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1993 Lincoln/Lancaster County Air Pollution Control Program

The following shall be the Regulations and Standards governing the Air Pollution Control Program of the Lincoln-Lancaster County Health Department within Lancaster County including the City of Lincoln and other cities and villages within the county. Unless otherwise stated, all references to 'Articles' and 'Sections' made herein shall be interpreted as references to these Regulations and Standards.

ARTICLE 1. ADMINISTRATION AND ENFORCEMENT.

SECTION 1. INTENT.

It is the intent and purpose of the Air Pollution Control Program to implement and enforce an air pollution control program consistent with the Clean Air Act, as amended (42 U.S.C. 7401 et seq.) within the corporate limits of the city and the zoning jurisdiction of the city and within Lancaster County according to the authority the City, County or the Lincoln Lancaster County Health Department may have available and may exercise jointly including all authority delegated or conferred in the applicable laws or regulations of the United States or the State of Nebraska; including Neb. Rev. Stat. §81-1504 (23); Neb. Rev. Stat. §81-1528(1); and the Clean Air Act, as amended (42 U.S.C. 7401 et seq.). Such powers shall include without limitation those involving injunctive relief, civil penalties, criminal fines and burden of proof. Nothing in these regulations and standards is intended to preclude the control of air pollution by resolution, ordinance, or regulation not in actual conflict with the Clean Air Act or the air pollution control regulations of the State of Nebraska set forth under Title 129 of the Nebraska Administrative Code.

SECTION 2. UNLAWFUL ACTS – PERMITS REQUIRED.

- (A) It shall be unlawful for any person to cause any air pollution within the City or County or cause to be placed any wastes in a location where they are likely to cause air pollution.
- (B) It shall be unlawful for any person to construct or use any source for the emission of any regulated air pollutant unless the person holds a current permit therefore.
- (C) It shall be unlawful to:
 - (1) Construct or operate an air pollution source without first obtaining a permit required under the Air Pollution Control Program;
 - (2) Violate any term or condition of an air pollution permit or any emission limit set in the permit; or
 - (3) Violate any emission limit or standard established in the Air Pollution Control Program.

SECTION 3. VIOLATIONS – HEARINGS – ORDERS.

- (A) Whenever the Director has reason to believe that a violation of any provision of these regulations has occurred, the Director may cause a written complaint to be served upon the alleged violator or violators. The complaint shall specify the provision of the Act, rule or regulation, or order alleged to be violated and the facts alleged to constitute a violation thereof and shall order that necessary corrective action be taken within a reasonable time to be prescribed in such order. Any such order shall become final unless each person named therein requests in writing a hearing before the Director no later than thirty (30) days after the date such order is served. Such hearing shall be conducted as provided under Article 1, Section 3, paragraph (B). If the alleged violator wants a formal hearing according to the procedures for a contested case under Article 1, Section 4, such person shall make the request in writing no later than thirty (30) days after the date such order is served. In lieu of such order, the Director may require that the alleged violator appear before the Director at a time and place specified in the notice and answer the charges complained of. The notice shall be delivered to the alleged violator or violators in accordance with the provisions of paragraph (E) of this section not less than thirty (30) days before the time set for the hearing.
- (B) The Director shall afford an opportunity for a fair hearing, and on the basis of the evidence produced at the hearing, the Director or hearing officer shall make findings of fact and conclusions of law and shall give written notice of such order to the alleged violator and to such other persons who appear at the hearing and make written request for notice of the order. If the hearing is held before any person other than the Director, such person shall transmit a record of the hearing together with findings of fact and conclusions of law to the Director. The Director, prior to entering any order on the basis of such record, shall provide opportunity to the parties to submit for his or her consideration exceptions to the findings or conclusions and supporting reasons for such exceptions. The order of the Director shall become final and binding on all parties unless appealed within thirty (30) days after notice has been sent to the parties.
- (C) Whenever the Director finds that an air pollution emergency exists requiring immediate action to protect the public health and welfare, the Director may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as the Director deems necessary to meet the emergency. Notwithstanding the provisions of paragraph (B) of this section, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but on application to the Director shall be afforded a hearing as soon as possible and not later than ten (10) days after such application by such affected person. On the basis of such hearing, the Director shall continue such order in effect, revoke it, or modify it.
- (D) Except as otherwise expressly provided, any notice, order, or other instrument issued by or under authority of the Director shall be served on any person affected thereby in a manner provided for service of a summons in a civil action. Proof of service shall be filed in the office of the Department. Every certificate or affidavit of service made and filed as provided in this section shall be prima facie evidence of the facts therein stated, and a certified copy thereof shall have like force and effect.
- (E) The hearings provided for in this section may be conducted by the Director or by any member of the Department acting in his or her behalf, or the Director may designate hearing officers who shall have the power and authority to conduct such hearings in the name of the Director at any time and place. A verbatim record of the proceedings of such hearings shall be taken and filed with the Director, together with findings of fact and conclusions of law made by the Director or hearing officer. Witnesses who are subpoenaed shall receive the same fees as in civil actions in the district court and mileage as provided by law. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under the provisions of this section, the district court shall have jurisdiction, upon application of the Director, to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof. If requested to do so by any party concerned with such hearing, the full stenographic notes, or tapes of an electronic transcribing device, of the testimony presented at such hearing shall be taken and filed. The stenographer shall, upon the payment of the stenographer's fee allowed by the court therefore, furnish a certified transcript of the whole or any part of the stenographer's notes to any party to the action requiring and requesting the same.

SECTION 4. APPEAL PROCEDURE.

- (A) In any contested case all parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall state the time, place, and issues involved, but if, by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable. Opportunity shall be afforded all parties to present evidence and argument with respect thereto. The Director shall prepare an official record, which shall include testimony and exhibits, in each contested case, but it shall not be necessary to transcribe shorthand notes unless requested for purpose of rehearing, in which event the transcript and record shall be furnished by the Director upon request and tender of the cost of preparation. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default.
- (B) In contested cases:
- (1) The Director may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable prudent persons in the conduct of their affairs. The Director shall give effect to the rules of privilege recognized by law. The Director may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Any party to a formal hearing before the Director, from which a decision may be appealed to the courts of this state, may request that such Director be bound by the rules of evidence applicable in district court by delivering to such Director at least three (3) days prior to the holding of such hearing a written request therefore. Such request shall include the requesting party's agreement to be liable for the payment of costs incurred thereby and upon any appeal or review thereof, including the cost of court reporting services which the requesting party shall procure for the hearing. All costs of a formal hearing shall be paid by the party or parties against whom a final decision is rendered;
 - (2) The Director may administer oaths and request to either the City Council or the County Board to issue subpoenas to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and cause the depositions of witnesses residing either within or without the state to be taken in the manner prescribed by law for taking depositions in civil actions in the district court;
 - (3) All evidence including records and documents in the possession of the Director of which the Director desires to use shall be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference;
 - (4) Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence; and
 - (5) The Director may take notice of judicially cognizable facts and, in addition, may take notice of general, technical, or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material so noticed. They shall be afforded an opportunity to contest the facts so noticed. The Director may utilize the Director's own experience, technical competence, and specialized knowledge in the evaluation of the evidence.
- (C) Every decision and order adverse to a party to the proceeding, rendered by the Director in a contested case, shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. Parties to the proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed upon request to each party or his or her attorney of record.
- (D) If the Director orders a civil penalty for any violation, the Director shall comply with the following:
- (1) After the order finding a violation under Article 1, Section 3 and before issuing the final decision assessing the penalty, the Director shall give written notice to the person to be assessed a civil penalty including the amount of the penalty for the violation and an opportunity to request, within fifteen (15) days of the date the notice of penalty is received, a separate hearing on the civil penalty. The requested hearing shall be limited to the civil penalty and the factors related to the penalty, and not the underlying violation.

- (2) In determining the amount of a civil penalty, the Director shall take into account the nature, circumstances, extent, and gravity of the violation or violations and the violator's ability to pay, ability to continue to operate, prior history of violations, degree of culpability, and such other matters as justice may require.
 - (3) At the separate hearing, the Director may compromise, modify, or remit, with or without conditions, any civil penalty imposed.
- (E) Civil penalties shall be paid in accordance with the Nebraska Constitution, Article VII Section 5.
- (F) Any person jointly or severally aggrieved by any final decision or order by the Director may appeal to district court as provided in Neb. Rev. Stat. §15-1201 et seq. An aggrieved person includes a permit applicant, a person who participated in a public comment process, and any other person authorized by law to obtain judicial review of a final decision of the Director.
- (G) If the Director fails to take final action within: four hundred fifty (450) days on permit applications; ninety (90) days on minor permit modifications; one hundred eighty (180) days on group processed minor modifications; or ninety (90) days on any other required action, the failure to take final action shall be a final decision subject to judicial review.
- (H) Neb. Rev. Stat. §15-1202 requires that a person appealing a final decision must file a notice of appeal within thirty (30) days from the date of the order or decision.
- (I) Except if ordered by court, if the Director issues a permit, the permit is not stayed during the pendency of any appeal.

SECTION 5. VARIANCE.

- (A) Any person who owns or is in control of any plant, building, structure, process, or equipment may apply to the Director for a variance from rules or regulations. The Director may grant such variance if he or she finds that the emissions or discharges occurring or proposed to occur do not endanger or tend to endanger human health or safety or that compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public. In making such findings the Director shall give due consideration to all the facts and circumstances bearing upon the reasonableness of the emissions or discharge involved including, but not limited to:
- (1) The character and degree of injury to or interference with the health and physical property of the people;
 - (2) The social and economic value of the source of the pollution;
 - (3) The question of priority of location in the area involved; and
 - (4) The technical practicability and economic reasonableness of reducing or eliminating the emissions or discharges resulting from such source.
- (B) No variance shall be granted until the Director has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.
- (C) Any variance or renewal thereof shall be granted within the requirements of paragraph (A) of this section, for time periods and under conditions consistent with the reasons therefore, and within the following limitations:
- (1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the air, water, or land pollution involved, it shall be only until the necessary means for prevention, abatement, or control become known and available and subject to the taking of any substitute or alternate measures that the Director may prescribe;
 - (2) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the Director, is requisite for the taking of the necessary measures. A variance granted on the ground specified in this section shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable;
 - (3) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in paragraph (C)(1) or (C)(2) of this section, it shall be for not more than one (1) year.
- (D) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Director on account of the variance, no renewal thereof shall be granted unless the Director finds that renewal is justified. No renewal shall be granted except on application therefore. Any such application shall be made at least thirty (30) days prior to the expiration of the variance. Immediately upon receipt of an application for renewal the Director shall give public notice of such application.
- (E) Any variance granted pursuant to this section may be modified, suspended, or revoked by the Director if it is determined there has been a failure to comply with the terms and conditions, or if it is determined that activities allowed under the variance are endangering human health or safety or damaging the environment. Notification of the Director's decision to modify, suspend, or revoke a variance shall be conducted in accordance with the provisions of Article 1, Section 3, paragraphs (C) and (D). Upon receiving such notification, the variance holder shall comply with the following, as applicable:
- (1) If the variance is suspended or revoked, the variance holder must cease all activities allowed under the variance, unless the variance holder can demonstrate that ceasing such activities would result in greater harm to human health or damage to the environment, or would cause significant damage to equipment and/or infrastructure, than would result from continuing activities until the next scheduled shutdown or stoppage.
 - (2) If the variance is modified, the variance holder must comply with all terms and conditions of the modified variance.
 - (3) The holder of any modified, suspended, or revoked variance may appeal the Director's decision in accordance with the procedures set forth under Article 1, Section 4.

ARTICLE 1
SECTION 5

VARIANCE

- (F) The issuance or renewal of a variance shall not be the right of the applicant or holder thereof, but shall be at the discretion of the Director. The issuance, renewal, modification, denial, or revocation of a variance shall be by order of the Director.
- (G) Nothing in this section, and no variance or renewal granted pursuant to this section, shall be construed to prevent or limit the application of the emergency provisions and procedures of Article 2, Section 38 to any person or his or her property.
- (H) No variance shall be granted that would sanction any violation of state or federal statutes or regulations.
- (I) The fee associated with issuance of a variance shall be charged in accordance with Article 1, Section 6.

ARTICLE 1
SECTION 6. FEES.

(A) Annual Emission Fees

- (1) Applicability – The following provisions shall apply to any person who owns or operates a source as defined in Article 2, Section 1 and is required to obtain any one of the following:
 - (a) A Class I or a Class II operating permit in accordance with Article 2, Sections 5 and 10 or
 - (b) A construction permit in accordance with Article 2, Sections 17 and 19.
- (2) Calculation of Fee – Owners or operators of sources identified in paragraph (A)(1) above shall pay an annual fee for emissions of regulated air pollutants for fee purposes. The annual fee for emissions occurring in each calendar year is due and payable on July 1 of the following year, and the annual emissions fee shall be calculated using the fee schedules in Tables 6-A1 and 6-A2 (below) that are effective on the date when the annual emission fee is due. With the exception of coal-fired power plants with a combined generating capacity of 200 megawatts or greater, the fee shall be based on the actual reported emissions (in tons) as established in the emission inventory for the previous calendar year as required by Article 2, Section 6. If the product of multiplying a source's actual reported emissions (in tons) by the applicable per-ton emission fee rate specified in Table 6-A2 exceeds the applicable minimum fee in Table 6-A1, the annual fee shall be assessed as the product of that calculation. If the product of that calculation is less than or equal to the applicable minimum fee in Table 6-A1, then only the minimum fee shall be assessed. For the purposes of this section, a pollutant which may be regulated under more than one provision of the LLCAPCRS need only be counted once. Any temporary source issued an operating permit under Article 2, Section 10 shall pay an annual fee based on actual emissions that occurred during the time the source was located and operated in Lincoln or Lancaster County. The annual emission fees shall be assessed in accordance with the following:
 - (a) Minimum Fee Schedule – The minimum annual fee calculated pursuant to the requirements of paragraph (A)(2) shall be no less than the amounts set forth in Table 6-A1 below.

Table 6-A1:

Minimum Annual Fees and Effective Dates

Source Classification	9-1-2024 to 8-31-2025	9-1-2025**
Coal-fired power plants with a combined generating capacity of ≥ 200 megawatts	\$350,000.00	\$350,000.00
All Major Sources, except coal-fired power plants with a combined generating capacity of ≥ 200 megawatts	\$3,400.00	\$3,500.00
All Synthetic Minor Sources	\$1,700.00	\$1,750.00
All Minor Sources (except Synthetic Minor Sources)	\$350.00	\$360.00

** – Minimum annual fees effective on this date shall remain effective until such time as updated by resolution.

- (b) Per-Ton Fee Schedule – With the exception of coal-fired power plants with a combined generating capacity of 200 megawatts or greater emission fees shall be calculated using the per-ton emission fee rates as follows:

Table 6-A2:

Per-Ton Emission Fees and Effective Dates

Source Classification	9-1-2024 to 8-31-2025	9-1-2025**
Major Sources and Synthetic Minor Sources	\$97.00 per ton	\$100.00 per ton
Minor Sources (except Synthetic Minor)	\$81.00 per ton	\$83.50 per ton

** – Per-ton emission fees effective on this date shall remain effective until such time as updated by resolution.

- (c) With the exception of coal-fired power plants with a combined generating capacity of 200 megawatts or greater, the emission fee is due and payable on actual emissions up to and including four thousand (4,000) tons per year for each pollutant.

