


STATEMENT OF BASIS FOR A PROPOSED PERMIT TO OPERATE A CLASS II AIR CONTAMINANT SOURCE

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LLCHD Air Quality Section Facility Identification (FID) Number:		00299
Proposed Effective Duration of Permit:		
Effective Date: XX – XX – 2025 MM-DD-YYYY	Expiration Date: XX – XX – 2030 MM-DD-YYYY	

The Lincoln-Lancaster County Health Department (LLCHD) Air Quality Section Hereby Proposes to Issue a Permit to Operate a Class II Source to the Following:

Permit Holder Name:	The Cleaver-Brooks Company, Inc.
Address:	6940 Cornhusker Highway
City, State, ZIP:	Lincoln, Lancaster County, Nebraska, 68507

The Proposed Permit is for Operation of the Following Source:

Facility Site Name:	The Cleaver-Brooks Company, Inc.
Facility Address:	6940 Cornhusker Highway
City, County, State, ZIP:	Lincoln, Lancaster County, Nebraska, 68507
Facility NAICS:	332410: Power Boiler and Heat Exchanger Manufacturing 332439: Other Metal Container Manufacturing

In accordance with requirements set forth under Article 2, Section 14 of the Lincoln-Lancaster County Air Pollution Control Programs Regulations and Standards (LLCAPCPRS), the LLCHD may not issue a Class II operating permit until the public has been given the opportunity to comment on the draft permit.

Within the 30-day public comment period, any interested person, agency, group, or affected state may request or petition the Director of the LLCHD for a public hearing. All requests for public hearing must be made in writing and must state the nature of the issues to be raised and all arguments and factual grounds supporting their position. If a public hearing is granted by the Director, the hearing will be advertised by public notice at least 30 days prior to its occurrence.

A final determination on this permit will be made following the opportunity of the public to review and comment on the draft permit, and any/all comments received have been addressed.

The conclusion of this document will include a recommendation to either issue or deny the renewal of a Class II operating permit for this source.

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Section 1 – Introduction

The Cleaver-Brooks Company, Inc. (hereinafter referred to as ‘CB’ or ‘the source’), an existing source, submitted an air quality operating permit application to renew their Class II operating permit on January 31, 2022, which met the requirements for a ‘timely submittal’ prior to the previous operating permit expiring on October 1, 2022. Since the expiration of that permit, CB has continued operating according to the terms of the expired permit, or with terms established in Construction Permit No. 163A, effective October 1, 2017.

Article 2, Section 5 of the LLCAPCPRS requires that significant sources of air pollutants apply for operating permits. Sources that are required to obtain Class II operating permits are those meeting the criteria set forth under Article 2, Section 5 of the LLCAPCPRS based on their potential to emit. The maximum potential to emit, including federally enforceable emission control requirements, result in potential emissions from the source that are less than the Class I emission thresholds set forth in LLCAPCPRS Article 2, Section 5, paragraph (A)(1). As such, the source will remain a ‘minor source’ in accordance with LLCAPCPRS Article 2, Section 5.

This source is considered an ‘area source’ of hazardous air pollutants (HAP), as maximum potential emissions of both individual and combined HAPs are limited to levels that are less than HAP major source thresholds.

Section 2 – Permitting History

2.01 – Initial Class II Operating Permit – Effective June 1, 2012

The initial operating permit for CB was issued June 1, 2012. That operating permit contained requirements to maintain emission levels less than the Class I operating permit thresholds and to comply with the LLCAPCPRS. This included material throughput requirements, particulate matter emission limits, fabric filter control requirements, visible emission monitoring, and recordkeeping and reporting requirements.

2.02 – Construction Permit No. 163 – Effective November 14, 2013

This construction permit was issued to CB to allow for the installation of a new multipurpose booth to be used to perform abrasive blasting and surface coating activities. This initial construction permit placed a limit on emissions of hazardous air pollutants (HAPs) from the new equipment to no more than 2.5 tons per year (tpy) of individual HAP and no more than 10 tpy of total HAPs. The owner/operator is required to maintain monthly annual records of material use and emissions calculations.

2.03 – Construction Permit No. 163A and Class II Operating Permit Renewal – Effective October 1, 2017

This modified construction permit was issued to replace Construction Permit No. 163 to incorporate the following changes:

- Update the emission unit table to more accurately reflect the source operation related to EU 2-1 and EU 2-2;
- Remove the requirement to maintain a minimum inventory of replacement filters, and instead establish a periodic inspection and maintenance schedule; and
- Replace ‘verbatim’ requirements of 40 CFR Part 63, Subpart XXXXXX with a table that incorporates the requirements of subpart XXXXXX by reference.

The Class II Operating Permit was also renewed at this time. The permit renewal was mostly unchanged from the initial operating permit, except for inclusion of the requirements set forth in Construction Permit #163A, as well as any other changes made to the facility during the term of the previous permit.

2.04 – Proposed Construction Permit CP25-163B and Renewal of Class II Operating Permit

CB submitted an operating permit renewal application on January 31, 2022. The major updates from the previous operating permit renewal include removal of emission units 4-1 through 5-1 (Boilers #1 and #2). A 1.0 MMBtu/hr natural gas water heater, which replaced the boilers, was added to the facility’s insignificant activities list. Additional changes to the insignificant activities list include adding the refractory process, and removal of all diesel storage tanks. With this permit renewal, CB also submitted an administrative amendment request for a facility name change from Cleaver-Brooks, Inc. to The Cleaver-Brooks Company, Inc.

