

SECTION 9. GENERAL PERMITS.

- (A) If the Director determines that numerous similar sources are subject to identical regulatory requirements, the Director may issue a general permit following the procedures specified in the LLCAPCPRS and the applicable procedures of Article 2, Sections 13, 14, and 17. The Director shall not issue general permits for affected sources under the Acid Rain program. Source categories for which the Director may issue general construction permits are as follows:
- (1) Raw or reclaimed aggregate crushing, screening, or processing plants;
 - (2) Incinerators used for cremation of human or animal remains;
 - (3) Truck mix (transit mix) concrete batch plants; and
 - (4) Emergency generators or emergency engines.
- (B) If the Director, in his or her discretion, determines a general permit is appropriate, he or she shall initiate issuance of a general permit by publication of a notice which identifies the criteria for sources that qualify for the general permit. The notice shall be given as provided in Article 2, Section 14 and shall announce the availability of a draft general permit for public review and comment for thirty (30) days.
- (C) The public notice of the draft general permit shall contain:
- (1) Name, address, telephone number, and Website address of the Department;
 - (2) A brief description of the activities and/or operations addressed by the permit;
 - (3) A statement of the criteria for sources that qualify for the permit;
 - (4) A brief description of the comment procedures and the time and place of any hearing if already scheduled, including the procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final general permit decision; and
 - (5) The name, address, telephone number, and e-mail address of the person from who interested persons may obtain further information, and inspect and copy forms and related documents.
- (D) Any interested person shall have thirty (30) days from issuance of the public notice within which to provide the Director with any written comments concerning the draft general permit and/or request a public hearing by e-mail or in writing. At his or her discretion, the Director may extend the comment period to exceed thirty (30) days.
- (E) If any information or public comment is received during the comment period which appears to raise substantial issues concerning the draft general permit, the Director may formulate a new draft general permit which supersedes the original draft general permit and may, if necessary, provide additional public notice.
- (F) Following the close of the public comment period and any public hearing, the Director may issue a general permit as follows:
- (1) For a general operating permit, the Director shall include:
 - (a) All applicable requirements pertinent to Class I operating permits, if the source category includes Class I sources; or
 - (b) All applicable requirements pertinent to Class II operating permits, if the source category includes Class II sources.
 - (2) For a general construction permit, the Director shall include any stationary source or emission unit such that there is a net increase in potential emissions at the stationary source equal to or exceeding the levels identified in Article 2, Section 17.
- (G) The owner of a source that qualifies for a general permit must apply to the Department for coverage under the terms of the applicable general permit. Each application shall include all information necessary to determine qualification for, and to assure compliance with, the applicable general permit. The Department may request additional information as necessary. The owner of a source must apply by:
- (1) Submitting an application in accordance with Article 2, Section 7 for a general operating permit; or
 - (2) Submitting an application in accordance with Article 2, Section 17 for a general construction permit.
- (H) The Director shall notify the applicant of the final determination whether the source qualifies and is covered under the general permit or not. If the Director denies coverage of the source under the general permit, the applicant may request an adjudicative hearing in accordance with the procedures established by the Lincoln City Council and the Lancaster County Board of Commissioners.

- (I) The Director may, at his or her discretion, issue coverage under a general permit to an individual source without repeating the notice and comment procedures required under paragraphs (A) through (F) of this section, or after providing notice and a comment period in accordance with paragraphs (B) through (D) of this section as deemed appropriate by the Director. The Department shall maintain a list of all sources covered by general permits, which list shall be available for public review.
- (J) The owner of a source that obtains a general permit shall be subject to enforcement action for operation without a Class I or Class II operating permit, or a general construction permit, if the source is later determined not to qualify for the terms and conditions of the general permit.
- (K) If some, but not all, of a source's operations, activities, and emissions are eligible for coverage under one or more general permits, the owner may apply for coverage under one or more general permits for the operations, activities, and emissions that are so eligible. If a permit is required under Article 2, Section 5 to address the remainder of operations, activities, and emissions at a source, the owner may apply for a permit that addresses those items not covered by general permits. In such a case, the permit applicant must identify all operations, activities, and emissions that are subject to general permits. The Class I or Class II operating permit, or construction permit, shall identify any general permits which have been issued.

Ref: Title 129, Chapter 9, Nebraska Department of Environmental Quality