- (3) For purposes of this section, the following definitions shall apply:
 - (a) Major source shall mean any source that meets the criteria set forth in Article 2, Section 2 and is required to obtain a Class I permit in accordance with Article 2, Section 5, paragraph (A)(1).
 - (b) Synthetic Minor source shall mean any source that meets the definition of a Synthetic Minor source set forth in Article 2, Section 1 and that has obtained a Class II operating permit in accordance with Article 2, Section 5, paragraph (A)(3).
 - (c) Minor source shall mean any source that meets the definition of a minor source as defined in Article 2, Section 1, and is required to obtain a Class II operating permit in accordance with Article 2, Section 5, paragraph (A)(2), or is required to obtain a construction permit in accordance with Article 2, Section 17, paragraph (A).
 - (4) Any person subject to the requirement of paragraph (A) of this section who fails to submit an annual emission inventory report when required by Article 2, Section 6 shall pay an annual emission fee in accordance with the following:
 - (a) Sources that submit the annual emission inventory report on or after April 10 will be subject to an emission fee based on one hundred twenty percent (120%) of the actual reported emissions;
 - (b) Sources that submit the annual emission inventory report on or after May 1 will be subject to an emission fee based on one hundred thirty percent (130%) of the actual reported emissions;
 - (c) Sources that submit the annual emission inventory report on or after June 1 will be subject to an emission fee based on the source's potential to emit allowed under any operating and/or construction permit(s) held by the owner/operator.
 - (5) Payment of Fees – Any person required to submit fees pursuant to paragraph (A) of this section, shall submit fees payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable on July 1st of each year, beginning with the calendar year 1999. All fees paid in accordance with the section shall be non-refundable.
 - (6) Failure to submit the fees required by paragraph (A) of this section by July 1st, in addition to other relief allowed by law, shall be cause for:
 - (a) Revocation of the source's operating and/or construction permit; and/or
 - (b) Assessment of a late payment fee of twenty percent (20%) of the payment due, which late payment fee shall be increased by an additional ten percent (10%) of the original payment due for each additional thirty (30) day period that the payment is late. Such late payment fee shall be payable to the Department as provided in paragraph (A)(4) above.
 - (7) If the Director determines that the annual emission inventory report form is incomplete or inaccurate for the purposes of calculation of fees under this section, the Director may require the source to submit additional data or other information, as well as an explanation of the source's calculation. If any annual emission inventory report form which is modified pursuant to this section results in the assessment of additional fees, such additional fees shall be payable within thirty (30) days of notice of the assessment in accordance with paragraph (A)(4) above.
- (B) Area Sources of Hazardous Air Pollutants Annual Fees.
- (1) Applicability – The following provisions of this section shall apply to any person who owns or operates any source subject to requirements of Title 40, Part 63 of the Code of Federal Regulations (40 CFR Part 63), the nature of which necessitates that the source be the subject to inspection.
 - (2) Determination of Fee and Fee Schedule – Owners or operators of sources identified in Table 6-B1 below shall pay an annual fee in accordance with the following fee schedule. These fees shall apply only to area sources of hazardous air pollutants that are not required to hold an operating permit pursuant to Article 2, Section 5.

**Table 6-B1:
Hazardous Air Pollutant Area Source Annual Fees and Effective Dates**

Source Classification	9-1-2024 to 8-31-2025	9-1-2025**
Perchloroethylene Dry Cleaning Facilities subject to 40 CFR Part 63 Subpart M	\$360.00	\$370.00
Bulk Gasoline Plants subject to 40 CFR Part 63 Subpart BBBBBB (stand-alone plants only)	\$390.00	\$400.00

Table 6-B1:
Hazardous Air Pollutant Area Source Annual Fees and Effective Dates

Source Classification	9-1-2024 to 8-31-2025	9-1-2025**
Gasoline Dispensing Facilities subject to 40 CFR Part 63 Subpart CCCCCC subject to the requirements of §63.11118	\$465.00	\$480.00
Paint Stripping and Miscellaneous Surface Coating Facilities subject to 40 CFR Part 63 Subpart HHHHHH using less than or equal to one (≤ 1) ton of methylene chloride annually	\$200.00	\$205.00
Paint Stripping and Miscellaneous Surface Coating Facilities subject to 40 CFR Part 63 Subpart HHHHHH using greater than one (> 1) ton of methylene chloride annually	\$390.00	\$400.00
Paint Stripping and Miscellaneous Surface Coating Facilities subject to 40 CFR Part 63 Subpart HHHHHH – operations with one (1) painter certified pursuant to §63.11173(f)	\$200.00 ¹	\$205.00 ¹
Paint Stripping and Miscellaneous Surface Coating Facilities subject to 40 CFR Part 63 Subpart HHHHHH – operations with two (2) painters certified pursuant to §63.11173(f)	\$390.00 ¹	\$400.00 ¹
Paint Stripping and Miscellaneous Surface Coating Facilities subject to 40 CFR Part 63 Subpart HHHHHH – operations with three (3) or more painters certified pursuant to §63.11173(f)	\$750.00 ¹	\$770.00 ¹
Plating and Polishing Operations subject to 40 CFR Part 63 Subpart WWWWWW	\$750.00	\$770.00
Metal Fabrication and Finishing Facilities subject to 40 CFR Part 63 Subpart XXXXXX	\$750.00	\$770.00

** – Annual fees effective on this date shall remain effective until such time as updated by resolution.

¹ – The fee shall not apply to a facility that is exempt from 40 CFR Part 63, Subpart HHHHHH pursuant to the provisions in 40 CFR Part 63 §63.11170(a)(2).

- (3) Payment of Fees – Any person required to submit fees pursuant to paragraph (B) of this section, shall submit fees payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable on July 1st of each year, beginning with the calendar year 2011. All fees paid in accordance with the section shall be non-refundable.
 - (4) Late Fees – Failure to submit the fees required by paragraph (B) of this section by July 1st, in addition to other relief allowed by law, shall be cause for assessment of a late payment fee of twenty percent (20%) of the payment due, which late payment fee shall be increased by an additional ten percent (10%) of the original payment due for each additional thirty (30) day period that the payment is late. Such late payment fee shall be payable to the Department as provided in paragraph (B)(3) above.
- (C) National Emission Standards for Asbestos – Project Notification Fees.
- (1) Applicability – Any person or source who engages in activities subject the requirements of 40 CFR Part 61, Subpart M: National Emission Standard for Asbestos (NESHAP asbestos projects) shall pay a notification fee as set forth in Table 6-C1 below for each affected project.

Table 6-C1:
Asbestos NESHAP Project Notification Fee and Effective Dates

Source Classification	9-1-2024 to 8-31-2025	9-1-2025**
Demolition projects specified in §61.145(a)(1); and Renovation projects specified in §61.145(a)(4)	\$440.00	\$455.00

** – Project fees effective on this date shall remain effective until such time as updated by resolution.

- (2) Payment of Fees – Any person required to submit fees pursuant to paragraph (C) of this section, shall submit fees payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable within thirty (30) days of billing by the Department. All fees paid in accordance with the section shall be non-refundable.

- (3) Late Fees – Failure to submit the fees required by paragraph (C)(1) of this section within thirty (30) days after billing by the Department, in addition to other relief allowed by law, shall be cause for assessment of a late payment fee of twenty percent (20%) of the payment due, which late payment fee shall be increased by an additional ten percent (10%) of the original payment due for each additional thirty (30) day period that the payment is late. Such late payment fee shall be payable to the Department as provided in paragraph (C)(2) above.
- (D) Construction Permit and Operating Permit Fees.
- (1) Construction Permit Fee Applicability – Any person or source required to obtain a construction permit under Article 2, Section 17 (with the exception of a construction permit obtained in accordance with Article 2, Section 17, paragraph (O)) or Article 2, Section 19 shall pay a permit fee for activities included under paragraphs (D)(1)(a) through (D)(1)(e) below. Construction permit fees shall be charged according to the fee schedule established in Table 6-D-1 below.

Table 6-D1:
Construction Permit Fees

Source Classification	9-1-2024 to 8-31-2025	9-1-2025**
Class I source	\$3,500.00	\$3,600.00
Synthetic Minor source	\$1,750.00	\$1,800.00
Minor source (except Synthetic Minor)	\$585.00	\$600.00

** – Permit fees effective on this date shall remain effective until such time as updated by resolution.

- (a) Review of any application for initial issuance of a permit to construct/modify/reconstruct any source or emission unit;
- (b) Review of any application or request to modify an existing permit to construct/modify/reconstruct any source or emission unit, whereas the permit modification(s) constitute a “significant permit modification” as set forth under Article 2, Section 15;
- (c) Development of an initial or modified permit to construct/modify/reconstruct;
- (d) Development of a statement of basis (fact sheet) to issue an initial or modified permit to construct/modify/reconstruct; and
- (e) Development of a document to provide notice for public participation as provided in Article 2, Section 14.
- (2) Operating Permit Fee Applicability – Any person or source required to obtain an operating permit under Article 2, Section 5 shall pay a permit fee for activities included under paragraphs (D)(2)(a) through (D)(2)(e) below. Operating permit fees shall be charged according to the fee schedule established in Table 6-D-2 below, except as provided for in paragraph (D)(2)(f).

Table 6-D2:
Operating Permit Fees

Operating Permit Type	Source Classification	9-1-2024 to 8-31-2025	9-1-2025**
Class I	Class I source	\$7,000.00	\$7,200.00
Class II	Synthetic Minor source	\$3,500.00	\$3,600.00
Class II	Minor source (except Synthetic Minor)	\$585.00	\$600.00

** – Permit fees effective on this date shall remain effective until such time as updated by resolution

- (a) Review of any application for initial issuance or renewal of a permit to operate any source or emission unit;
- (b) Review of any application or request to modify an existing permit to operate any source or emission unit, whereas the permit modification(s) constitute a “significant permit modification” as set forth under Article 2, Section 15;
- (c) Development of an initial or modified permit to operate;
- (d) Development of a statement of basis (fact sheet) to issue an initial, renewed, or modified permit to operate; and
- (e) Development of a document to provide notice for public participation as provided in Article 2, Section 14.

- (f) Exceptions. The operating permit fees established in Table 6-D-2 shall not apply to the following:
- (1) Significant permit modifications performed for the sole purpose of incorporating requirements of a permit to construct/reconstruct/modify an emission unit(s); and
 - (2) Significant permit modifications performed to remove requirements from a permit that are applicable to an emission unit(s) that has been removed or decommissioned in place, and for which the source demonstrates an associated reduction in actual or potential emissions.
- (3) Payment of Fees – Any person required to submit fees pursuant to paragraph (D) of this section, shall submit fees payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable within thirty (30) days after issuance of the permit.
- (4) Failure to submit the fees required by paragraph (D) of this section within thirty (30) days after the issuance of a permit, in addition to other relief allowed by law, shall be cause for:
- (a) Revocation of the source’s operating and/or construction permit; and/or
 - (b) Assessment of a late payment fee of twenty percent (20%) of the payment due, which late payment fee shall be increased by an additional ten percent (10%) of the original payment due for each additional thirty (30) day period that the payment is late. Such late payment fee shall be payable to the Department as provided in paragraph (D)(2) above.
- (E) Emergency Electrical Generator Construction Permit Fees.
- (1) Applicability – Any person or source requesting to obtain a construction permit for an emergency electrical generator(s) in accordance with Article 2, Section 17, paragraph (O) shall pay a fee for review of the construction permit application and issuance of the emergency generator construction permit. The emergency generator construction permit fee set forth in Table 6-E1 below shall apply to each generator constructed or added to an existing permit (i.e., on a ‘per generator’ basis).

Table 6-E1:

Emergency Electrical Generator Construction Permit Fee and Effective Dates

Source Classification	9-1-2024 to 8-31-2025	9-1-2025**
Emergency electrical generators as specified in Article 2, Section 17, paragraph (O)	\$105.00	\$110.00

** – Permit fees effective on this date shall remain effective until such time as updated by resolution.

- (2) Payment of Fees – Any person required to submit fees pursuant to paragraph (E) of this section, shall submit fees payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable at the time of submittal of the construction permit. All fees paid in accordance with this section shall be non-refundable.
 - (3) Failure to submit the fees required by paragraph (E)(1) of this section at the time of submittal of the construction permit, in addition to other relief allowed by law, shall be cause for:
- (a) Revocation of the source’s emergency generator construction permit; and/or
 - (b) Assessment of a late payment fee of twenty percent (20%) of the payment due, which late payment fee shall be increased by an additional ten percent (10%) of the original payment due for each additional thirty (30) day period that the payment is late. Such late payment fee shall be payable to the Department as provided in paragraph (E)(2) above.
- (F) Variance Fees.
- (1) Applicability – Any person or source issued a variance in accordance with the requirements set forth in Article 1, Section 5 shall pay a fee for all activities associated with application for and issuance of the variance. The variance fee shall be charged at the per hour rates established in Table 6-F1 below, but shall not exceed a maximum of \$10,000.00.

Table 6-F1:

Variance Fee and Effective Dates

Source Classification	9-1-2024 to 8-31-2025	9-1-2025**
All sources for which a variance is issued pursuant to Article 1, Section 5	\$105.00 per hour	\$110.00 per hour

** – Variance fees effective on this date shall remain effective until such time as updated by resolution.

- (2) Payment of Fees – Any person required to submit fees pursuant to paragraph (F) of this section, shall submit fees payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable within thirty (30) days after issuance of the variance. All fees paid in accordance with the section shall be non-refundable.
- (3) Failure to submit the fees required by paragraph (F)(1) of this section within thirty (30) days after the issuance of a variance, in addition to other relief allowed by law, shall be cause for:
 - (a) Revocation of the source's operating and/or construction permit and/or the variance; and
 - (b) Assessment of a late payment fee of twenty percent (20%) of the payment due, which late payment fee shall be increased by an additional ten percent (10%) of the original payment due for each additional thirty (30) day period that the payment is late. Such late payment fee shall be payable to the Department as provided in paragraph (F)(2) above.
- (G) Fees will be reviewed annually by the Director, and a report submitted to the Board of Health. The Board of Health may recommend any modifications to the Lincoln City Council and the Lancaster County Board of Commissioners. The new rate structure may be adopted by Resolution of the two governing bodies, individually, as a result of a recommendation by the Board of Health, or at the initiation of either of the two governing bodies.
- (H) All fees provided for herein shall be payable to the Lincoln-Lancaster County Health Department. All money collected shall be deposited with the City Treasurer's Office and credited to Fund 145 Title V Clean Air Fund.

SECTION 7. COMPLIANCE – ACTIONS TO ENFORCE – PENALTIES FOR NON-COMPLIANCE.

- (A) The County Attorney or Attorney General may institute enforcement proceedings pursuant to Neb. Rev. Stat., §81-1504 (23), Neb. Rev. Stat. §81-1508, Neb. Rev. Stat. §81-1508.01, Neb. Rev. Stat. §81-1508.02, or Nebr. Rev. Stat. §81-1528 (2) against any person who fails to comply with the requirements of the LLCAPCPRS. Nothing in the LLCAPCPRS shall preclude the control of air pollution by resolution, ordinance, rule, regulation, or standard not in actual conflict with the state air pollution control regulations. (Ref: Neb. Rev. Stat. §71-1631(15).)
- (B) Any person who fails to comply with the requirements of the LLCAPCPRS or who fails to perform any duty imposed by the LLCAPCPRS shall be subject to a civil penalty of not more than \$10,000 per day per violation pursuant to Neb. Rev. Stat. §81-1508.02.
- (C) Any person who knowingly and willfully fails to comply with the requirements of the LLCAPCPRS or who knowingly and willfully fails to perform any duty imposed by the LLCAPCPRS shall be subject to criminal prosecution under Neb. Rev. Stat. §81-1508.01.
- (D) Enforcement proceedings may include injunctive relief in court to restrain any violation that creates an imminent and substantial endangerment to the public health or to the environment pursuant to Neb. Rev. Stat. §81-1508.

SECTION 8. PROCEDURE FOR ABATEMENT.

If the Director has determined a violation of the LLCAPCPRS has occurred after any hearing required hereunder, or if the Director has probable cause to believe a violation has occurred, the Director shall refer the matter to the County Attorney.

SECTION 9. SEVERABILITY.