CP25-163B is being issued as a significant modification of Construction Permit #163A to modify the periodic inspection schedule required for the fabric filter particulate emission control system (PECS) associated with EU 1-1 and EU 2-1. This requirement specified that the owner/operator inspect the filters once during each semi-annual period and replace the filter as necessary based on the inspection results. With this permit issuance, CB will be required to inspect the filters once during each annual period and replace them as necessary. The remainder of the requirements will stay the same with this permit modification.

This document serves as the factual and legal basis for the proposed renewal of a Class II operating permit and construction permit modification for CB. The sections that follow provide more information on the source, the nature of emissions from the source, evaluation of the potential to emit, and a discussion of conditions set forth in the proposed permit.

Section 3 – Source Characterization

3.01 – Source Description

CB operates a power boiler and heat exchanger manufacturing operation. The nature of operations at this facility includes the following:

- Large plate and sheet metal are cut to size on an arc (plasma) cutting table. The cut plate is then transferred to either the drum manufacturing department or to the final assembly area.
- In the drum department, the plate is rolled into a circular shape and then seam welded. Welded drums are placed in an annealing oven where they are heated to relieve stress prior to having holes drilled in the walls. Other pieces of cut plate or sheet are transferred to final assembly where they are used to build the walls of the boiler or for other areas such as access doors.
- The facility imports tubing primarily from another facility. Imported tubes are cut and welded to form a tube bundle and then transferred to the general assembly area where they are installed inside the boilers.
- Stationary machining equipment for sawing, grinding, sanding, and cleaning is used throughout the facility for tubing, drum, and generic boiler assembly.
- Assembled boilers are then sand blasted, primed, and painted.
- Welding is conducted throughout the facility. Hand-held torch cutters are also used throughout the facility. In general, the hand-held torch cutters are used for trimming edges of metal parts and consequently only energized a few minutes a day. Hand-held grinders and carbon gouging is also used in various locations at the facility.
- The facility also has a 1.0 MMBtu/hr water heater on-site which is used to supply steam and heated water for vessel pressure testing.

These processes result in the release of particulate matter (PM), particulate matter less than 10 micrometers in diameter (PM₁₀), particulate matter less than 2.5 micrometers in diameter (PM_{2.5}), sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOC), and hazardous air pollutants (HAP).

3.02 – Significant Sources of Air Pollution

The operations covered by this permit include the following emissions units:

Emission Unit	SCC Code	Emission Point Description	Emission Segment Description
1-1	3-09-002-02	Indoor Booth – Blasting	Abrasive Media
2-1	4-02-025-01	Indoor Booth – Spray Coating	Surface Coating
3-1	3-99-006-01	Annealing Oven (20.0 MMBtu/hr)	Natural Gas
6-1	3-09-050-00	Arc Welding	Welding Wire
7-1	3-09-047-00	Arc Cutting	Metal
8-1	3-09-030-05	Abrasive Saws	Metal
9-1	3-04-010-11	Grinding/Sanding Machines/Tube Cleaning	Metal

3.03 – Insignificant Activities

For the purposes of this permit, the following are considered insignificant sources of emissions.

Insignificant Activity	Additional Information
C.3. Space Heater/Air Make-Up	Three (3) 440,000 Btu/hr Gas Door Heaters
C.3. Space Heater/Air Make-Up	Seven (7) 400,000 Btu/hr Space Heaters
C.3. Space Heater/Air Make-Up	Two (2) 250,000 Btu/hr Space Heaters
B.2. Hand Held Grinding/Sawing	Abrasive Saw in Shipping Area
B.2. Hand Held Grinding/Sawing	Metal Grinding
B.3. Hand Held Torch Cutting/Welding	Torch Cutting
B.3. Hand Held Torch Cutting/Welding	Carbon Arc Gouging
A.35. Water Heater	1,000,000 Btu/hr Natural Gas Water Heater
Refractory Process	Insignificant activity per Article 2, Section 7 (F)(3)(b) of the LLCAPCPRS

3.04 – Source Aerial View

The following image is an aerial view of The Cleaver-Brooks Company, Inc. as viewed from the south looking north.



Section 4 – Emission Characterization

4.01 – Emission Calculation Factors and Methods

The procedures for performing emission calculations are provided in the Class II permit application. These procedures will be used to provide the emissions information required for the annual emissions inventory.

4.02 – Maximum Potential Emission Calculations and Totals

4.02.01 – Maximum Potential to Emit (MPTE) – Criteria Pollutants

The following emissions are derived from the approved application for this facility.

Emission Unit	SCC Code	Annual Process Rate	PM ₁₀ (lbs/yr)	PM _{2.5} (lbs/yr)	NO _x (lbs/yr)	SO _x (lbs/yr)	VOC (lbs/yr)	CO (lbs/yr)	CO ₂ e (lbs/yr)	LEAD (lbs/yr)	Total HAPs (lbs/yr)
1-1	3-09-002-02	3.15E+07 lbs	47.60	43.80	-	-	-	-	-	-	-
2-1	4-02-025-01	9,198 gal	1,040	1,000	-	-	9,635	-	-	-	20,000*
3-1	3-99-006-01	175,200 MMBtu	1,300	1,300	17,180	103.0	940.00	14,420	2.1E+07	0.09	324.37
6-1	3-09-050-00	700,800 lbs	12,880	12,180	-	-	-	-	-	-	700.00
7-1	3-09-047-00	1.37E+07 grams	15,360	15,360	8,289	-	-	-	-	-	400.00
8-1	3-09-030-05	4.50E+06 lbs	16,400	15,410	-	-	-	-	-	-	440.00
9-1	3-04-010-11	4.50E+06 lbs	16,400	15,410	-	-	-	-	-	-	440.00
Total Emissions (pounds per year)			63,427.6	60,703.80	25,469.00	103.00	10,575.00	14,420.00	2.1E+07	0.09	22,304.37
Total Emissions (tons per year)			31.71	30.35	12.73	0.05	5.29	7.21	10,258.00	<0.01	11.15

*The emission total of 20,000 pounds for EU 2-1 is derived from the 10 tpy limit in Construction Permit No. 163B.

