (3) Coal cleaning plants (with thermal dryers);
 - (4) Kraft pulp mills;
 - (5) Portland cement plants;
 - (6) Sintering plants;
 - (7) Primary copper smelters;
 - (8) Primary lead smelters;
 - (9) Primary zinc smelters;
 - (10) Iron and steel mills;
 - (11) Coke oven batteries;
 - (12) Secondary metal production plants;
 - (13) Primary aluminum ore reduction plants;
 - (14) Taconite ore processing plants;
 - (15) Lime plants;
 - (16) Phosphate rock processing plants;
 - (17) Hydrofluoric, sulfuric, or nitric acid plants;
 - (18) Petroleum refineries;
 - (19) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels;
 - (20) Fuel conversion plants;
 - (21) Sulfur recovery plants;
 - (22) Carbon black plants (furnace process);
 - (23) Municipal incinerators capable of charging more than two hundred fifty (250) tons of refuse per day;
 - (24) Glass fiber processing plants;
 - (25) Charcoal production plants;
 - (26) Chemical process plants (the term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System (NAICS) codes 325193 or 312140); or
 - (27) Any other stationary source category which is being regulated by a standard promulgated under Section 111 or 112 of the Act, as of August 7, 1980.
- (C) A major stationary source of air pollutants is defined as one which emits, or has the potential to emit five (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 (VOC) or nitrogen oxides (NOx) shall be considered major for ozone.
- (F) A major stationary source for purposes of Article 2, Section 17, paragraph (M) includes:
- (1) For ozone non-attainment areas, sources with the potential to emit one hundred (100) tpy or more of VOC or NOx in areas classified as “marginal” or “moderate”, fifty (50) tpy or more in areas classified as “serious”, twenty-five (25) tpy or more in areas classified as “severe”, and ten (10) tpy or more in areas classified as “extreme”; except that the references in this paragraph to one hundred (100) tpy, fifty (50) tpy, twenty-five (25) tpy, and ten (10) tpy of NOx 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 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 fifty (50) tpy or more of VOC;
 - (3) For carbon monoxide (CO) non-attainment areas:
 - (a) That are classified as “serious”, and
 - (b) In which stationary sources contribute significantly to CO levels as determined under rules issued by the Administrator, sources with the potential to emit fifty (50) tpy or more of CO; and
 - (4) For particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (PM₁₀) non-attainment areas classified as “serious”, sources with the potential to emit seventy (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 (1) 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 paragraphs (A), (B), (C), (D), (E), or (F) of this section. For the purposes of defining “major source”, a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.
- (H) Major stationary source for the purposes of the Prevention of Significant Deterioration of Air Quality Program (PSD) shall be as defined in Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 2, section 008. Sources in the categories listed in Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 2, section 008.01 must include fugitive emissions in determining major source status.
- (I) Major source of particulate matter, for purposes of Class I operating permits, shall be determined based on the potential to emit PM₁₀.

Ref: Title 129, Chapter 2, Nebraska Department of Environmental Quality