If any clause, paragraph, or section of the LLCAPCPRS shall be held invalid, it shall be conclusively presumed that the City and County would have enacted the remainder of the LLCAPCPRS not directly related to such clause, paragraph, or section.

ARTICLE 2. REGULATIONS AND STANDARDS.

SECTION 1. DEFINITIONS.

In addition to the definitions found at Neb. Rev. Stat. §81-1502, the definitions included here apply to the regulations set forth in the LLCAPCPRS and to the Appendices. Unless otherwise defined, or a different meaning is clearly required by context, the following words and phrases, as used in the LLCAPCPRS and the related appendices shall have the following meanings:

001. “40 CFR” means Title 40 of the Code of Federal Regulations. Unless otherwise stated, any reference in these regulations to standards, procedures, and requirements of Title 40 of the Code of Federal Regulations (40 CFR) refers to the version of 40 CFR published on July 1, 2024. Furthermore:
- (1) When any standards, procedures, or requirements of 40 CFR are adopted for application to a State or Local program, the language of 40 CFR is to be read and interpreted as applying to the Local program.
 - (2) The text of the federal regulations adopted and incorporated by reference may include references to other federal statutes and regulations that are not specifically adopted by reference in the LLCAPCPRS. Unless otherwise stated, such references will be used to assist in interpreting the federal regulations, and the authority and enforceability of any analogous or related portions of the Nebraska Revised Statutes or the Nebraska Administrative Code will apply.
 - (3) Unless otherwise stated, any reference in the LLCAPCPRS to standards, procedures, and requirements of 40 CFR will constitute the full adoption by reference of the Part, Subpart, and Paragraph of the Federal Regulations so referenced including any notes and appendices.
002. “Act” means the Clean Air Act, as amended (42 U.S.C. 7401 et seq.).
003. “Actual emissions” for purposes other than the Prevention of Significant Deterioration (PSD) program, means the actual rate of emissions of a pollutant from an emissions unit as determined below:
- (1) Actual emissions shall be calculated using the unit’s actual operating hours, production rates, existing control equipment, and types of material processed, stored, or combusted during the selected time period.
 - (2) The Director may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
 - (3) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.
004. “Actual emissions”, for purposes of the Prevention of Significant Deterioration (PSD) program, shall be as defined in 40 CFR Part 52 §52.21(b)(21).
005. “Actuals PAL” shall be as defined in 40 CFR Part 51 §51.165(f)(2)(i).
006. “Administrator” means the Administrator of the United States Environmental Protection Agency (U.S. EPA) or his or her designee.
007. “Affected facility” means, with reference to a stationary source, any apparatus to which a standard of performance is specifically applicable.
008. “Affected source” means a source that includes one or more affected units.
009. “Affected States” means:
- (1) A contiguous State and ‘Tribal Treatment as State’ (TAS) that in the judgment of the Director may be affected by emissions from a facility seeking a Title V (Class I) permit, modification, or renewal; or
 - (2) A contiguous State or TAS within fifty (50) miles of the permitted source.
010. “Affected unit” means a unit that is subject to emission reduction requirements or limitations under Article 2, Section 26.

011. “Air contaminant” or “Air contamination” means the presence in the outdoor atmosphere of any dust, fumes, mist, smoke, vapor, gas, or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.
012. “Air curtain incinerator” means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor.
013. “Air pollutant” or “Air pollution” means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration as are or may tend to be injurious to human, plant or animal life, property, or the conduct of business.
014. “Air pollution control agency” means any of the following:
- (1) The Nebraska Department of Environment and Energy for purposes of Neb. Rev. Stat. §§81-1501 to 81-1532;
 - (2) An agency established by two or more states and having substantial powers or duties pertaining to the prevention and control of air pollution;
 - (3) A city, county, or other local government health authority; or in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or
 - (4) An agency of two or more municipalities located in the same state or in different states and having substantial powers or duties pertaining to the prevention and control of air pollution.
015. “Air Quality Control Region” means a region designated by the Governor, with the approval of the Administrator, for the purpose of assuring that national primary and secondary ambient air quality standards will be achieved and maintained. Within one (1) year after the promulgation of a new or revised National Ambient Air Quality Standard, the Governor will designate each region as non-attainment, attainment, or unclassifiable. The Administrator has final approval of the designations.
016. “Allowable emissions” means:
- (1) For a stationary source, the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation or both) and the most stringent of the following:
 - (a) The applicable standards set forth in 40 CFR Part 60 (Standards of Performance for New Stationary Sources) or 40 CFR Parts 61 or 63 (National Emission Standards for Hazardous Air Pollutants);
 - (b) Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or
 - (c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.
 - (2) For a Plant-wide Applicability Limitation (PAL), this term shall be as defined in 40 CFR Part 51 §51.165(f)(2)(ii).
017. “Ambient air” means that portion of the atmosphere, external to buildings, to which the general public has access.
018. “AP-42” refers to the Compilation of Air Pollutant Emission Factors, published by the EPA Office of Air Quality Planning and Standards. It contains emission factors and process information for more than 200 air pollution source categories.
019. “Applicable requirement” means all of the following as they apply to emissions units in a source required to obtain an operating permit, including requirements that have been promulgated and approved by the City of Lincoln and/or the Lancaster County Board of Commissioners through rulemaking at the time of issuance but have future effective compliance dates:
- (1) Any standard or other requirement:
 - (a) Provided for in the applicable implementation plan that implements the relevant requirements of the Act, including any revisions to the plan promulgated in 40 CFR Part 52;

- (b) Under Article 2, Section 18 relating to standards of performance for new stationary sources;
 - (c) Established pursuant to Section 112 of the Act and regulations adopted in Article 2, Sections 23, 27, and 28 relating to hazardous air pollutants listed in Appendix II and III of the LLCAPCPRS;
 - (d) Of the acid rain program under Article 2, Section 26;
 - (e) Established pursuant to Article 2, Sections 5, 7, 8, 9, 10, 12, 13, 21, 26, or 29 or pursuant to any permit or order issued by the Director under the LLCAPCPRS;
 - (f) Governing solid waste incineration under Article 2, Section 18 or pursuant to Section 129(e) of the Act and regulations adopted by the City of Lincoln and/or the Lancaster County Board of Commissioners;
 - (g) For consumer and commercial products under Section 183(e) of the Act and regulations adopted by the City of Lincoln and/or the Lancaster County Board of Commissioners;
 - (h) For tank vessels under Section 183(f) of the Act and regulations adopted by the City of Lincoln and/or the Lancaster County Board of Commissioners;
 - (i) To protect stratospheric ozone as promulgated pursuant to Title VI of the Act and regulations adopted by the City of Lincoln and/or the Lancaster County Board of Commissioners.
- (2) Any term or condition of any construction permit(s).
- (3) Any National Ambient Air Quality Standard (NAAQS) or increment or visibility requirement under the Prevention of Significant Deterioration (PSD) program as applicable to temporary sources permitted pursuant to Article 2, Section 10.
- (4) “Applicable requirements under the Act” means federal regulations promulgated pursuant to the Clean Air Act, as amended, which have not been considered and adopted by the City of Lincoln and/or the Lancaster County Board of Commissions.
020. “Area source” means:
- (1) For the purposes of Class I permits under Article 2, Section 5, paragraph (A)(1)(b), any stationary source of hazardous air pollutants that is not a major source and as more particularly defined by National Emission Standards for Hazardous Air Pollutants promulgated under 40 CFR Part 63 and adopted by the City of Lincoln or the Lancaster County Board of Commissioners.
 - (2) For all other purposes, any small residential, governmental, institutional, commercial, or industrial fuel combustion operation; on-site waste disposal facility, vessels, or other transportation facilities, or other miscellaneous sources, as identified through inventory techniques approved by the Director.
 - (3) Area source shall not include motor vehicles or non-road vehicles.
021. “Baseline actual emissions” shall be as defined in 40 CFR Part 51 §51.165(a)(1)(xxxv).
022. “Baseline area” shall be as defined in 40 CFR Part 51 §51.166(b)(15).
023. “Baseline concentration” shall be as defined in 40 CFR Part §51.166(b)(13).
024. “Begin actual construction” means in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures. With respect to a change in method of operation this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change. (ref: 40 CFR Part 51 §51.165(a)(1)(xv))
025. “Best Available Control Technology”, or “BACT”:
- (1) For purposes of the Prevention of Significant Deterioration (PSD) program, Best Available Control Technology (BACT) shall be as defined in 40 CFR Part 52 §52.21(b)(12).
 - (2) For purposes other than the Prevention of Significant Deterioration (PSD) program, means an emission limitation or a design, equipment, work practice, operational standard or combination thereof, which results in the greatest degree of reduction of a pollutant as determined by the Director to be achievable by a source, on a case-by-case basis, taking into account energy, public health, environmental and economic impacts and other costs.
026. “Board of Health” means the Lincoln-Lancaster County Board of Health.

027. “Building, structure, or facility” for purposes other than the Prevention of Significant Deterioration (PSD) program means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same “Major Group” (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual (1987) or are determined to be support facilities in accordance with paragraph 177 of this section.
028. “Building, structure, facility, or installation”, for purposes of the Prevention of Significant Deterioration (PSD) program, shall be as defined in 40 CFR Part 52 §52.21(b)(6).
029. “Class I operating permit” means any permit or group of permits covering a Class I source that is issued, renewed, amended, or revised pursuant to the LLCAPCPRS and meets the definition of Title V permit for purposes of the Clean Air Act.
030. “Class I source” means any source subject to the Class I permitting requirements of Article 2, Section 5.
031. “Class II operating permit” means any permit or group of permits covering a Class II source that is issued, renewed, amended, or revised pursuant to the LLCAPCPRS.
032. “Class II source” means any source subject to the Class II permitting requirements of Article 2, Section 5.
033. “Clean lumber” means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.
034. “CO₂ equivalent emissions (CO₂e)” shall represent an amount of greenhouse gases (GHGs) emitted, and shall be computed by the sum total of multiplying the mass amount of emissions, in tons per year (tpy), for each of the six (6) greenhouse gases in the pollutant GHGs, by each of the gas’s associated global warming potential (see the definition for “Global Warming Potential” in this section).
035. “Commence” as applied to construction, reconstruction, or modification of a stationary source means that the owner or operator has all necessary pre-construction approvals and either has:
- (1) Begun, or caused to begin, a continuous program of physical on-site construction of the source to be completed within a reasonable time; or
 - (2) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
036. “Common control” means one person or a number of persons acting together through ownership, management, contract, or otherwise to control pollutant emitting activities.
037. “Complaint” means any charge, however informal, to or by the Department that any person (as defined in this section) is polluting the air or is violating the provisions of the LLCAPCPRS.
038. “Complete” means, in reference to an application for a permit, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Department from requesting or accepting any additional information.
039. “Compliance schedule” shall be as defined in 40 CFR Part 51 §51.100(p).
040. “Construction” means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in emissions (ref: 40 CFR Part 51 §51.165(a)(1)(xviii)).
041. “Consumer Price Index” or “CPI” means the average of the Consumer Price Index for all urban consumers published by the United States Department of Labor at the close of the twelve (12) month period ending on August 31 of each year.

- 042. “Continuous emissions monitoring system (CEMS)” means all of the equipment that may be required to meet the data acquisition and availability requirements of 40 CFR Part 52, §52.21 to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.
- 043. “Continuous emissions rate monitoring system (CERMS)” means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).
- 044. “Continuous parameter monitoring system (CPMS)” means all of the equipment necessary to meet the data acquisition and availability requirements of 40 CFR Part 52, §52.21, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and to record average operational parameter value(s) on a continuous basis.
- 045. “Control” and “controlling” means prohibition of contaminants as related to air, land, or water pollution.
- 046. “Control equipment” means any equipment that functions to prevent the formation of or the emission to the atmosphere of air contaminants from any fuel burning equipment, incinerator, or process equipment.
- 047. “Control strategy” means a plan to attain National Ambient Air Quality Standards (NAAQS) or to prevent exceeding those standards.
- 048. “Crematory” means an incinerator used to cremate human or animal remains that is owned and/or operated by a person(s) engaged in the business of conducting cremations.
- 049. “Department” means the Lincoln-Lancaster County Health Department.
- 050. “Designated representative” means a responsible natural person authorized by the owners and operators of an Affected source and of all Affected units at the source, as evidenced by a certificate of representation submitted in accordance with subpart B of 40 CFR Part 72, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program. Whenever the term “responsible person” is used in the LLCAPCPRS it shall be deemed to refer to the “designated representative” with regard to all matters under the Acid Rain Program.
- 051. “Deviation” means a departure from an indicator range or work practice for monitoring, consistent with any averaging period specified for averaging the results of the monitoring.
- 052. “Director” means the Health Director of the Lincoln-Lancaster County Health Department, or any representatives, agents, or employees of the Director.
- 053. “Dioxin/furans” means total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.
- 054. “Dispersion technique” shall be as defined in 40 CFR Part 51 §51.100(hh).
- 055. “Draft permit” means the version of a permit for which the permitting authority offers public participation and, in the case of a Class I draft operating permit, affected state review.
- 056. “Electric utility steam generating unit” means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than twenty-five megawatts (25 MW) electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.
- 057. “Elevated terrain” means terrain, which may affect the calculation of good engineering practice stack height.

058. “Emergency” shall mean any sudden, unavoidable, and reasonably unforeseeable event(s) beyond the control of the owner or operator, including but not limited to natural or other disasters, which requires immediate corrective action to restore normal operation. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
059. “Emergency generator” means a generator whose sole function is to provide backup power when electric power from the local utility is interrupted.
060. “Emission data” means chemical analysis of process fuel and the manufacturing or production process, as well as operational procedure and actual nature and amounts of emissions.
061. “Emission limitation” and “Emission standard” mean a requirement established by a State, local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction. (ref: 40 CFR Part 51 §51.100(z))
062. “Emission allowable under the permit” means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement or applicable requirement under the Act that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid any of the same to which the source would otherwise be subject.
063. “Emissions unit” means:
- (1) For purposes other than the Prevention of Significant Deterioration (PSD) program, any part or activity of a stationary source which emits or would have the potential to emit any regulated air pollutant or any pollutant listed in Appendix II. This term includes electric utility steam generating units. This term is not meant to alter or affect the definition of the “unit” for purposes of Title IV of the Act.
 - (2) For purposes of the Prevention of Significant Deterioration (PSD) program, “Emissions unit” shall be as defined in 40 CFR Part 52 §52.21(b)(7).
064. “Emissions” means releases or discharges into the outdoor atmosphere of any air contaminant or combination thereof.
065. “Excess emissions” means emissions of an air pollutant in excess of an emission standard. (ref: 40 CFR Part 51 §51.100(bb))
066. “Excessive concentrations” for the purpose of determining “good engineering practice stack height” defined elsewhere in this section shall be as defined in 40 CFR Part 51 §51.100(kk).
067. “Existing source” means equipment, machines, devices, articles, contrivances, or installations which are in being on the effective date of the LLCAPCPRS.
068. “Federal Land Manager” means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.
069. “Federally enforceable” shall be as defined in 40 CFR Part 51 §51.165(a)(1)(xiv).
070. “Final permit” means the version of a permit issued by the Department that has completed all review procedures required by Article 2, Section 14, and for a Class I permit, Article 2, Section 13.
071. “Fixed capital cost” means the capital needed to provide all the depreciable components of a source.
072. “Fuel burning equipment” means any furnace, boiler, apparatus, stack, and all associated equipment used in the process of burning fuel.
073. “Fugitive dust” means solid airborne particulate matter emitted from any source other than a flue or stack.