4.02.02 – Maximum Potential to Emit (MPTE) – Hazardous Air Pollutants (HAPs)

The maximum potential emissions of hazardous air pollutants from all combined emission units at this source are as follows:

HAP Name	CAS #	Emissions (lbs)	Emissions (tons)
Single Greatest HAP	N/A	N/A	2.50
Total HAP	N/A	N/A	11.15

4.02.03 – Maximum Potential to Emit – Permit Threshold Evaluation

The following table summarizes the source's potential to emit, and compares it to applicable Class I and Class II operating permit thresholds:

Criteria Pollutant	Emissions (tpy)	Class II Permitting Threshold	Meet or Exceed?	Class I Permitting Threshold	Meet or Exceed?
PM ₁₀	31.71	≥ 15 tpy	Yes	≥ 100 tpy	No
PM _{2.5}	30.35	N/A	N/A	N/A	N/A
NO _x	12.73	≥ 40 tpy	No	≥ 100 tpy	No
SO _x	0.05	≥ 40 tpy	No	≥ 100 tpy	No
VOC	5.29	≥ 40 tpy	No	≥ 100 tpy	No
CO	7.21	≥ 50 tpy	No	≥ 100 tpy	No
Lead	<0.01	≥ 0.6 tpy	No	≥ 5 tpy	No
CO _{2e}	10,306.00	N/A	N/A	N/A	N/A
Hazardous Air Pollutant	Emissions (tpy)	Class II Permitting Threshold	Meet or Exceed?	Class I Permitting Threshold	Meet or Exceed?
Greatest Single HAP	2.50*	≥ 2.5 tpy	Yes	≥ 10.0 tpy	No
Total Combined HAPs	11.15	≥ 10.0 tpy	Yes	≥ 25.0 tpy	No

*The emission total for the greatest single HAP is derived from the 2.5 tpy emission limit set forth in Construction Permit No. 163B for EU 2-1.

4.03 – Limited/Controlled Potential to Emit Emission Calculations and Totals

4.03.01 – Limited/Controlled Potential to Emit (LCPTe) – Criteria Pollutants

The following emissions are derived from the approved application for this facility. The emission control efficiencies are in accordance with the control devices elected in the approved application. For more information on the types of control devices, refer to the approved application.

Emission Unit	SCC Code	Annual Process Rate	PM ₁₀ (lbs/yr)	PM _{2.5} (lbs/yr)	NO _x (lbs/yr)	SO _x (lbs/yr)	VOC (lbs/yr)	CO (lbs/yr)	CO _{2e} (lbs/yr)	LEAD (lbs/yr)	Total HAPs (lbs/yr)
1-1	3-09-002-02	3.15E+07 lbs	2.38	2.19	-	-	-	-	-	-	-
2-1	4-02-025-01	9,198 gal	52.00	50.00	-	-	9,635	-	-	-	20,000*
3-1	3-99-006-01	175,200 MMBtu	1,300	1,300	17,180	103.00	940.00	14,420	2.06E+07	0.09	324.47
6-1	3-09-050-00	700,800 lbs	12,880	12,180	-	-	-	-	-	-	700.00
7-1	3-09-047-00	1.37E+07 grams	15,360	15,360	8,289	-	-	-	-	-	400.00
8-1	3-09-030-05	4.50E+06 lbs	9,840	9,246	-	-	-	-	-	-	440.00
9-1	3-04-010-11	4.50E+06 lbs	9,840	9,246	-	-	-	-	-	-	440.00
Total Emissions (pounds per year)			49,274.38	47,384.19	25,469.00	103.00	10,575.00	14,420.00	2.06E+07	0.09	22,304.47
Total Emissions (tons per year)			24.64	23.69	12.73	0.05	5.29	7.21	10,306.00	<0.01	11.15

*The emission total of 20,000 pounds for EU 2-1 is derived from the 10 tpy limit in Construction Permit No. 163B.

4.03.02 – Limited/Controlled Potential to Emit (LCPTe) – Hazardous Air Pollutants (HAPs)

The maximum potential emissions of hazardous air pollutants from all combined emission units at this source are as follows.

HAP Name	CAS #	Emissions (lbs)	Emissions (tons)
Single Greatest HAP	N/A	N/A	2.50
Total HAP	N/A	N/A	11.15

4.03.01 – Limited/Controlled Potential to Emit (LCPTe) – Permit Threshold Evaluation

The following table summarizes the source's 'limited and/or controlled' potential to emit, and compares it to applicable Class I and Class II operating permit thresholds:

Criteria Pollutant	Emissions (tpy)	Class II Permitting Threshold	Meet or Exceed?	Class I Permitting Threshold	Meet or Exceed?
PM ₁₀	24.64	≥ 15 tpy	Yes	≥ 100 tpy	No
PM _{2.5}	23.69	N/A	N/A	N/A	N/A
NO _x	12.73	≥ 40 tpy	No	≥ 100 tpy	No
SO _x	0.05	≥ 40 tpy	No	≥ 100 tpy	No
VOC	5.29	≥ 40 tpy	No	≥ 100 tpy	No
CO	7.21	≥ 50 tpy	No	≥ 100 tpy	No
Lead	<0.01	≥ 0.6 tpy	No	≥ 5 tpy	No
CO _{2e}	10,258.00	N/A	N/A	N/A	N/A
Hazardous Air Pollutant	Emissions (tpy)	Class II Permitting Threshold	Meet or Exceed?	Class I Permitting Threshold	Meet or Exceed?
Greatest Single HAP	2.50*	≥ 2.5 tpy	Yes	≥ 10.0 tpy	No
Total Combined HAPs	11.15	≥ 10.0 tpy	Yes	≥ 25.0 tpy	No

*The emission total for the greatest single HAP is derived from the 2.5 tpy emission limit set forth in Construction Permit No. 163B for EU 2-1.