074. “Fugitive emissions” means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
075. “Garbage” means all animal, fruit, or vegetable waste residue which is produced by preparation, dressing, use, cooking, dealing in, or storage of meats, fish, fowl, fruits, vegetables, cereals, grains for human consumption, and coffee or tea grounds.
076. “General permit” means a general construction permit, a Class I or Class II general operating permit, or a combination general construction permit and general operating permit that meets the requirements of Article 2, Section 9.
077. “Global Warming Potential” means the ratio of the time-integrated radiative forcing from the instantaneous release of one kilogram (1.0 kg) of a trace substance relative to that of one kilogram (1.0 kg) of a reference gas, i.e., carbon dioxide (CO₂). The pollutant greenhouse gases (GHGs) is adjusted to calculate CO₂ equivalence using "Table A-1 – Global Warming Potentials, 100-Year Time Horizon " at 40 CFR Part 98, Subpart A, effective January 1, 2025.
078. “Greenhouse gases (GHGs)” means the air pollutant defined as the aggregate group of six (6) gases: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).
079. “Good Engineering Practice (GEP) Stack Height” shall be as defined in 40 CFR Part 51 §51.100(ii).
080. “Hazardous air pollutant” means any air pollutant:
- (1) Listed in Title 42, §7412 paragraph (b)(1) of the United States Code (42 U.S.C. §7412(b)(1)) with modifications established pursuant to 40 CFR Part 63, Subpart C; or
 - (2) Listed in Appendix II or Appendix III of the LLCAPCPRS; or
 - (3) To which no ambient air quality standard is applicable and which in the judgment of the Director may cause, or contribute to, an increase in mortality or an increase in serious irreversible illness or incapacitating reversible illness.
081. “High terrain” means any area having an elevation nine hundred (900) feet or more above the base of the stack of a source.
082. “Hospital waste” means discards generated at a hospital, except unused item returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment, or cremation.
083. “Hospital/Medical/Infectious waste” or “HMI waste” means ‘hospital waste’ as defined in this section and any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that are listed in paragraphs (1) through (7) of this definition, below. Examples of the following seven (7) waste types are included in the definition of medical/infectious waste found in 40 CFR Part 60, Subpart Ec §60.51c. HMI waste does not include hazardous waste identified or listed under the regulation in 40 CFR Part 261; household waste as defined in 40 CFR Part 261 §261.4(b)(1); ash from incineration of HMI waste once the incineration process has been complete, human corpses, remains, and anatomical parts that are intended for interment or cremation; or domestic sewage material identified in 40 CFR Part 261 §261.4(a)(1).
- (1) Cultures and stocks of infectious agents and associated biologicals;
 - (2) Human pathological waste;
 - (3) Human blood and blood products;
 - (4) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories;
 - (5) Animal waste;
 - (6) Isolation wastes; and
 - (7) Unused sharps.
084. “Incinerator” means any furnace used in the process of burning solid waste or any furnace used for cremation.

085. “Innovative control technology” means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.
086. “Insignificant activities” refers to activities and emissions that may be excluded from reporting for operating permit applications and/or emissions inventories.
087. “Installation” means an identifiable piece of process equipment. (This definition does not apply to the Prevention of Significant Deterioration (PSD) program. See the definition for “Building, structure, facility, or installation” set forth in this section.)
088. “Interstate air pollution control agency” means:
- (1) An air pollution control agency established by two or more states; or
 - (2) An air pollution control agency of two or more political subdivisions located in different states.
089. “Local agency” or “local air quality agency” means any air pollution control agency in Nebraska, other than a state agency, which is charged with responsibility for carrying out part of a plan.
090. “LLCAPCPRS” means the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. This may also be referred to as the Regulations and Standards.
091. “LLCHD” mean the Lincoln-Lancaster County Health Department.
092. “Low terrain” means any area other than high terrain.
093. “Lowest Achievable Emission Rate (LAER)” shall be as defined in 40 CFR Part 51 §51.165(a)(1)(xiii).
094. “Major emissions unit” shall be as defined in 40 CFR Part 51 §51.165(f)(2)(iv).
095. “Major modification” shall be as defined in 40 CFR Part 52 §52.21(b)(2).
096. “Major source baseline date” shall be as defined in 40 CFR Part 51 §51.166(b)(14).
097. “Major stationary source” or “major source” means any source identified in Article 2, Section 2.
098. “Maximum achievable control technology (MACT)” means:
- (1) For new sources, the emission limitation reflecting the maximum degree of reduction in hazardous air pollutant emissions that is deemed achievable, which is no less stringent than the emission limitation achieved in practice by the best controlled similar source.
 - (2) For existing sources, the emission limitation reflecting the maximum degree of reduction in hazardous air pollutant emissions that the Director, taking into consideration the cost of achieving such emission reductions, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory, which is no less stringent than the average emission limitation achieved by the best performing twelve percent (12%) of the existing sources, as determined pursuant to Section 112(d)(3) of the Act.
099. “Method 9” refers to a visual determination of the opacity of emissions from a stationary source as defined in 40 CFR Part 60, Appendix A-4.
100. “Method 22” refers to a visual determination of fugitive emissions from material sources and smoke emissions from flares as defined in 40 CFR Part 60, Appendix A-7.
101. “Minor source” means any source which is not defined as a major source in Article 2, Section 2.
102. “Minor source baseline date” shall be as defined in 40 CFR Part 51 §51.166(b)(14).

103. “Mobile source” means a motor vehicle, nonroad engine, or nonroad vehicle. A motor vehicle is a self-propelled vehicle designed for transporting persons or property on a street or highway. A nonroad vehicle is a vehicle powered by a nonroad engine. A nonroad engine is an internal combustion engine that is not used in a motor vehicle or a vehicle used solely for competition or that is not subject to standards promulgated under Section 111 or Section 202 of the Act.
104. “Modification” means any physical change in, or change in method of operation of, an affected facility which increases the amount of any air pollutant, except that:
- (1) Routine maintenance, repair, and replacement (except as defined as reconstruction) shall not be considered physical changes; and
 - (2) An increase in the production rate or hours of operation shall not be considered a change in the method of operation unless such change would violate a permit condition.
105. “National Ambient Air Quality Standard” or “National standard” or “NAAQS” means either a primary or a secondary air quality standard established pursuant to the Act.
106. “Nearby”, as it pertains to “Good Engineering Practice Stack Height”, shall be as defined in 40 CFR Part 51 §51.100(jj).
107. “Necessary preconstruction approvals or permits” means those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State Implementation Plan. (ref: 40 CFR Part 51 §51.165(a)(1)(xvii))
108. “Net emissions increase” shall be as defined in 40 CFR Part 52 §52.21(b)(3).
109. “New source” means any stationary source, the construction, modification, or reconstruction of which is commenced after the publication of regulations by the Lincoln-Lancaster County Health Department or the United States Environmental Protection Agency prescribing a standard of performance which will be applicable to such source.
110. “NSR” means New Source Review, as it relates to the following:
- (1) Prevention of Significant Deterioration (PSD) permits as required by Part C of Title I of the Act;
 - (2) Non-attainment New Source Review (NSR) permits as required by Part D of Title I of the Act;
 - (3) Minor New Source Review (NSR) as required by Section 110(a)(2)(c) of Part A of Title I of the Act.
111. “Non-emergency generator” means, for purposes of Article 2, Section 17, paragraph (P), a generator that may be used to produce electricity during periods when electric power from the local utility is available.
112. “Nonattainment area” means any area designated by the Department or the U.S. Environmental Protection Agency pursuant to Section 107(d) of the Act as an area exceeding any National Ambient Air Quality Standard (NAAQS).
113. “Opacity” means a state which renders material partially or wholly impervious to rays of visible light and causes obstruction of an observer’s view.
114. “Open burning” or “Open fires” means the burning of any matter in such a manner that the products of combustion resulting from such fires are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.
115. “Owner or operator” (or “owner/operator”) means any person who owns, leases, operates, controls, or supervises a stationary source.
116. “PAL effective date” shall be as defined in 40 CFR Part 51 §51.165(f)(2)(vi).
117. “PAL effective period” shall be as defined in 40 CFR Part 51 §51.165(f)(2)(vii).
118. “PAL major modification” shall be as defined in 40 CFR Part 51 §51.165(f)(2)(viii).

119. “PAL permit” shall be as defined in 40 CFR Part 51 §51.165(f)(2)(ix).
120. “PAL pollutant” shall be as defined in 40 CFR Part 51 §51.165(f)(2)(x).
121. “Particulate matter (PM)” means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than one hundred micrometers (100 µm). PM is further defined to include the following:
- (1) “PM₁₀” means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (10 µm) as measured by a reference method based on Appendix J at 40 CFR Part 50 or equivalent methods.
 - (2) “PM_{2.5}” means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half micrometers (2.5 µm) as measured by a reference method based on Appendix L at 40 CFR Part 50 or equivalent methods.
122. “Particulate matter (PM) emissions” means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method, specified by the U.S. Environmental Protection Agency, or by a test method specified in an approved State Implementation Plan (SIP). PM emissions are further defined to include the following:
- (1) “PM₁₀ emissions” means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (10 µm) emitted to the ambient air.
 - (2) “PM_{2.5} emissions” means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half micrometers (2.5 µm) emitted to the ambient air.
123. “Pathological waste” or “Pathological material” means waste or material consisting of only human or animal remains, anatomical parts and/or tissue, and related waste materials, including but not limited to the bags/containers used to collect and transport pathological waste or material, and animal bedding, if applicable.
124. “Performance test” means measurements of emissions or other procedures used for the purpose of determining compliance with a standard of performance conducted in accordance with approved test procedures.
125. “Permit revision” means a revision to an operating permit that meets the requirements set forth in Article 2, Section 15, or a revision to a construction permit as provided for under Article 2, Section 17, paragraph (N).
126. “Permitting authority”, except for permits issued under the Prevention of Significant Deterioration (PSD) program, means the Lincoln-Lancaster County Health Department (LLCHD). For permits issued under the Prevention of Significant Deterioration (PSD) program, the “Permitting authority” means the Nebraska Department of Environment and Energy.
127. “Person” means any individual; partnership; limited liability company; association; public or private corporation; trustee; receiver; assignee; agent; public agency; municipality or other governmental subdivision, other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.
128. “Plan” or “Implementation Plan” means an implementation plan adopted by the State of Nebraska pursuant to Section 110 of the Act, to attain and maintain a national standard.
129. “Plant-wide applicability limitation (PAL)” shall be as defined in 40 CFR Part 51 §51.165(f)(2)(v).
130. “Pollution prevention” means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal: it does not mean recycling (other than certain “in-process recycling” practices), energy recovery, treatment, or disposal.

131. “Potential to emit” means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source. (ref: 40 CFR Part 51 §51.166(b)(4)) This term does not alter or affect the use of this term for any other purposes under the Act, or the term “capacity factor” as used in Article 2, Section 26.
132. “Predictive emissions monitoring system (PEMS)” means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, pounds per hour) on a continuous basis. (ref: 40 CFR Part 51 §51.165(a)(1)(xxxii))
133. “Premises” shall mean a tract of land, consisting of one platted lot or irregular tract, or more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and contiguous.
134. “Prevention of Significant Deterioration (PSD) program” means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of 40 CFR Part 51 §51.166 or 40 CFR Part 52 §52.21.
135. “Primary standard” means a primary National Ambient Air Quality Standard (NAAQS) identified in Article 2, Section 4.
136. “Process” means any action, operation or treatment, and all methods and forms of manufacturing or processing, that may emit smoke, particulate matter, gaseous matter, or other air contaminant.
137. “Process equipment” means any equipment, device, or contrivance for changing any materials whatsoever or for storage or handling of any materials, the use or existence of which may cause any discharge of air contaminants.
138. “Process weight” means the total weight of all materials introduced into any source operation. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.
139. “Process weight rate” means, for continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof. For a cyclical or batch source operation, the total process weight for a period that covers a complete operation or an integral number of cycles divided by the number of hours of actual process operation during such a period. Where the nature of any process or operation, or the design of any equipment, is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.
140. “Project” means a physical change in, or change in method of operation of, an existing major stationary source.
141. “Projected actual emissions (PAE)” is as defined in 40 CFR Part 51 §51.165(a)(1)(xxviii).
142. “Proposed Class I operating permit” means the version of a permit that the Department proposes to issue and forwards to the Administrator for review.
143. “Pyrolysis” means the endothermic (absorption of heat) gasification of waste material using external energy.
144. “Reasonable further progress” means such annual incremental reductions in emissions of the relevant air pollutant as are required by the applicable implementation plan or may reasonably be required by the Director for the purpose of ensuring attainment of the applicable ambient air quality standard by the applicable date.

145. “Reconstruction” means a situation where the fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost of a comparable entirely new facility or source. However, any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions of 40 CFR Part 60, Subpart A §60.15(f)(1)-(3). A reconstructed source will be treated as a new stationary source. In determining best available control technology or lowest achievable emission rate for a reconstructed source, the provisions of 40 CFR Part 60, Subpart A §60.15(f)(4) shall be taken into account in assessing whether a standard of performance under 40 CFR Part 60 is applicable to such source.
146. “Refuse” means and includes garbage, rubbish, ashes, street refuse, dead animals, vehicles and parts thereof, industrial wastes, construction wastes, sewage treatment residue, leaves, and grass, and any other waste matter or material which accumulates in the conduct of a household, business establishment, shop, or factory of any kind of nature, and any other combustible waste material containing carbon in a free or combined state.
147. “Region” means:
- (1) An air quality control region designated by Administrator; or
 - (2) Any area designated by the State as an air quality control region.
148. “Regional Administrator” means the Regional designee appointed by the Administrator of the EPA.
149. “Regulated air pollutant” means the following:
- (1) Nitrogen oxides (NO_x) or any volatile organic compounds (VOCs) as defined in this section;
 - (2) Any pollutant for which a national ambient air quality standard has been promulgated;
 - (3) Any pollutant that is subject to any standard in Article 2, Section 18; and
 - (4) Any pollutant subject to a standard or other requirements established in Article 2, Section 23 relating to hazardous air pollutants, including the following:
 - (a) Any pollutant subject to requirements under Section 112(j) of the Act; and
 - (b) Any pollutant for which the requirements relating to construction, reconstruction, and modification in Section 112(g) of the Act have been met, but only with respect to the individual source subject to these requirements.
150. “Regulated air pollutant for fee purposes” means any regulated air pollutant identified in the previous section, except for the following:
- (1) Particulate matter, excluding PM₁₀;
 - (2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; and
 - (3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation promulgated under Section 112(r) of the Act.
 - (4) Greenhouse gases (GHGs).
151. “Regulated NSR pollutant” shall be as defined in 40 CFR Part 52, §52.21(b)(50).
152. “Renewal” means the process by which a permit is reissued at the end of its term.
153. “Replacement unit” shall be as defined in 40 CFR Part 51, §51.166(b)(32).
154. “Rescind” or “rescission”, as used in Article 2, Section 17, shall be defined as action that terminates applicability of all requirements established under a permit issued pursuant to the provisions of Article 2, Section 17. These terms shall not be defined as voiding or nullifying authorization to construct any emission unit(s) (as defined for purposes other than the Prevention of Significant Deterioration (PSD) program) or source granted pursuant to a permit issued under the provisions of Article 2, Section 17.

155. “Responsible official” means one of the following:
- (1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (a) The facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (b) The delegation of authority to such representatives is approved in advance by the permitting authority;
 - (2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - (3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
 - (4) For affected sources:
 - (a) The designated representative in so far as actions, standards, requirements, or prohibitions under Article 1, Section 2 are concerned; and
 - (b) The designated representative for any other purposes under Title V of the Act.
156. “Rule, regulation or standard” means any rule or regulation of the City of Lincoln or the Lancaster County Board of Commissioners.
157. “Salvage operation” means any operations conducted in whole or in part for the salvaging or reclaiming of any product or material.
158. “Secondary emissions” shall be as defined in 40 CFR Part 51 §51.165(a)(1)(viii).
159. “Secondary standard” means a secondary National Ambient Air Quality Standard (NAAQS) identified in Article 2, Section 4.
160. “Section 502(b)(10) changes” are changes provided for in Section 502(b)(10) of the Act. Such changes do not include changes that would violate applicable requirements or applicable requirements under the Act, or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements. These are changes allowed within a permitted facility without requiring a permit revision if the changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emissions allowable under the permit. The facility must provide the Department with written notification of the proposed changes at least thirty (30) days in advance unless the Director determines a different time frame due to an emergency.
161. “Significant” shall be defined as follows:
- (1) As it pertains to a modification in a non-attainment area, “significant” means a net increase in actual emissions by a rate that would equal or exceed the rates established in 40 CFR Part 51 Appendix S, II.A.10.
 - (2) As it pertains to Prevention of Significant Deterioration of Air Quality (PSD), “significant” shall be as defined in 40 CFR Part 51 §51.166(b)(23).
162. “Significant emissions increase” is as defined in 40 CFR Part 51 §51.165(a)(1)(xxvii).
163. “Significant emissions unit” shall be as defined in 40 CFR Part 51 §51.165(f)(2)(xi).
164. “Small emissions unit” shall be as defined in 40 CFR Part 51 §51.165(f)(2)(iii).
165. “Solid waste” means any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial and mining operations, and from community activities.
166. “Source” means any property, real or personal, or person contributing to air pollution.

167. “Speciation” is the process of classifying the separating objects by common characteristics including, but not limited to, chemical mass balance, factor analysis, optical microscopy, and automated scanning electron microscopy. It is the process used to find the relative proportions or mix of air source categories which best accounts for the composition of a pollutant sample.
168. “Stack” means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares (ref: 40 CFR Part 51 §51.100(ff)).
169. “Stack height” means the distance from the ground level elevation of a stack to the elevation of the stack outlet.
170. “Stack in existence” shall be as defined in 40 CFR Part 51 §51.100(gg).
171. “Standard of performance” means a standard for emission of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Director determines has been adequately demonstrated.
172. “Startup of operation” means the beginning of routine operation of an affected facility.
173. “State” means any non-federal permitting authority, including any local agency, interstate association, or statewide program.
174. “State Act” means the Nebraska Environmental Protection Act, Neb. Rev. Stat. §81-1501 through §81-1532, as amended.
175. “Statement of basis” or “fact sheet” means a document that sets forth the legal and factual basis for the draft permit conditions, including references to the applicable statutory or regulatory provisions. The statement of basis should include, but not be limited to, a discussion of the monitoring and operational requirements, applicability determinations, emissions, limitations, and any other factual information relevant to the development of the draft permit.
176. “Stationary source” means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation by the Act or by the LLCAPCPRS.
177. “Support Facility” means a facility which conveys, stores, or otherwise assists in the production of a stationary source’s primary product. The Department will make a determination on the status of a support facility relationship.
- (1) Where more than 50% of the output or services provided by one facility is dedicated to another facility a support facility relationship is presumed to exist.
 - (2) Other factors used to determine support facility relationship include, but are not limited to: the degree to which a facility receives materials or services from a stationary source; the degree to which a stationary source exerts control over a facility's operations; the nature of any contractual arrangements between the facilities; and the reasons for the presence of the facility on property contiguous or neighboring to the stationary source (e.g., whether the facility would exist at that site but for the stationary source).
 - (3) Where a single facility is used to support the otherwise distinct sets of activities of a single or multiple sources, the unit is to be included within the source which relies most heavily on its support.
178. “Synthetic Minor source” means any source that has the potential to emit any regulated pollutant at levels that meet or exceed the major source thresholds defined in Article 2, Section 2, but has accepted federally enforceable limits to keep potential emissions below the major source thresholds, while maintaining the potential to emit at levels above the minor source thresholds defined in Article 2, Section 5, paragraph (A)(2).
179. “Title V Program” means a program approved by the Administrator for purposes of Title V of the Act.
180. “TPY” or “tpy” means tons per year.
181. “Total reduced sulfur” means total sulfur from the following compounds; hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

182. “Total Suspended Particulates (TSP)” means particulate matter as measured by the method described in Appendix B of 40 CFR Part 50.
183. “Upset condition” means any exceedance of an applicable emission limitation(s) lasting thirty (30) or more minutes, in the aggregate, during a twenty-four (24) hour period, unless otherwise specified in an applicable permit or regulation.
184. “UTM coordinates” refer to the Universal Transverse Mercator (UTM) coordinate system, which provides coordinates on a worldwide flat grid. The UTM coordinate system divides the world into sixty (60) zones, each being six (6) degrees longitude wide and extending from eighty (80) degrees south latitude to eighty-four (84) degrees north latitude. The first zone starts at the International Date Line and proceeds eastward.
185. “Volatile organic compound (VOC)” means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than compounds listed in 40 CFR Part 51 §51.100(s)(1), effective July 1, 2021, which have been determined to have negligible photochemical reactivity. A list of non-VOC compounds is provided in Table 1-2 below for reference purposes only. Table 1-2 may not reflect revisions made to 40 CFR Part 51 §51.100(s)(1) subsequent to the effective date referenced above.

Table 1-2

CAS Number	Compound Name	Other Names or Designations
67-64-1	Acetone	Propanone
71-55-6	1,1,1-Trichloroethane	Methyl chloroform
74-82-8	Methane	
74-84-0	Ethane	
75-09-2	Methylene Chloride	Dichloromethane
75-10-5	Difluoromethane	HFC-32
75-37-6	1,1-Difluoroethane	HFC-152a, R-152a
75-45-6	Chlorodifluoromethane	HCFC-22, R-22
75-46-7	Trifluoromethane	HFC-23, R-23, Fluoroform
75-68-3	1-Chloro-1,1-Difluoroethane	HCFC-142b, R-142b
75-69-4	Trichlorofluoromethane	CFC-11, R-11
75-71-8	Dichlorodifluoromethane	CFC-12, R-12
76-13-1	1,1,2-Trichloro-1,2,2-Trifluoroethane	CFC-113
76-14-2	1,2-Dichlorotetrafluoroethane	CFC-114, R-114
76-15-3	Chloropentafluoroethane	CFC-115, R-115
79-20-9	Methyl Acetate	
98-56-6	1-Chloro-4-(Trifluoromethyl)Benzene	Parachlorobenzotrifluoride (PCBTF)
107-31-3	Methyl formate	Methyl ester
108-32-7	Propylene carbonate	Propylene ester
124-68-5	2-Amino-2-methyl-1-propanol	
127-18-4	Tetrachloroethylene	Perchloroethylene
306-83-2	2,2-Dichloro-1,1,1-Trifluoroethane	HCFC-123, R-123
353-36-6	Ethylfluoride	Fluoroethane, HFC-161
354-23-4	1,2-Dichloro-1,1,2-Trifluoroethane	HCFC-123a
354-33-6	1,1,1,2,2-Pentafluoroethane	HFC-125, R-125
359-35-3	1,1,2,2-Tetrafluoroethane	HFC-134, R-134
375-03-1	1,1,1,2,2,3,3-Heptafluoro-3-methoxy-propane	HFE-7000

Table 1-2

CAS Number	Compound Name	Other Names or Designations
406-58-6	1,1,1,3,3-Pentafluorobutane	HFC-365mfc
406-78-0	1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy)ethane	HFE-347pcf2
420-46-2	1,1,1-Trifluoroethane	HFC-143a, R-143a
422-56-0	3,3-Dichloro-1,1,1,2,2-Pentafluoropropane	HCFC-225ca
431-31-2	1,1,1,2,3-Pentafluoropropane	HFC-245eb
431-63-0	1,1,1,2,3,3-Hexafluoropropane	HFC-236ea
431-89-0	1,1,1,2,3,3,3-Heptafluoropropane	HFC-227ea
460-73-1	1,1,1,3,3-Pentafluoropropane	HFC-245fa
507-55-1	1,3-Dichloro-1,1,2,2,3-pentafluoropropane	HCFC-225cb
540-88-5	tert-Butyl acetate	t-Butyl acetate, TBAC
593-70-4	Chlorofluoromethane	HCFC-31
616-38-6	Dimethyl carbonate	Dimethyl ester
679-86-7	1,1,2,2,3-Pentafluoropropane	HFC-245ca
690-39-1	1,1,1,3,3,3-Hexafluoropropane	HFC-236fa
754-12-1	2,3,3,3-Tetrafluoropropene	HFO-1234yf
811-97-2	1,1,1,2-Tetrafluoroethane	HFC-134a, R-134a
1615-75-4	1-Chloro-1-Fluoroethane	HCFC-151a
1691-17-4	oxybis(Difluoromethane)	HFE-134
1717-00-6	1,1-Dichloro-1-Fluoroethane	HCFC-141b, R-141b
2837-89-0	2-Chloro-1,1,1,2-Tetrafluoroethane	HCFC-124, R-124
24270-66-4	1,1,2,3,3-Pentafluoropropane	HFC-245ea
29118-24-9	<i>trans</i> -1,3,3,3-Tetrafluoropropene	HFO-1234ze
66711-86-2	<i>trans</i> -1,1,1,4,4,4-hexafluorobut-2-ene	HFO-1336mzz(E)
78522-47-1	Bis(Difluoromethoxy)(Difluoro)Methane	HFE-236cal2
102687-65-0	<i>trans</i> -1-Chloro-3,3,3-Trifluoroprop-1-ene	Solstice 1233zd(E)
132182-92-4	1,1,1,2,2,3,4,5,5,5-Decafluoro-3-Methoxy-4-Trifluoromethyl-Pentane	HFE-7300
161075-02-1	1-(Difluoromethoxy)-2-[(Difluoromethoxy)(Difluoro)Methoxy]-1,1,2,2-Tetrafluoroethane	HFE-43-10pccc, HG-11, H-Galden 1040x, or H-Galden ZT 130 (or 150 or 180)
163702-05-4	1-Ethoxy-1,1,2,2,3,3,4,4,4-Nonafluorobutane	HFE-7200, HFE-569sf2
163702-06-5	2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-Heptafluoropropane	
163702-07-6	1,1,1,2,2,3,3,4,4-Nonafluoro-4-Methoxy-Butane	HFE-7100, HFE-449s1
163702-08-7	2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-Heptafluoropropane	
188690-78-0	1,2-Bis(Difluoromethoxy)-1,1,2,2-Tetrafluoroethane	HFE-338pcc13
193487-54-6	1,1,1,2,3,4,4,5,5,5-Decafluoropentane	HFC-4310mee
297730-93-9	3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-Dodecafluoro-2-(Trifluoromethyl) Hexane	HFE-7500
N/A	Cyclic, Branched, Or Linear Completely Methylated Siloxanes	
N/A	Perfluorocarbon compounds which fall into the following classes: • Cyclic, branched, or linear, completely fluorinated alkanes; • Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; • Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and	

Table 1-2

CAS Number	Compound Name	Other Names or Designations
	Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.	

186. “Wood waste” means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings.
187. “Yard waste” means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. They come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

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 (NO_x) 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 NO_x 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 NO_x 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 40 CFR Part 52 §52.21(b)(1)(i). Sources in the categories listed in 40 CFR Part 52 §52.21(i)(1)(vii) 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.

SECTION 3. RESERVED.

SECTION 4. AMBIENT AIR QUALITY STANDARDS.

The ambient air quality standards for Lancaster County, Nebraska are:

- (A) Particulate Matter (PM).
 - (1) PM₁₀ – Primary and Secondary Standards:
 - (a) Level: One hundred fifty (150) micrograms per cubic meter ($\mu\text{g}/\text{m}^3$);
Averaging Time: Twenty-four (24) hours;
Form: Not to be exceeded more than once per year on average over three (3) years.
 - (b) Attainment of these standards is determined in accordance with Appendix K of 40 CFR Part 50 (version July 1, 2013), which is adopted and incorporated herein.
 - (2) PM_{2.5}:
 - (a) Primary Standard:
Level: Twelve (12.0) $\mu\text{g}/\text{m}^3$;
Averaging Time: Annual;
Form: Annual mean averaged over three (3) years.
 - (b) Secondary Standard:
Level: Fifteen (15.0) $\mu\text{g}/\text{m}^3$;
Averaging Time: Annual;
Form: Annual mean averaged over three (3) years.
 - (c) Primary and Secondary Standard:
Level: Thirty-five (35.0) $\mu\text{g}/\text{m}^3$;
Averaging Time: Twenty-four (24) hours;
Form: Ninety-eighth (98th) percentile averaged over three (3) years.
 - (d) Attainment of these standards is determined in accordance with Appendix N of 40 CFR Part 50 (version July 1, 2013), which is adopted and incorporated herein.
- (B) Sulfur Dioxide (SO₂).
 - (1) Primary Standard:
 - (a) Level: Seventy-five (75) parts per billion;
Averaging Time: One (1) hour;
Form: Ninety-ninth (99th) percentile of one-hour (1-hr) daily maximum concentrations averaged over three (3) years.
 - (2) Secondary Standard:
 - (a) Level: Five-tenths of a part per million (0.5 ppm);
Averaging Time: Three (3) hours;
Form: Not more than one (1) exceedance per year.
 - (b) Attainment of this standard is determined in accordance with Appendix T of 40 CFR Part 50 (version July 1, 2013), which is adopted and incorporated herein.
- (C) Nitrogen Dioxide (NO₂).
 - (1) Primary Standard:
 - (a) Level: One hundred (100) parts per billion;
Averaging Time: One (1) hour;
Form: Ninety-eighth (98th) percentile averaged over three (3) years.
 - (2) Primary and Secondary Standards:
 - (a) Level: Fifty-three (53) parts per billion;
Averaging Time: Annual;
Form: Annual mean.
 - (b) Attainment of this standard is determined in accordance with Appendix S of 40 CFR Part 50 (version July 1, 2013), which is adopted and incorporated herein.
- (D) Carbon Monoxide (CO).
 - (1) Primary Standards:
 - (a) Level: Nine (9.0) parts per million;
Averaging Time: Eight (8) hours;
Form: Not more than one (1) exceedance per year.

- (b) Level: Thirty-five (35.0) parts per million;
Averaging Time: One (1) hour;
Form: Not more than one (1) exceedance per year.
 - (c) Attainment of this standard is determined in accordance with 40 CFR Part 50 §50.8 (version July 1, 2013), which is adopted and incorporated herein.
- (E) Ozone.
 - (1) Primary and Secondary Standards:
 - (a) Level: Seventy thousandths (0.070) of a part per million;
Averaging Time: Eight (8) hours;
Form: Annual fourth-highest daily maximum eight-hour (8-hr) concentration averaged over three (3) years.
(Attainment of this standard is determined in accordance with Appendix U of 40 CFR Part 50 (version July 1, 2016), which is adopted and incorporated herein).
- (F) Lead.
 - (1) Primary and Secondary Standard:
 - (a) Level: Fifteen-hundredths (0.15) of a microgram per cubic meter;
Averaging Time: Rolling three (3) month average;
Form: Not to be exceeded.
 - (b) Attainment of this standard is determined in accordance with Appendix R of 40 CFR Part 50 (version July 1, 2013), which is adopted and incorporated herein.

SECTION 5. OPERATING PERMITS – WHEN REQUIRED.