4.04 – Permit Threshold Evaluation

As reflected in the table in Section 4.03.03, emissions from this source are not of sufficient quantities to require a Class I operating permit. As such, the Department has determined that a Class II operating permit is appropriate for this source.

Conditions have been established in the permit that require the source to maintain actual emissions at levels less than Class I permit thresholds, and that require the source to demonstrate ongoing compliance with emission limits.

Section 5 – Applicable Regulations & Requirements

5.01 – Class II Operating Permit Applicable and Non-Applicable Regulations

5.01.01 – Applicable Regulations under the LLCAPCPRS

(A) The following sections (§) of the LLCAPCPRS are applicable requirements of this permit:

Table 1-A: Applicable Regulations of the LLCAPCPRS

Article 1: Administration and Enforcement	
§1	Intent
§2	Unlawful Acts – Permits Required
§3	Violations – Hearings – Orders
§4	Appeal Procedure
§5	Variance
§6	Annual Fees
§7	Compliance – Actions to Enforce – Penalties for Non-Compliance
§8	Procedure for Abatement
§9	Severability
Article 2: Regulations and Standards	
§1	Definitions
§4	Ambient Air Quality Standards
§5	Operating Permits – When Required
§6	Emissions Reporting – When Required
§7	Operating Permits – Application
§8	Operating Permits – Content
§12	Operating Permit Renewal and Expiration
§14	Permits – Public Participation
§15	Permit Modifications – Reopening for Cause
§16	Stack Heights – Good Engineering Practice (GEP)
§17	Construction Permits – When Required
§20	Particulate Limitations and Standards
§28	Hazardous Air Pollutants – Source Category Emissions Standards
§29	Operating and Construction Permit Emission Fees
§32	Duty to Prevent Escape of Visible Airborne Dust
§33	Time Schedule for Compliance
§34	Emission Source Testing and Monitoring
§35	Compliance – Exceptions Due to Startup, Shutdown, or Malfunction
§36	Control Regulation Circumvention – When Excepted
§37	Compliance – Responsibility of Owner/Operator Pending Review by Director
§38	Emergency Episodes – Occurrence, Control, and Contingency Plans
Appendices	
I	Emergency Emission Reduction Regulations
II	Hazardous Air Pollutants Sorted by Pollutant Name
III	Hazardous Air Pollutants Sorted by CAS Number

5.01.02 – Applicable Federal Regulations

- (B) The following Federal Regulations are applicable or potentially applicable requirements of this permit, including those not currently delegated to the LLCHD or not yet included in the LLCAPCPRS:

Table 1-B: Applicable Federal Regulations

40 CFR Part 63: NESHAP for Source Categories	
Subpart	Subpart Title
A	General Provisions
XXXXXX	Nine Metal Fabrication and Finishing Source Categories (Area Sources)
40 CFR Part 82: Protection of the Stratospheric Ozone	

5.01.03 – Non-Applicable Regulations of the LLCAPCPRS

- (C) The regulations contained within the sections (§) of the LLCAPCPRS listed in Table 1-D do not apply to this source at the time of issuance of this permit.

Table 1-C: Non-Applicable Regulations of the LLCAPCPRS

Article 2: Regulations and Standards	
§2	Major Sources – Defined
§9	General Permits
§10	Operating Permits for Temporary Sources
§13	Class I Operating Permit – EPA Review – Affected States Review
§18	New Source Performance Standards (NSPS)
§19	Prevention of Significant Deterioration (PSD) of Air Quality
§21	Compliance Assurance Monitoring (CAM)
§22	Incinerator Emission Standards
§23	National Emission Standards for Hazardous Air Pollutants (NESHAPs)
§24	Sulfur Compound Emission Standards for Existing Sources
§25	Nitrogen Oxide Emissions Standards for Existing Sources
§26	Acid Rain
§27	Hazardous Air Pollutants – Maximum Achievable Control Technology (MACT)
§3, §11, §30, §31	Reserved

5.01.04 – Non-Applicable Federal Regulations

- (D) The following Federal Regulations are not requirements of this permit:

Table 1-D: Non-Applicable Federal Regulations

Regulation	Non-Applicable Subparts, Section(s), or Appendix
40 CFR Part 51	Appendix S: Emission Offset Interpretive Ruling
40 CFR Part 52	Subpart A §52.21: Prevention of Significant Deterioration of Air Quality
40 CFR Part 60	Entire rule is non-applicable at the time of permit issuance, except for test methods incorporated for compliance demonstrations in this permit
40 CFR Part 61	Entire rule is non-applicable at the time of permit issuance, except for test methods incorporated for compliance demonstrations in this permit
40 CFR Part 63	All subparts, except Subparts B–E, those listed as applicable in Table 1-B, and any test methods incorporated for compliance demonstrations in this permit
40 CFR Part 64	Entire rule is non-applicable at the time of permit issuance
40 CFR Part 68	Entire rule is non-applicable at the time of permit issuance
40 CFR Parts 72 through 78	All Acid Rain rules are non-applicable at the time of permit issuance

5.01.05 – Applicable Regulations under the Lincoln Municipal Code

- (E) The following sections of Lincoln Municipal Code (LMC) are applicable requirements of this permit:

Table 1-E: Applicable Lincoln Municipal Code (LMC) Chapter(s)

Chapter	Chapter Title
8.06	Air Pollution

5.01.06 – Non-Applicable State Regulations

- (F) The 'Prevention of Significant Deterioration of Air Quality' regulation(s) set forth under Title 129 of the Nebraska Administrative Code (Nebraska Air Quality Regulations) do not apply to this source.

5.02 – Construction Permit CP25-163B Applicable and Non-Applicable Regulations

5.02.01 – Applicable Regulations under the LLCAPCPRS

- (A) The following sections (§) of the LLCAPCPRS are applicable requirements of this permit:

Table 1-A: Applicable Regulations of the LLCAPCPRS

Article 1: Administration and Enforcement	
§1	Intent
§2	Unlawful Acts – Permits Required
§3	Violations – Hearings – Orders
§4	Appeal Procedure
§5	Variance
§6	Fees
§7	Compliance – Actions to Enforce – Penalties for Non-Compliance
§8	Procedure for Abatement
§9	Severability
Article 2: Regulations and Standards	
§1	Definitions
§4	Ambient Air Quality Standards
§6	Emissions Reporting – When Required
§14	Permits – Public Participation
§15	Permit Modifications – Reopening for Cause
§16	Stack Heights – Good Engineering Practice (GEP)
§17	Construction Permits – When Required
§20	Particulate Limitations and Standards
§29	Operating and Construction Permit Emission Fees
§32	Duty to Prevent Escape of Visible Airborne Dust
§33	Time Schedule for Compliance
§34	Emission Source Testing and Monitoring
§35	Compliance – Exceptions Due to Startup, Shutdown, or Malfunction
§36	Control Regulation Circumvention – When Excepted
§37	Compliance – Responsibility of Owner/Operator Pending Review by Director
§38	Emergency Episodes – Occurrence, Control, and Contingency Plans
Appendices	
I	Emergency Emission Reduction Regulations
II	Hazardous Air Pollutants Sorted by Pollutant Name
III	Hazardous Air Pollutants Sorted by CAS Number

5.02.02 – Applicable Federal Regulations

- (B) The Federal Regulations in Table 1-B below are requirements of this permit, including those not currently delegated to the LLCHD or not yet included in the LLCAPCPRS:

Table 1-B: Applicable Federal Regulations

40 CFR Part 63: National Emission Standards for Hazardous Air Pollutants – Maximum Achievable Control Technology (NESHAP)	
Subpart	Subpart Title
A	General Provisions
XXXXXX	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories

5.02.03 – Non-Applicable Regulations of the LLCAPCPRS

- (C) The regulations contained within the sections (§) of the LLCAPCPRS listed in Table 1-C do not apply to this source at the time of issuance of this permit.

Table 1-C: Non-Applicable Regulations of the LLCAPCPRS

Article 2: Regulations and Standards	
§2	Major Sources – Defined
§5	Operating Permits – When Required
§7	Operating Permits – Application
§8	Operating Permits – Content
§9	General Permits
§10	Operating Permits for Temporary Sources
§12	Operating Permit Renewal and Expiration
§13	Class I Operating Permit – EPA Review – Affected States Review
§18	New Source Performance Standards (NSPS)
§19	Prevention of Significant Deterioration (PSD) of Air Quality
§21	Compliance Assurance Monitoring (CAM)
§22	Incinerator Emission Standards
§23	National Emission Standards for Hazardous Air Pollutants (NESHAPs)
§24	Sulfur Compound Emission Standards for Existing Sources
§25	Nitrogen Oxide Emissions Standards for Existing Sources
§26	Acid Rain
§27	Hazardous Air Pollutants – Maximum Achievable Control Technology (MACT)
§28	Hazardous Air Pollutants – Source Category Emissions Standards
§3, §11, §30, §31	Reserved

5.02.04 – Non-Applicable Federal Regulations

- (D) The following Federal Regulations are not requirements of this permit:

Table 1-D: Non-Applicable Federal Regulations

Regulation	Non-Applicable Subparts, Section(s), or Appendix
40 CFR Part 51	Appendix S: Emission Offset Interpretive Ruling
40 CFR Part 52	Subpart A §52.21: Prevention of Significant Deterioration of Air Quality
40 CFR Part 60	Entire rule is non-applicable at the time of permit issuance
40 CFR Part 61	Entire rule is non-applicable at the time of permit issuance
40 CFR Part 63	All subparts, except Subparts B–E and those listed as applicable in Table 1-B
40 CFR Part 64	Entire rule is non-applicable at the time of permit issuance
40 CFR Part 68	Entire rule is non-applicable at the time of permit issuance
40 CFR Parts	All Acid Rain rules are non-applicable at the time of permit issuance

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5.01.05 – Applicable Regulations under the Lincoln Municipal Code

- (E) The following sections of Lincoln Municipal Code (LMC) are requirements of this permit:

Table 1-E: Applicable Lincoln Municipal Code (LMC) Chapter(s)

Chapter	Chapter Title
8.06	Air Pollution

5.01.06 – Non-Applicable State Regulations

- (F) The ‘Prevention of Significant Deterioration of Air Quality’ regulation(s) set forth under Title 129 of the Nebraska Administrative Code (Nebraska Air Quality Regulations) do not apply to this source.