(A) **Applicability and Scope.** The following sources are required to obtain operating permits unless exempted under paragraph (B) of this section:

- (1) Class I major source permits shall be required to operate any of the following:
 - (a) Any major source as defined in Article 2, Section 2;
 - (b) Any source, including an area source, subject to a standard, limitation, or other requirement under Article 2, Section 18, except as provided in paragraph (B)(1) of this section;
 - (c) Any source, including an area source, subject to a standard or other requirement under Article 2, Sections 23, 27, or 28, except as provided in paragraph (B)(1) of this section;
 - (d) Any affected source; or
 - (e) Any source in a source category designated by the Director or required to do so by any other applicable requirement under the LLCAPCPRS or the Act.
- (2) Unless a Class I permit is required, Class II minor source permits shall be required to operate any of the following:
 - (a) Any source or emissions unit having a potential to emit:

Table 5-1:

Class II Operating Permit Emission Thresholds

Pollutants	Potential to Emit (in units of tons per year, or tpy)
PM ₁₀	15.0 tpy
PM _{2.5}	10.0 tpy
Sulfur dioxide (SO ₂), sulfur trioxide (SO ₃), or any combination of the two	40.0 tpy
Oxides of nitrogen, calculated as NO ₂	40.0 tpy
Volatile organic compounds (VOC)	40.0 tpy
Carbon monoxide (CO)	50.0 tpy
Lead (Pb)	0.6 tpy
Any single hazardous air pollutant	2.50 tpy
Total combined hazardous air pollutants	10.0 tpy

- (b) All incinerators used for cremation of human or animal remains, refuse disposal, or for the processing of salvageable materials except:
 - (1) Operation of refuse incinerators used for disposal of residential waste shall be prohibited; and
 - (2) Human/animal crematories and Type 4 (pathological) waste or material burning incinerators for which the potential to emit is less than the quantities listed in paragraphs (A)(2)(a)(1)-(7) of this section and for which a construction permit was issued after January 1, 1992. The owner or operator of any source for which a construction permit was issued prior to this date may request a revision of the permit by applying for an amended permit which will include specific requirements that will allow the source to qualify for the Class II operating permit exemption.
 - (3) **Synthetic Minor Permits.** Any source or emissions unit required to obtain a Class I permit based on potential to emit may apply for a Class II permit, as a synthetic minor source, which provides enforceable limits to potential emissions through restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, or through utilization of air pollution control equipment, provided that such limits maintain actual emissions below the major source emission thresholds, as provided in Article 2, Sections 7 through 15.
- (B) **Source Category Exemptions.**
- (1) In accordance with 40 CFR Part 70, §70.3 paragraphs (b)(1) and (2) as related to §70.3 paragraph (a)(2), all sources listed in paragraph (A) of this section that are not major sources, or affected sources, are exempt from the obligation to obtain a Class I permit unless required to do so under another applicable requirement of the LLCAPCPRS or under the Act.

- (2) The following sources are exempt from applying for and having a Class I or II operating permit:
 - (a) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and
 - (b) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, §61.145, Standard for Demolition and Renovation.
 - (c) All sources and source categories subject only to regulations or requirements under Section 112(r) of the Act.
 - (d) All sources and source categories that would be required to obtain a permit solely because of the presence of an emergency generator. This exemption is unavailable to peaking units at electric utilities and any other generator which is used during time periods when power is available from the utility.
- (C) Emission Units Covered.
 - (1) Sources required to obtain an operating permit under the LLCAPCPRS shall identify all relevant emission units in the permit application unless the emissions unit is specifically exempted pursuant to Article 2, Section 7, paragraphs (F)(3) and (F)(4). Emissions that have been exempted from reporting requirements because the emissions unit is an insignificant activity must still be included in the determination of whether a source must obtain a Class I or Class II operating permit.
 - (2) A source required to obtain an operating permit under the LLCAPCPRS may comply through one of the following methods:
 - (a) The source may obtain a single permit for all relevant emission points located within a contiguous area under common control, whether or not falling under the same two-digit SIC code; or
 - (b) A major source, as defined in LLCAPCPRS Article 2, Section 2, paragraphs (A) or (H), comprised of different business entities (each defined as a “person” in Article 2, Section 1), whether or not they are under the same two-digit SIC code, may obtain a separate permit for each business entity (“person”). All such business entities (“persons”) must obtain a Class I permit regardless of size. Sources may not avoid major source requirements, including, but not limited to, emissions fees (see Article 1, Section 6) or National Emissions Standards for Hazardous Air Pollutants requirements (see Article 2, Sections 27 and 28), by being permitted in this manner; or
 - (c) The source may request and obtain coverage for one or more emission points eligible for coverage under a general permit issued by the Department and obtain a separate permit for emission points not eligible for such coverage. Sources may not avoid major source requirements, including, but not limited to, emissions fees (see Article 1, Section 6) or National Emissions Standards for Hazardous Air Pollutants requirements (see Article 2, Sections 27 and 28), by being permitted in this manner, unless the source-wide potential emissions are limited to less than the major source thresholds by these permits. This would include paying emissions fees for emissions from the unit(s) covered by a general permit.
- (D) Fugitive Emissions. Fugitive emission from a source shall be included in the permit application and covered in the operating permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.
- (E) Except as provided in Article 2, Section 12, paragraph (B), no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under an approved operating permit program. If an operating source submits a timely and complete application for permit issuance, or for renewal, the source’s failure to have a permit is not a violation of the LLCAPCPRS or the Act until the Department takes final action on the permit application, provided that the failure to have a permit is through no fault of the source. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to Article 2, Section 7, paragraph (C), the applicant fails to submit any additional information necessary to process the application within the deadline specified in writing by the Department.
- (F) The submittal of a complete Class I or II operating permit application shall not affect the requirement that any source have a pre-construction permit as may be required by the LLCAPCPRS.

- (G) Any source required to obtain a permit under the provisions of this section shall pay permit fees in accordance with Article 1, Section 6, paragraph (D).

SECTION 6. EMISSIONS REPORTING – WHEN REQUIRED.

- (A) Every source subject to the annual fee requirements of Article 1, Section 6 shall complete and submit to the Department an annual emissions inventory on forms furnished by or acceptable to the Department by March 31 each year, and shall include emission information for the previous calendar year. The inventory form shall be certified in accordance with Article 2, Section 7, paragraph (H). Additionally, any source, because of the nature of its processes or activities, shall be required to submit an emissions report, if directed to do so by the Department, in order to determine whether the source is subject to any of the applicable requirements of the LLCAPCPRS. A source that is notified to report shall submit the emissions inventory to the Department by the date specified in the notification.
- (B) The annual emissions inventory form shall include the following information:
- (1) The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
 - (2) A description of the existing or proposed facilities, modifications or operations including all processes employed; normal hours of operation; the nature and amounts of fuel and other materials involved; the probable nature, rate of discharge, and time duration of contaminant emissions; any such other information as is relevant to air pollution control and available or capable of being assembled in the normal course of operation; and, if required by the Director, ambient air quality and meteorological data.
 - (3) The actual quantity of emissions, including documentation of the method of measurement, calculation or estimation, of:
 - (a) Any single regulated non-hazardous air pollutants in a quantity greater than one (1) ton.
 - (b) Any single regulated hazardous air pollutant in a quantity greater than the reporting level listed in Appendices II and III of the LLCAPCPRS.
 - (c) Any combination of regulated non-hazardous air pollutants or any combination of regulated hazardous air pollutants in a quantity greater than two and one-half (2.5) tons in each case.
- (C) Actual emissions as defined in Article 2, Section 1 shall be calculated using one of the following methods, as appropriate:
- (1) Any test method or procedure identified in Article 2, Section 34;
 - (2) Continuous emission monitor (CEM) data, provided that:
 - (a) The CEM operation is, and has been for the reporting period, in compliance with all applicable requirements under the Act;
 - (b) The total operating time of the applicable emission unit and the CEM are included in the inventory report; and
 - (c) The report includes an explanation of how the emissions were calculated using CEM data.
 - (3) Any applicable method identified in the Compilation of Air Pollutant Emission Factors, Volume I, Stationary Point and Area Sources, Fifth Edition;
 - (4) Any applicable method identified in Factor Information Retrieval System Version 6.25, or newer if available and approved by the Administrator,
 - (5) A material mass balance equation;
 - (6) Any applicable method identified in WebFIRE, provided by the EPA Technology Transfer Network's Clearinghouse for Inventories and Emission Factors;
 - (7) Any applicable method identified in TANKS Emission Estimation Software (fixed and floating-roof storage tanks emission model) version 4.09D, or newer if available and approved by the Administrator;
 - (8) Any applicable method identified in LandGEM (Landfill Gas Emissions Model) version 3.02, or newer if available and approved by the Administrator; or
 - (9) Any applicable method identified in WATER9 (wastewater treatment emissions model) version 2.0, or newer if available and approved by the Administrator.
- (D) Except as otherwise provided in (C) above, any other test methods and procedures for use in determining Actual emissions must be approved by the Director.
- (E) The Director may require the submittal of supplemental information to verify or otherwise assure the quality of emissions reported.

SECTION 7. OPERATING PERMITS – APPLICATION.

- (A) Duty to Apply. The owner or operator of any source required to obtain a Class I or Class II operating permit shall submit a timely and complete application in accordance with this section.
- (B) Timely Application.
- (1) Sources that are required to obtain a Class I operating permit shall file applications in accordance with the following schedule:
 - (a) For the purpose of early submission of applications and processing of permits, the Department shall create and maintain an early permit application registry. The registry will be open for the first three (3) months after the effective date of the LLCAPCPRS. Sources may request to be placed on the registry on a first come, first served basis as of the date the request is received by the Department. If necessary, the Department will complete the registry with additional sources. These additional sources will be notified of their placement on the registry. Sources on this registry shall file a complete application with the Department, but no later than September 30, 1995.
 - (b) All other existing sources not on the registry shall file an application by November 17, 1996.
 - (2) A source that becomes subject to the Class I operating permit program at any time following the effective date of these regulations shall file an application within twelve (12) months of the date on which the source first becomes operational or otherwise subject to the Title V program.
 - (3) A source that is required to meet the requirements under Article 2, Sections 27 or 28, or to have a permit under a pre-construction review program under Article 2, Sections 17 or 19, shall file a complete application for a Class I or Class II operating permit, if so required, within twelve (12) months after the source begins operation. Where an existing operating permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operating.
 - (4) Sources that are required to obtain a Class II operating permit shall file applications within twelve (12) months of the effective date of adoption of the LLCAPCPRS, or within twelve (12) months of the date on which the source first become operational or otherwise subject to the requirement to obtain a permit.
 - (5) A source issued an operating permit before November 1, 1993, may continue to operate as provided in the existing permit provided that the source has submitted a timely and complete application, until either of the following occurs:
 - (a) The operating permit is terminated; or
 - (b) The Director issues or denies a Class I or Class II permit to the source.
 - (6) For purposes of permit renewal, a timely application is one that is submitted at least six (6) months prior to the date of permit expiration or such longer time as may be approved by the Director after notice to the permittee that ensures that the permit will not expire before the permit is renewed. In no event shall this time be greater than eighteen (18) months.
 - (7) Applications for initial Phase II Acid Rain permits shall be submitted:
 - (a) By January 1, 1996, for sulfur dioxide, and
 - (b) By January 1, 1998, for oxides of nitrogen.
- (C) Complete Application for Class I and Class II permits.
- (1) An application will be deemed complete if it provides all the information required and is sufficient to evaluate the subject source and its application and to determine all applicable requirements. For purposes of this section only, applicable requirements include applicable requirements under the Act. The application shall be certified by a responsible official for the source.
 - (2) The Department shall determine that an application is complete within sixty (60) days after receipt of the application. If the Department determines that the application is not complete and additional information is necessary to evaluate or take final action on the application, the Department may request such information in writing and set a reasonable deadline for a response. The Department may determine that an application is complete, but later determine that additional information is needed to evaluate or take final action on the application.

- (3) If the Department does not determine that the application is not complete, the application is automatically deemed to be complete sixty (60) days after it was received by the Department. Nothing in this section shall prohibit the Department from requesting additional information that is necessary to evaluate or take final action on the application or release the applicant from providing such information.
 - (4) A source which has submitted a timely and complete application may continue to operate without a permit from the date the application is determined to be complete until the final action on the application is taken, provided that the applicant submits any requested additional information by the deadline established by the Department.
- (D) Confidential Information for Class I and Class II permits. A source which has submitted information to the Department under a claim of confidentiality may be required by the Department to submit a copy of such information to the EPA. Confidential information must be submitted separately. The permit application, compliance plan, schedule of compliance, monitoring reports, certification, and issued permits shall be available to the public. Emissions data shall not be entitled to confidential protection.
- (E) Duty to Supplement or Correct Application for Class I and Class II permits. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.
- (F) Class I and Class II Operating Permits – Standard Application Form and Required Information.
- (1) The owner or operator of a source required to obtain a Class I or Class II operating permit shall submit an application on standard forms available from the Department.
 - (2) The applicant is required to include the following information on the standardized application form or in attachments:
 - (a) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and the names of plant site manager/contact. If the company is located on leased property, the name of the property owner shall be provided.
 - (b) A description of the source's processes and products (by Standard Industrial Classification Code as published by the Executive Offices of the President's Office of Management and Budget, and Source Classification Code as published by EPA's Office of Air Quality Planning and Standards) including any associated with an alternate scenario identified by the source.
 - (c) The following emission-related information for each emissions unit:
 - (1) All emissions, both actual and potential, of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are specifically exempted from listing these units in the application. The Department shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the fee schedule. This information shall be provided for each operating scenario identified by the source.
 - (2) Identification and description of all points of emissions described in paragraph (F)(2)(c)(1) above in sufficient detail to establish the basis for fees and applicability of requirements of the Act.
 - (3) Emissions rate in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method or alternative method as approved by the Director.
 - (4) The following information to the extent it is needed to determine or regulate emissions: Fuels, fuel use, raw materials, production rates, and operating schedules.
 - (5) Identification and description of air pollution control equipment and compliance monitoring devices or activities.
 - (6) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the Class I source.

- (7) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to Article 2, Section 16).
- (8) Calculations on which the information in the above paragraphs is based.
- (9) The applicant shall indicate any emission points at the facility for which the applicant intends to request coverage under a general permit.
- (d) The following air pollution control requirements:
 - (1) Citation and description of all applicable requirements, and
 - (2) Description of or reference to any applicable test method for determining compliance with each applicable requirement.
- (e) Other specific information that may be necessary to implement and enforce other applicable requirements of the Act or the LLCAPCRS or to determine the applicability of such requirements.
- (f) An explanation of any proposed exemptions from otherwise applicable requirements.
- (g) Additional information as determined to be necessary by the permitting authority to define alternate operating scenarios identified by the source or to define permit terms and conditions related to modifications which do not require a permit revision.
- (h) A compliance plan that contains all the following:
 - (1) A description of the compliance status of the source with respect to all applicable requirements.
 - (2) A description as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
 - (c) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
 - (3) A compliance schedule as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.
 - (c) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such schedules shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in non-compliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction non-compliance with, the applicable requirements on which it is based.
 - (4) A schedule for submission of certified progress reports no less frequently than every six (6) months for sources required to have a schedule of compliance to remedy a violation.
 - (5) For Class I operating permit applications, the compliance plan content requirements specified in these paragraphs shall apply and be included in the Acid Rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the Acid Rain emissions limitations.
- (i) Requirements for compliance certification, including the following:
 - (1) A certification of compliance with all applicable requirements by a responsible official consistent with paragraph (H) of this section;

- (2) A statement of methods used for determining compliance, including a description of monitoring, record keeping, and reporting requirements and test methods;
 - (3) For sources required to obtain a Class I operating permit, a schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department in any permit; and
 - (4) A statement indicating the source's compliance status with any applicable compliance assurance or periodic monitoring and compliance certification requirements of the LLCAPCPRS.
- (j) For sources required to obtain a Class I operating permit, the use of nationally-standardized forms for Acid Rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act.
- (k) For sources required to obtain a Class I operating permit, the source may request the permit shield described in Article 2, Section 8, paragraph (N).
- (l) A list of insignificant activities, as described in paragraphs (F)(3) and (F)(4) of this section.
- (3) The Director may develop a list of insignificant activities excepted from the requirements of paragraph (F)(2) of this section and Article 2, Section 6, paragraph (B). The list shall be made available by the Department and updated as necessary. The Director may consider the following criteria in developing the list of insignificant activities:
 - (a) Support activities (e.g., janitorial, cafeteria, or laundry) may be listed as insignificant if they are not themselves marketed or traded, and do not use equipment or material of a size or nature that are themselves subject to an applicable requirement under the Act or the LLCAPCPRS.
 - (b) Activities or emissions units which can be determined to result in air contaminant emissions less than those specified in Article 2, Section 5, paragraph (A)(2) based on size, capacity, or an expectation of incidental usage may be determined to be insignificant. The Director may consider standard industrial practices and the results of rulemaking efforts under the Act in establishing such thresholds.
 - (c) Laboratory and research and development (R & D) activities may be listed as insignificant activities only if conducted in the non-process areas of the facility. If the principal activity of a site is laboratory services or R & D activities for other locations or under contract, such activities cannot be insignificant.
 - (d) AP-42 emission factors or comparable data may be considered when determining insignificant use or storage thresholds. For hazardous air pollutants, the Director may consider any de minimis emission level established by the EPA under Section 112(g) of the Act or a storage or use level established in any federal or state standard.
- (4) The list of insignificant activities shall describe classes of activities that may be excluded from the permit application or only listed with a limited amount of support data. The list must specify the following:
 - (a) The applicant must provide all such information necessary to determine if a specific activity, piece of equipment or group of items is subject to an applicable requirement under the Act or the LLCAPCPRS, if requested; and
 - (b) The inclusion of an activity, emission unit, or specific use of storage of a regulated pollutant on the list does not absolve an applicant from any applicable requirements under the Act or the LLCAPCPRS to which such activity or emission unit is otherwise subject.
- (G) Reserved.
- (H) Certification for Class I and Class II Operating Permits. Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under these regulations shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (I) The Department shall approve or disapprove a completed application for a Class I source and shall issue or deny the permit within eighteen (18) months after the date of receipt thereof. This requirement does not apply to sources submitting applications under the provisions of paragraph (B)(1) of this section.

- (J) Applications for construction or modification under Article 2, Section 19 relating to the Prevention of Significant Deterioration (PSD) of Air Quality, Article 2, Section 17 relating to the construction, reconstruction, or modification of air sources, and for any implementation plan requirements for non-attainment areas, shall be given priority by the Department.
- (K) The Department shall prepare a statement of basis (or ‘fact sheet’) that sets forth the legal and factual basis for Class I and Class II draft permit conditions, including references to the applicable statutory and regulatory provisions. This statement shall accompany the draft permit sent to EPA, and be made available to any person who requests it.
- (L) The submittal of a complete application shall not affect the requirement that any source have a pre-construction permit under Article 2, Sections 17 and 19.

SECTION 8. OPERATING PERMITS – CONTENT.

- (A) Each Class I Operating Permit shall include the standard permit requirements in paragraphs (B) through (K) of this section.
- (B) Emission Limitations and Standards. Each operating permit shall specify emission limitations and standards, including those operational requirements and limitations that assure compliance with all requirements applicable at the time of permit issuance.
- (1) The permit shall specify and reference the origin of, and authority for, each term or condition. In addition, it shall identify any difference to the terms or conditions as compared to the applicable requirement upon which the term or condition is based.
 - (2) Where an applicable requirement is more stringent than an applicable requirement specified in Article 2, Section 26, both provisions shall be incorporated into the permit.
 - (3) If an applicable implementation plan or an applicable requirement allows a source to comply through an alternative emission limit or means of compliance equivalent to that contained in the plan, a source may request that such an alternative limit or means of compliance be specified in its permit. Such an alternative emission limit or means of compliance shall be included in a source's permit upon a showing that it is quantifiable, accountable, enforceable, and based on replicated procedures. The source shall propose permit terms and conditions to satisfy these requirements in its application.
- (C) Permit Duration.
- (1) Class I and Class II operating permits shall be issued for a fixed term not to exceed five (5) years.
 - (2) The term of a permit shall not be extended by modification beyond the maximum duration specified, except that the conditions of an expiring permit shall continue until the effective date of a new permit in accordance with Article 2, Section 12, provided that:
 - (a) The permittee has submitted a timely application (except as provided in paragraph (C)(3) below) which has been deemed complete by the Department, and
 - (b) The Director, through no fault of the permittee, does not issue a new permit with an effective date before the expiration date of the previous permit.
 - (3) A Class II permittee who has failed to submit a permit renewal application by the deadline established in the current permit may apply for a variance in order to have the conditions of an expiring permit extended until the effective date of a new permit. The variance request shall be submitted no later than thirty (30) days after the deadline for submittal of the permit renewal application and according to the requirements of Article 1, Section 5. The Director may grant a variance of up to sixty (60) days to submit the permit renewal application.
- (D) Monitoring and Related Record Keeping and Reporting Requirements.
- (1) Each Class I operating permit shall contain the following monitoring requirements:
 - (a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods established in Article 2, Section 21 or pursuant to any permit or order issued by the Director under the LLCAPCPRS.
 - (b) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring, periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement.
 - (c) As necessary, requirements concerning the use, maintenance, and installation of monitoring equipment or methods and quality assurance and control procedures.
 - (2) Each Class I and Class II operating permit shall incorporate all applicable record keeping requirements and require, if necessary, the following:
 - (a) Records of required monitoring information that include the following:
 - (1) The date and place as defined in the permit, and time of sampling or measurements;
 - (2) The date(s) analyses were performed;
 - (3) The company or entity that performed the analyses;
 - (4) The analytical techniques or methods used;
 - (5) The results of such analyses; and
 - (6) The operating conditions existing at the time of sampling or measurement.

- (b) Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. The permit may specify that records may be maintained in computerized form.
 - (3) Each Class I operating permit shall incorporate all applicable reporting requirements and require the following:
 - (a) Submittal of reports of required monitoring at least every six (6) months. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official in accordance with Article 2, Section 7, paragraph (H).
 - (b) Reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The permit shall require reporting of deviations as follows:
 - (1) Any deviation resulting from emergency conditions as defined in Article 2, Section 1 shall be reported within two (2) working days of the date on which the permittee first becomes aware of the deviation.
 - (2) Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported as soon as is practicable.
 - (3) Any other deviations that are identified in the permit as requiring more frequent reporting than the permittee's semi-annual report shall be reported on the schedule specified in the permit.
 - (4) All reports of deviations shall identify the probable cause of the deviations and any corrective actions or preventative measures taken.
 - (4) Every report submitted under paragraph (D)(3) of this section shall be certified by a responsible official, except that of a deviation required under paragraph (D)(3)(b) of this section must be submitted within ten (10) days of the deviation, the report may be submitted initially without a certification if an appropriate certification is provided within ten (10) days thereafter, together with any corrected or supplemental information required concerning the deviation.
- (E) Acid Rain. Each Class I permit issued to an affected source shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Act.
- (1) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Title IV Acid Rain program developed under the Act, provided that such increases do not require a permit revision under any other applicable requirement.
 - (2) No limit shall be placed on the number of allowances held by the source.
 - (3) The allowances a source possesses shall not be a defense to noncompliance with any other applicable requirement.
 - (4) Any allowances shall be accounted for according to procedures established in Article 2, Section 26.
- (F) Severability. Each Class I and Class II permit shall contain a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.
- (G) General Conditions. Each operating permit shall contain the following provisions:
- (1) The permittee must comply with all conditions of the Class I and Class II operating permit. Any permit noncompliance shall constitute a violation of the LLCAPCRS and the Act, and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
 - (2) It shall not be a defense for a permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
 - (3) The permit may be modified; revoked, reopened, and reissued; or terminated for cause in accordance with the provisions of the LLCAPCRS. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not supersede any permit condition.
 - (4) The permit does not convey any property rights of any sort, or any exclusive privilege.

- (5) The permittee shall furnish to the Department, within the time specified by the Department, any information requested by the Department in writing to determine whether cause exists for modifying, revoking and reissuing; or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department, copies of records required to be kept in accordance with the permit or, for information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality pursuant to, Neb. Rev. Stat. §84-712.05.
- (6) The owner or operator must maintain a copy of the permit application, including any supporting emission calculations or other related materials, on file at the location of the source or at the owner's or operator's main or corporate office.
- (7) The owner or operator must place a copy of the permit and of the letter of transmittal on file at the location of the source no later than fourteen (14) calendar days after the date of the letter of transmittal. A copy of the permit must also be placed on file at the owner's or operator's main or corporate office no later than thirty (30) calendar days after the date of the letter of transmittal.
- (8) Inspection and entry requirements that require the permittee to allow the Department, EPA or an authorized representative, upon presentation of credentials and other documents, to:
 - (a) Enter upon the permittee's premises at reasonable times where a source subject to a Class I or Class II operating permit is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - (c) Inspect at reasonable times any facilities, pollution control equipment, including monitoring and air pollution control equipment, practices, or operations regulated or required under the permit, and
 - (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (H) Fees. Each Class I and Class II operating permit shall contain a provision to ensure that sources of regulated pollutants pay fees to the Department consistent with the fee schedule in Article 1, Section 6 and Article 2, Section 29.
- (I) Alternative Operating Scenarios. Each operating permit shall contain terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Director. Such terms and conditions:
 - (1) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which the source is operating;
 - (2) Must ensure that the terms and conditions of each alternative scenario meet all applicable requirements and the requirements of the permit; and
 - (3) The permit shield, if requested, described in paragraph (N) of this section shall apply to all terms and conditions under each such operating scenario.
- (J) Reopening for Cause. Each permit shall include provisions specifying the conditions under which the permit will be reopened, revoked and reissued, or terminated, in accordance with Article 2, Section 15, paragraph (F).
- (K) Risk Management Plans. If the source is required to develop and register a risk management plan pursuant to Section 112(r) of the Act or the LLCAPCPRS, the permit will specify that the permittee will comply with the requirement to register such a plan. The content of the risk management plan will not be incorporated as a permit term. The permit shall require:
 - (1) Verification of the plan preparation and submittal to the Department, the State Emergency Response Commission, and any local Emergency Planning Committee; and
 - (2) Annual Certification in accordance with Article 2, Section 7, paragraph (F)(2)(i)(3) that the risk management plan is being properly implemented.

- (L) Compliance Requirements. All Class I operating permits shall contain the following elements with respect to compliance:
- (1) Consistent with paragraph (D) of this section, compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document, including reports, required by a Class I operating permit shall contain a certification by a responsible official that meets the requirements of Article 2, Section 7, paragraph (H).
 - (2) Reserved.
 - (3) A schedule of compliance consistent with Article 2, Section 7, paragraph (F)(2)(h).
 - (4) Progress reports consistent with an applicable schedule of compliance and Article 2, Section 7, paragraph (F)(2)(h), to be submitted at least semi-annually, or at a more frequent period if specified in the applicable requirement or by the Director. Such progress reports shall contain the following:
 - (a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and
 - (b) An explanation of why any dates in the schedule of compliance were not met, or will not be met, and any preventive or corrective measures adopted.
 - (5) Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
 - (a) The frequency, not less than annually or such more frequent periods as specified in the applicable requirement or by the Department, of submissions of compliance certifications;
 - (b) In accordance with paragraph (D) of this section, a means of monitoring the compliance of the source with its emissions limitations, standards, and work practices;
 - (c) A requirement that the compliance certification include the following:
 - (1) The identification of each term or condition of the permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) A determination of whether compliance was continuous or intermittent;
 - (4) The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with the paragraph (D) of this section; and
 - (5) Such other facts as may be required by the Department to determine the compliance status of the source.
 - (d) A requirement that all compliance certifications be submitted to the Administrator as well as to the Department; and
 - (e) Such additional requirements as may be specified pursuant to the LLCAPCPRS, or the applicable Implementation Plan, or any permit issued under the LLCAPCPRS.
- (M) The Director may place such conditions and restrictions upon a permit issued or renewed under this section as he or she deems necessary to protect public health or the environment. Such conditions or restrictions may be placed upon the permit at the time it is issued, modified, or renewed. By the way of example, and not of limitation, such conditions or restrictions may be new federal applicable requirements not yet adopted in the LLCAPCPRS.
- (N) Permit Shield for Class I Operating Permits.
- (1) If requested in the permit application, the permit shield provided in this section shall be included in the permit.
 - (2) The permit shield shall provide that compliance with a permit during its term constitutes compliance with all applicable requirements identified pursuant to Article 2, Section 7 as of the date of permit issuance, provided that:
 - (a) Such applicable requirements are included and specifically identified in the permit; or
 - (a) The Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination.
 - (3) The permit shield does not affect:
 - (a) The provisions for granting variances;
 - (b) Liability for any violation of applicable requirements, or applicable requirements under the Act, prior to or at the time of permit issuance;
 - (c) The applicable requirements of Article 2, Section 26;
 - (d) The authority of the Department or EPA to obtain information; or

- (e) Any other permit provisions, terms, or conditions, including, but not limited to, construction permits issued pursuant to Article 2, Section 17 or permits issued pursuant to other states or local ordinances, rules or regulations.
- (4) A Class I permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.
- (O) Each Class II operating permit shall include those permit requirements applicable to Class II sources and any additional requirements which the Director deems appropriate, including but not limited to, the following:
 - (1) Emissions limitations and standards which are at least as stringent as any applicable requirement or other requirements contained in the State Implementation Plan.
 - (2) Monitoring and related record keeping and reporting requirements.
 - (3) Compliance certification, testing, monitoring, reporting, and record keeping requirements.
- (P) All terms and conditions in a Class I and Class II operating permit, including any provisions designed to limit a source's potential to emit, are enforced by the Administrator and citizens under the Act except those terms and conditions which have been specifically designated as not federally enforceable under paragraph (Q) of this section.
- (Q) Each Class I operating permit shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements.
- (R) If an applicable requirement provides for the trading of increases and decreases of emissions without a case-by-case approval of each emissions trade, and if requested by the applicant in its permit application, the Director shall establish terms and conditions for the trading of such emissions increases and decreases within the permitted facility. Such terms and conditions shall include all terms required by the LLCAPCPRS to determine compliance and must meet all terms specified in the applicable requirement which allows such trading.
- (S) If an applicant requests in its application, the Director shall establish terms and conditions in the permit allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. Emissions from emissions units which are not quantifiable and for which there are no replicable procedures shall not be included in any trades. The permit shall also require compliance with all applicable requirements.

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.

SECTION 10. OPERATING PERMITS FOR TEMPORARY SOURCES AND NOTIFICATION OF RELOCATION OF PORTABLE EQUIPMENT.

- (A) The Director may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the terms of the permit subject to Department approval. No affected source shall be permitted as a temporary source.
- (B) Class I and Class II operating permits for temporary sources shall include the requirements in Article 2, Section 8 of the LLCAPCPRS and the following:
 - (1) Conditions that will assure compliance with all applicable requirements and ambient air quality standards established in Article 2, Section 4 of the LLCAPCPRS at all authorized locations;
 - (2) Requirements that the owner or operator notify the Director at least twenty (20) days in advance of each change in location by providing the following information:
 - (a) A specific description of the source, including NAICS code,
 - (b) A legal description of the proposed new location.
 - (c) The anticipated dates of operation at the new proposed location,
 - (d) A description of site location, adjacent surroundings, including proximity to occupied buildings,
 - (e) A contact person for the source, and
 - (f) The signature of a responsible official certifying the information contained in the notification; and
 - (g) The source number as assigned by the Department.
- (C) All portable air pollutant emitting equipment, including, asphalt batch, concrete batch, concrete or asphalt reclaim plants, irrespective of whether this equipment is required to have a temporary operating permit, shall comply with the requirements of paragraph (B)(2) of this section by providing the information required in paragraphs (B)(2)(a) through (g) of this section at least twenty (20) days in advance of each change in location. The notification of relocation shall expire after a period of twelve (12) months but may be extended for a period of six (6) months with the approval of the Director.
- (D) The Director may disapprove a new proposed location for a temporary source/portable equipment if such operation in the new location would cause or contribute to a violation of standards or otherwise adversely affect human health or the environment.