Section 6 – Discussion of Proposed Permit Conditions, Monitoring, Reporting, Notification and Record Keeping Requirements

The following conditions of the proposed permit contain monitoring, reporting, notification, and record keeping requirements. A brief description of these conditions is provided below:

6.01 – Class II Operating Permit Conditions and Requirements

6.01.01 – General Conditions

Conditions II through XXVIII are general conditions that are applicable to sources obtaining a Class II operating permit. There will not be an in-depth discussion of these requirements, except to note the following General Conditions specifically related to monitoring, reporting, notification, and record-keeping:

- VI – Fees
- XI – Annual Emission Reporting
- XII(A) – Timely Applications
- XII(B) – Certification of Truth, Accuracy, and Completeness
- XIII(M) – Permit Copy Maintenance and Retention
- XV(F) – Notification of Source Modifications
- XXIII(G) – ‘Credible Evidence Rule’
- XXIV – Startup, Shutdown, and Malfunction (SSM) Provisions
- XXVIII(E) – Record Keeping Elements and Retention Times

6.01.02 – Specific Conditions

The following are specific conditions of the proposed Class II operating permit:

- XXIX. – Minor Source Requirements. The conditions established under this requirement establish the source as a ‘Minor’ source of emissions and provide enforceable conditions requiring the source to maintain actual emissions at levels below ‘major source’ thresholds. These requirements qualify the source for a Class II operating permit. The facility is subject to the monitoring, recordkeeping, and reporting requirements applicable to Class II sources identified in the permit.
- XXX – Source Wide Requirements. These conditions apply to the facility and emission unit(s) identified under this condition in the permit. The following conditions have been established pursuant to elections made by the owner/operator in the approved application and the authorities granted in Article 2, Section 8, paragraph (O) of the LLCAPCPRS. These conditions are deemed necessary by the Director to

protect public health and/or the environment and are consistent with federally enforceable construction permits held by the owner/operator (if any). All terms and conditions of this permit are enforced by the Administrator and the citizens under the Act, except for those terms and conditions that are specifically designated as not being federally enforceable.

(A) Operating Requirements, Throughput Limits, and/or Work Practice Standards.

The requirements set forth under this condition serve to:

- specify the source-elected limits on material throughput, hours of operation, and/or fuel oil use, which are designed to maintain the source as a minor source; and
- ensure that the units are operated in such a manner that their contributions to air pollution are minimized, and to incorporate any elections made in the approved application by reference.

(B) Emission Limits and Emission Control Requirements.

The requirements set forth under this condition serve to:

- reference the requirement to limit HAP emissions from EU 2-1 to less than Class II permitting thresholds established pursuant to Construction Permit #163B;
- incorporate the emission limit requirements set forth under Article 2, Section 20, paragraph (A) and (B) of the LLCAPCPRS;
- reference the emission limits established under Article 2, Section 20, paragraph (C) and (D) of the LLCAPCPRS as applicable requirements unless subject to more stringent standards;
- incorporate the respective control devices and capture efficiency requirements for EUs 1-1 and 2-1, and to ensure these devices are properly operated and maintained; and
- incorporate all applicable emission limits and/or emission control requirements established pursuant to Construction Permit No. 163B, as well as incorporate applicable federal regulations by reference.

(C) Monitoring Requirements.

The requirements set forth under this condition serve to:

- establish monitoring provisions necessary to demonstrate ongoing compliance with the visible emission limit set forth in Condition XXX(B)(4) and Construction Permit No. 163B;
- establish the requirement to calculate monthly and rolling 12-month totals for hours of operation, material use, and throughput, as well as HAP emissions, to demonstrate compliance with Condition XXX(A)(1) and (B)(1) of the proposed permit, and Construction Permit No. 163B; and
- incorporate all applicable monitoring requirements established pursuant to Construction Permit No. 163B, as well as incorporate applicable federal regulations by reference.

(D) Record Keeping Requirements.

The requirements set forth under this condition serve to:

- ensure that the owner/operator keeps adequate records to substantiate emission calculations performed pursuant to Condition XXX(C)(2)-(4);
- ensure that the source maintains adequate records to demonstrate compliance with the requirements set forth in Conditions XXX(B)(2), (B)(3), and (B)(5);
- ensure that the source maintains adequate records to demonstrate compliance with the requirements to perform periodic visible emission observations;
- ensure that the source maintains adequate records to demonstrate compliance with the differential pressure observations, maintenance, repairs, and other corrective actions set forth in Construction Permit No. 163B;
- ensure that the source maintains adequate records to demonstrate compliance with the requirement to properly operate and maintain the required control devices;
- ensure that the source maintains copies of the SDSs for each material used to demonstrate compliance with Construction Permit No. 163B, and Article 2, Section 8 of the LLCAPCPRS; and
- incorporate all applicable record keeping requirements established pursuant to Construction Permit No. 163B, as well as incorporate applicable federal regulations by reference.

(E) Reporting Requirements.

The requirements set forth under this condition serve to:

- ensure the owner/operator to reports emissions to the Department annually, as required by Condition XI, and establishes what data elements must be included with this report;
- ensure that the Department is notified of any changes in materials or material composition that may impact emissions;
- reference the reporting requirements established under 40 CFR Part 63, Subpart XXXXXX;
- incorporate all applicable reporting requirements established pursuant to Construction Permit No. 163B, as well as incorporate applicable federal regulations by reference; and
- ensure the owner/operator submits all reports as deemed necessary by the Director.

(F) Other Requirements.

The requirements set forth under this condition serve to:

- ensure that any changes at the permitted source that have the potential to effect emissions have been approved by the Department, in order to ensure against significant impacts on ambient air quality, as well as to prevent violations of air quality regulations and standards; and

- ensure that the owner/operator achieves compliance with compliance with rules and regulations in a timely manner.

(G) Requirements of the National Emission Standards for Hazardous Air Pollutants for Source Categories (Source Category NESHAPs) set forth in Title 40, Part 63 of the Code of Federal Regulations (40 CFR 63).

The requirements set forth under this condition serve to incorporate the applicable requirements of 40 CFR Part 63, Subparts A and XXXXXX, as applicable to the source.

6.02 – Construction Permit CP25-163B Conditions and Requirements

6.02.01 – General Conditions

Conditions II through XXIII are general conditions that are applicable to all sources obtaining a construction permit. There will not be an in-depth discussion of these requirements, except to note the following General Conditions specifically related to monitoring, reporting, notification, and record-keeping:

- VI – Fees
- XI – Annual Emission Reporting
- XII – Notification of Source Modifications
- XIV(E) – Permit Copy Maintenance and Retention
- XVIII(E) – ‘Credible Evidence Rule’
- XIX – Startup, Shutdown, and Malfunction (SSM) Provisions
- XXIII(E) – Record Keeping Elements and Retention Times

6.02.02 – Specific Conditions

The following are specific conditions of the proposed Class II operating permit:

- XXIV. – Source-Wide Requirements. The specific conditions of this permit apply to the permitted emission units listed on page 4 of construction permit CP25-163B. This condition establishes the authority under which the requirements of the permit are set forth.

(A) Operating Requirements, Throughput Limits, and/or Work Practice Standards.

The requirements set forth under this condition serve to:

- authorize the source to continue to operate the Permitted Emission Units in accordance with the provisions set forth in the permit;
- ensure the owner/operator analyzes the impact on potential emissions any changes to the Permitted Emission Units may have, and to receive approval from the Department before making any proposed changes; and
- ensure that the units are operated in such a manner that their contributions to air pollution are minimized, and to incorporate any elections made in the approved application by reference.

(B) Emission Limits and Emission Control Requirements.

The requirements set forth under this condition serve to:

- reference the requirement to limit HAP emissions from EU 2-1 to less than minor source thresholds; and

- incorporate the respective control devices and capture efficiency requirements for EUs 1-1 and 2-1, and to ensure these devices are properly operated and maintained.

(C) Monitoring Requirements.

The requirement set forth under this condition serves to establish monitoring provisions necessary to demonstrate ongoing compliance with the visible emission limit set forth in Condition XV(C) of the proposed permit.

(D) Record Keeping Requirements.

The requirements set forth under this condition serve to:

- ensure that the owner/operator keeps records of annual material throughput associated with EU 1-1;
- ensure that the owner/operator keeps adequate records to substantiate compliance with the emission limits required pursuant to Condition XXIV(B)(1);
- ensure that the source maintains adequate records to demonstrate compliance with the requirements to perform periodic visible emission observations; and
- ensure that the source maintains adequate records to demonstrate compliance with the differential pressure observations, maintenance, repairs, and other corrective actions.

(E) Reporting Requirements.

The requirements set forth under this condition serve to:

- ensure the owner/operator reports emissions to the Department annually, as required by Condition XI, and establishes what data elements must be included with this report

(F) Requirements of the National Emission Standards for Hazardous Air Pollutants for Source Categories (Source Category NESHAPs) set forth in Title 40, Part 63 of the Code of Federal Regulations (40 CFR 63).

The requirements set forth under this condition serve to incorporate the applicable requirements of 40 CFR Part 63, Subparts A and XXXXXX, as applicable to the source.

(G) Other Requirements.

The requirements set forth under this condition serve to:

- ensure that the owner/operator achieves compliance with compliance with rules and regulations in a timely manner; and
- ensure that the owner/operator keeps all required monitoring data as required by the conditions set forth in this permit.

Section 7 – Summary of Permit Conditions Enforceable by Agency

- (1) LLCHD (Local) – All conditions indicated in this permit with the exception of General Condition (Regulations) I(B), as well as Condition XXVII.
- (2) EPA (Federal) – All conditions indicated in this permit with the exceptions of General Condition (Regulations) I(E).

Section 8 – Compliance Assurance Monitoring

The Compliance Assurance Monitoring (CAM) requirements set forth under 40 CFR Part 64 only applies to major sources, and CB is not a major source for any criteria or hazardous air pollutant. Therefore, the requirements of 40 CFR Part 64 do not apply.

Section 9 – Pollution Prevention Opportunities

The Department encourages CB to continually examine its operations for pollution prevention opportunities. The Department's Technical Assistance Program can provide resources to aid the facility in exploring available pollution prevention options.

A guidance document outlining possible pollution prevention opportunities can be found on LLCHD's Air Quality webpage at the link below or by scanning the QR code.



<https://www.lincoln.ne.gov/files/sharedassets/public/v/1/health-dept/environmental/air-quality-forms-amp-apps/pollutionpreventionopportunities.pdf>

Section 10 – Environmental Justice Considerations

The Department utilized the U.S. EPA's Environmental Justice Screening Tool (EJSCREEN) to determine if there are environmental justice concerns in the area surrounding this facility. The U.S. EPA's *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis* (June 2016) states that, "When using EJSCREEN, the 80th percentile is a suggested starting point for the purpose of identifying geographic areas in the United States that may warrant further consideration, analysis, or outreach. That is, if any of the EJ indexes for the areas under consideration are at or above the 80th percentile nationally, then further review may be appropriate."

For urban areas, the Department analyzes a 1-mile radius around the center of the regulated facility. The EJSCREEN analysis performed by LLCHD personnel for this permitting action indicated that, in the 1-mile radius surrounding the approximate center of the facility, there is an affected population of approximately 1,400 people. For the affected population, the following 'Environmental Burden Indicators' equaled or exceeded the 80th percentile nationally.

- Underground Storage Tanks
- Wastewater Discharge

Additionally, the following 'Supplemental Indexes' equaled or exceeded the 80th percentile nationally.

- Lead Paint
- Hazardous Waste Proximity
- Underground Storage Tanks
- Wastewater Discharge

For that population, all 'Socioeconomic Indicators' and all 'Environmental Justice Indexes' were lower than the 80th percentile nationally for the area included in the EJSCREEN analysis.

As a result, the Department encourages the owner/operator to continually evaluate how to effectively provide meaningful engagement to the public on the following, as needed:

- Potential releases of toxic pollutants (hazardous air pollutants), including specific pollutants emitted and potential quantity of each pollutant emitted in excess of each pollutant's respective 'Reporting Level' established in Appendices II and III of the LLCAPCPRS.

- Information regarding any on-site storage of hazardous waste (if any).
- Information regarding any underground storage tanks maintained on-site (if any).
- Guidance on how to obtain copies of operating and construction permits, as well as any associated public document, for public review and comment.

The Department does not have any specific recommendations pertaining to meaningful public engagement on matters relating to wastewater discharge and lead paint, as those are matters beyond the purview of air quality operating/construction permits.

Section 11 – Air Quality Section Recommendation

The Department proposes approval of a Class II Operating Permit and a modification of a Minor-NSR Construction Permit for this facility. Enforceable permit conditions have been provided in the draft permits. A final determination on these permits will be made following the opportunity of the public to comment on the draft permits, and any comments received have been addressed.

Section 12 – Public Participation

The following notice is scheduled for publication in the July 3, 2025 edition of the Lincoln Journal Star, which is a newspaper of general circulation in Lancaster County, Nebraska.

This notice, along with the draft permits, statement of basis, and permit application will also be made available on the Lincoln-Lancaster County Health Department (LLCHD) Air Quality Section website at the following URL:

<http://lincoln.ne.gov/city/health/environ/Air/PubNot.htm>

NOTICE OF INTENT TO ISSUE PERMIT

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT (LLCHD)

- A. In accordance with Article 2, Section 14 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS), the LLCHD gives notice of the preliminary determination to approve the following permitting action(s) for the source identified in item 'B' below. The 30-day public comment period commences July 3, 2025 and ends on August 2, 2025.
1. Proposed renewal of a Class II Operating Permit
 2. Proposed modification of a Minor-NSR Construction Permit
- B. Issuance of the proposed permit allows for continued operation of the subject emission source within Federal, State and Local requirements. Provided below are the name, address, and the North America Industry Classification System (NAICS) code describing the nature of business at the subject emission source:
1. Source Name: The Cleaver-Brooks Company, Inc.
 2. Source Address: 6940 Cornhusker Hwy, Lincoln, NE 68507
 3. NAICS Code(s): 332410 (Power Boiler and Heat Exchanger Manufacturing)
332439 (Other Metal Container Manufacturing)
- C. Potential emissions do not exceed the Class I permit thresholds set forth under Article 2, Section 5 of the LLCAPCPRS. As a result, the source will be classified as a 'minor source' of emissions and qualifies for a Class II operating permit.
- D. The proposed Class II operating permit will allow for emissions of the following regulated air pollutants in the associated quantities. All quantities are in units of tons per year, or tpy.

Particulate matter less than 10 micrometers in diameter (PM10)	24.64 tpy
Particulate matter less than 2.5 micrometers in diameter (PM2.5)	23.69 tpy
Oxides of Nitrogen (NOx)	12.73 tpy
Oxides of Sulfur (SO2, SO3, and combinations thereof)	0.05 tpy
Volatile Organic Compounds (VOC)	5.29 tpy
Carbon Monoxide	7.21 tpy
Lead	<0.01 tpy
Individual Hazardous Air Pollutants	2.50 tpy
Total Combined Hazardous Air Pollutants	11.15 tpy
Carbon Dioxide Equivalents (CO2e)	10,258.00 tpy

- E. Lancaster County is an 'attainment/unclassifiable' area for all pollutants subject to the National Ambient Air Quality Standards (NAAQS), meaning air quality in Lancaster County meets or is cleaner than the national standards. This permitting action is not expected to change that status.
- F. The proposed permit, statement of basis, permit application, and a copy of this public notice document are available online at: <http://lincoln.ne.gov>, keyword search "air". Those materials are also available for inspection during business hours at the office of the LLCHD at 3131 O Street, Lincoln, NE 68510. Telephone inquiries regarding this public notice may be directed to the Air Quality Section at 402-441-8040. If alternate formats of materials are needed, please notify the Department by calling 402-441-8040 or 402-441-6284 for TDD users.
- G. Within the 30-day public comment period, any interested person, agency, or group may submit comments on the proposed permit(s), or request or petition the Director of the LLCHD for a public hearing in accordance with item 'H' below. Comments on the proposed permit(s) may be mailed to the attention of the Air Quality Section Supervisor at the address provided in item 'F' above, or submitted via e-mail to health@lincoln.ne.gov using the subject line 'Comment on Air Quality Permit'. Individuals commenting via e-mail are asked to provide their home address and phone number for follow-up correspondence.
- H. Requests for public hearing must be made in writing and must state the nature of the issues to be raised and all arguments and factual grounds supporting their position. If a public hearing is granted by the Director, the hearing will be advertised by public notice at least 30 days prior to its occurrence.
- I. The LLCHD does not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of its programs or activities, and LLCHD does not intimidate or retaliate against any individual or group because of their participation in or opposition to actions protected or prohibited by 40 CFR Part 7, or for the purpose of interfering with any right or privilege guaranteed by 40 CFR Part 7.