SECTION 11. RESERVED.

SECTION 12. OPERATING PERMIT RENEWAL AND EXPIRATION.

- (A) The renewals of Class I and Class II operating permits are subject to the same procedural requirements that apply to initial permit issuance, including those for public participation.
- (B) The expiration of an operating permit terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with Article 2, Section 7, paragraphs (B) and (C).
- (C) The conditions of an expired operating permit shall continue until the effective date of a new permit, provided the permittee has complied with Article 2, Section 8, paragraph (C)(3), or until the application for a permit is denied. The Director shall deny the application for a permit if any of the following are true:
 - (1) The permittee is not in substantial compliance with the terms and conditions of the expired permit, or with a stipulation, agreement, or compliance schedule designed to bring the permittee into compliance with the permit;
 - (2) The Department, as a result of an action or failure to act on the part of the permittee, has been unable to take final action on the application on or before the expiration date of the permit; or
 - (3) The permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of the deficiencies.

SECTION 13. CLASS I OPERATING PERMIT – EPA REVIEW – AFFECTED STATES REVIEW.

- (A) Unless the Administrator waives or modifies this requirement, the Department shall provide to the Administrator a copy of each Class I operating permit application or modification, each proposed Class I operating permit, and each final Class I operating permit. The Department may require the permit applicant to provide a copy of the permit application, including the compliance plan, directly to the Administrator.
- (B) The Department shall give notice of each draft Class I operating permit to any affected state on or before the time that the Department provides notice to the public. The Department shall notify the Administrator and any affected state in writing of the reasons for any refusal by the Department to accept all recommendations for the proposed permit that the affected state submitted.
- (C) The Department shall not issue a Class I operating permit if the Administrator objects to its issuance in writing within forty-five (45) days of receipt of the proposed permit and any necessary supporting information.
- (D) If the Administrator objects to a Class I operating permit as a result of a petition for review filed pursuant to Section 505 (b)(2) of the Act, the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review shall not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the forty-five (45) day EPA review period and prior to an EPA objection.
- (E) If the Department has issued a Class I operating permit to which EPA objects as a result of a petition for review filed pursuant to Section 505 (b)(2) of the Act, the permit may be reopened in accordance with the procedures in Article 2, Section 15, paragraph (F).
- (F) Prohibition on Default Issuance.
 - (1) Notwithstanding the time period specified in Article 2, Section 7, paragraph (I), no Class I operating permit, including a permit renewal or revision, shall be issued until:
 - (a) Affected states and the Administrator have had an opportunity to review the proposed permit.
 - (b) The Director has acted on the application.
 - (2) No Class I operating permit, including a permit renewal or revision, shall be issued until the Director has acted on the application.

SECTION 14. PERMITS – PUBLIC PARTICIPATION.

- (A) Scope. Except for modifications qualifying for administrative amendment or minor permit modification procedures in Article 2, Section 15, all Class I and Class II operating permit proceedings, including initial permit issuance, significant modifications, and renewals, and unless otherwise provided, all construction permits (including initial permit issuance and significant modifications), shall provide for public notice, an opportunity for comment, and a hearing, if requested, on the draft permit in accordance with the procedures in this section. The procedures in paragraphs (B) through (I) of this section shall be followed for all permits, except for 'Prevention of Significant Deterioration (PSD) of Air Quality' permits, for which public participation shall be in accordance with the procedures in paragraph (J) of this section.
- (B) Notice shall be given by publication in a newspaper of general circulation in the area where the source is located and by posting notice electronically on the Department's public website for the duration of the public comment period, and also by mail or e-mail to the EPA and persons on a mailing list developed by the Department, including those persons who request in writing to be on the mailing list; and by other means, if necessary, to assure adequate notice to the affected public.
- (C) The notice shall contain the following:
- (1) The identity of the affected facility;
 - (2) The name and address of the permittee;
 - (3) The name, address, telephone number, and website address of the Department;
 - (4) The activity or activities involved in the permit action;
 - (5) The emissions change involved in any significant permit modification;
 - (6) The name, address, telephone number, and e-mail address of the person from whom an interested person may obtain additional information;
 - (7) The location where copies of the administrative record, including the draft permit, the application, draft permit revision, and other materials deemed relevant by the Department to the permit decision, may be reviewed, and instructions on how to access the information electronically; and
 - (8) A brief description of the comment procedures and the time and place of any hearing that may be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled.
- (D) Persons or groups shall have thirty (30) days from issuance of public notice to either submit to the Director any comments, by e-mail or in writing, concerning the proposed permit action for which the public notice has been issued and/or request a public hearing before the Director in writing in accordance with paragraph (E) below. Such thirty (30) day comment period may be extended by the Director.
- (E) Public Hearings.
- (1) The applicant, any affected state or 'Tribal Treatment As State' (TAS), any interstate agency, the Administrator, or any interested agency, person, or group, may request or petition the Director, in writing, within the thirty (30) day comment period of the public notice, for a public hearing, and state the nature of the issues to be raised and all arguments and factual grounds supporting their position.
 - (2) The Director may hold a public hearing if the comments, requests, or petitions raise legal, policy, or discretionary questions of general application not pertaining solely to a particular party and significant public interest exists with respect to the application.
- (F) Public Notice of Hearing. In addition to the public notice described in paragraph (C) of this section, the public notice of a hearing under paragraph (E) above shall be published at least thirty (30) days prior to the hearing in accordance with paragraph (B) of this section, and shall contain the following information:
- (1) Reference to the date of the previous notices relating to the permit;
 - (2) Date, time, and place of hearing;
 - (3) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and
 - (4) A concise statement of the issues raised.
- (G) Adjudicative Hearing. Any interested person may petition the Director for an adjudicative hearing in accordance with the procedures established by the Lincoln City Council and the Lancaster County Board of Commissioners.

- (H) At the time that any final permit decision is issued, the Department shall issue a response to significant comments received during the comment period and public hearing. The response to comments shall be made available to the public upon request by e-mail or in writing.
- (I) The Department shall make and keep a record of the commenters and of the issues raised during the public participation process. This record shall be made available to the Administrator in fulfillment of his or her obligation under Section 505 (b)(2) of the Act to determine whether a citizen petition may be granted. Such record shall also be available to the public.
- (J) Public Participation in Prevention of Significant Deterioration (PSD) of Air Quality Permit Applications. For PSD Air Quality permits and applications, the Department shall provide opportunity for public participation in accordance with the provisions set forth in Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 10 (Permits – Public Participation), as well as Nebraska Administrative Code Title 115 (Rules of Practices and Procedures), as appropriate. For the purposes of this paragraph, the Department shall:
- (1) Make available in at least one (1) location in each region in which the proposed source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.
 - (2) Notify the public as prescribed in the applicable provisions of Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 10 of the application, the preliminary determination, the degree of increment consumption that is expected from the source of modification, and of the opportunity for comment at a public hearing as well as written public comment.
 - (3) Send a copy, by e-mail or in writing, of the notice of public comment to the applicant, the Administrator, the Nebraska Department of Water, Energy, and Environment (DWEE), and to officials and agencies having cognizance over the location where the proposed construction would occur as follows:
 - (a) Any other affected state, TAS, or local air pollution control agencies;
 - (b) The chief executives of the city and county where the source would be located;
 - (c) Any comprehensive regional land use planning agency; and
 - (d) Any State, Federal Land Manager, or Tribal governing body whose lands may be affected by emissions from the source or modification.
 - (4) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations.
 - (5) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.
 - (6) Make a final determination whether construction should be approved, approved with conditions, or disapproved.
 - (7) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments in relation to the source.

SECTION 15. PERMIT MODIFICATIONS – REOPENING FOR CAUSE.

- (A) Administrative Permit Amendments.
- (1) An “administrative permit amendment” is a permit revision that:
 - (a) Corrects typographical errors;
 - (b) Identifies a change in the name, address, or telephone number of any person identified in the permit, provided that the owner or operator of the source is not changed;
 - (c) Requires more frequent monitoring or reporting by the permittee; and
 - (d) Allows for a change in ownership or operational control of a source where the Department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department.
 - (2) A permittee may request the Department to make an administrative permit amendment in writing by specifying the section of the permit that is to be changed and the reason for the change.
 - (3) The source may implement the changes addressed in the request immediately upon submittal of the request, subject to the Department’s final action on the request under paragraph (A)(4) below.
 - (4) The Department shall take final action on the administrative permit amendment request no more than sixty (60) days after receipt of a request. The Department may incorporate such changes into the permit without providing notice to the public, EPA, or affected states.
 - (5) For Class I operating permits and Prevention of Significant Deterioration of Air Quality (PSD) construction permits only, the Department shall submit a copy of the revised permit to the Administrator of the EPA.
 - (6) If the Department determines that the permittee’s request for an administrative permit amendment should be handled as a minor modification or other permit modification, the Department shall notify the permittee of this determination and proceed with such modification pursuant to the applicable procedures.
 - (7) The permit shield described in Article 2, Section 8, paragraph (N) shall not apply to administrative permit amendments.
- (B) Permit modifications to the Acid Rain portion of a Class I operating permit shall be governed by Article 2, Section 26.
- (C) Minor Permit Modifications.
- (1) The minor permit modification procedures of this section may be used only for those operating permit modifications that:
 - (a) Do not violate any applicable requirement or applicable requirement under the Act.
 - (b) Do not involve significant changes to existing monitoring, reporting, or record keeping requirements in the permit.
 - (c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
 - (d) Do not seek to establish or change a permit term or condition for which there is no corresponding applicable requirement or applicable requirement under the Act and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - (1) A federally enforceable emissions cap assumed to avoid classification as a modification under Article 2, Sections 18, 23, 27, or 28; and
 - (2) An alternative emissions limit approved pursuant to Article 2, Sections 27 or 28.
 - (e) Do not relate to a change within a permitted facility that:
 - (1) Is defined as a modification under Article 2, Sections 18, 23, 27, or 28; or
 - (2) Requires a construction permit under Article 2, Sections 17 or 19.
 - (f) Are not required by the Director to be processed as a significant modification; and
 - (g) Involve the use of economic incentives, marketable permits, emissions trading, and other similar programs or procedures, provided that such minor permit modification procedures are explicitly allowed for in an applicable State Implementation Plan or in an applicable requirement or applicable requirement under the Act.

- (2) The minor permit modification procedures of this section may be used for construction permit modifications provided the following conditions are met:
 - (a) No emission limit in the original construction permit is exceeded;
 - (b) No applicable requirement included in an operating permit to which the source is subject is violated;
 - (c) No emissions limit, equipment or operational standard applicable to the source will be exceeded;
 - (d) No emissions limit, equipment or operational standard assumed to avoid a classification that would render the source subject to an otherwise applicable requirement will be exceeded; and
 - (e) The nature of the constructed facility will be consistent with that described in the original public notice materials.
 - (3) A permittee may request a minor permit modification by submitting a request to the Department in writing that includes the following:
 - (a) A description of the change, the emissions resulting from the change, and any new applicable requirements and/or applicable requirements under the Act that will apply if the change occurs.
 - (b) The source's suggested draft permit language.
 - (c) Certification by the responsible official, in accordance with Article 2, Section 7, paragraph (H) that the proposed modification meets the criteria in paragraph (C)(1) above for use of minor modification procedures and a request that such procedures be used.
 - (d) For Class I operating permit minor modifications only, one (1) original and one (1) copy of the completed forms identified in paragraph (C)(3)(a) through (C)(3)(c) above for use by the Department to notify the Administrator and affected states.
 - (4) For Class I operating permit modifications only, within five (5) working days of receipt of a complete minor permit modification application, the Department shall notify the Administrator and affected states of the requested permit modification.
 - (a) Affected states shall have thirty (30) days to review and provide comments on the complete permit modification application. The Department shall provide notice to the Administrator and any affected state in writing of any refusal by the Department to accept all recommendations that the affected state has submitted.
 - (b) EPA shall have forty-five (45) days to review and comment on the complete permit modification application. The Department shall not issue a final permit modification until after EPA's forty-five (45) day review period or until EPA has notified the Department that EPA will not object to issuance of the permit modification, whichever is first.
 - (5) Within ninety (90) days of the Department's receipt of an application under the minor permit modification procedures or fifteen (15) days after the end of EPA's forty-five (45) day review period, whichever is later, the Department shall:
 - (a) Issue the permit modification as proposed;
 - (b) Deny the permit modification application;
 - (c) Determine that the requested modification does not meet the minor permit modification criteria in paragraph (C)(1) above and should be reviewed under the significant modification procedures; or
 - (d) For Class I operating permits only, revise the draft permit modification and transmit the new proposed permit modification to EPA for review as required in paragraph (C)(4)(b) above.
 - (6) A source submitting a minor permit modification request may make the change proposed immediately after it files the application, unless notified by the Department that the request does not qualify as a minor permit modification. After the source makes the change, and until the Department takes action under paragraph (C)(5)(a) through (C)(5)(c) above, the source must comply with both the applicable requirements governing the change, applicable requirements under the Act, and the proposed permit terms and conditions. If the source fails to comply with its proposed permit terms and conditions during this interim period, the existing permit terms and conditions the source seeks to modify may be enforced and such failure to comply shall be cause for denial of the minor permit modification request.
 - (7) The permit shield described in Article 2, Section 8, paragraph (L) shall not apply to a minor permit modification.
- (D) Group Processing of Minor Permit Modifications.
- (1) The Director may modify the minor permit modification procedures in paragraph (C) above to process groups of a source's applications for certain modifications eligible for minor permit modification procedures.

- (2) Group processing of modifications may only be used for those permit modifications:
 - (a) That meet the criteria for minor permit modification procedures under paragraph (C) above; and
 - (b) That collectively are below the following threshold levels: ten percent (10%) of the emissions allowed by the permit for the emissions unit for which the change is requested, twenty percent (20%) of the applicable definition of major source for purpose of Class I permitting, or five (5) tons per year, whichever is less.
- (3) A permittee may request the use of group processing procedures in this section by filing the standard application form for a Class I or Class II operating permit, as appropriate, and shall include the following:
 - (a) A description of the change, the emissions resulting from the change, any applicable requirements and/or applicable requirements under the Act that will apply if the change occurs.
 - (b) The source's requested draft permit language.
 - (c) Certification by a responsible official, in accordance with Article 2, Section 7, paragraph (H), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.
 - (d) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under paragraph (D)(2)(b) above.
 - (e) For Class I operating permit modifications only, one (1) original and one (1) copy of the completed forms for use by the Department to notify the Administrator and affected states.
 - (1) Within five (5) working days of receipt of a complete application for the group processing of a source's minor permit modification requests, the Department shall notify the Administrator and affected states of the request for group processing.
 - (2) Affected states shall have thirty (30) days to review and comment on the request. The Department shall notify EPA and any affected states in writing of any refusal by the Department to accept all recommendations for the proposed permit modification that the affected states has submitted.
 - (3) EPA shall have forty-five (45) days to review and comment on requests for group processing of minor permit modifications. The Department shall not issue a final permit modification until after EPA's forty-five (45) day review period or until EPA has notified the Department that EPA will not object to issuance of the permit modification, whichever is first.
 - (4) Within one hundred eighty (180) days of receipt of the application for group processing of minor permit modifications or fifteen (15) days after the end of the EPA's forty-five (45) day review period, the Director shall:
 - (a) Issue the permit modification as proposed;
 - (b) Deny the permit modification application;
 - (c) Determine that the requested modification does not meet the criteria for group processing in paragraph (D)(2) of this section and should be reviewed under the significant modification procedures; or
 - (d) Revise the draft permit modification and, for Class I operating permit modifications only, transmit to the Administrator the new proposed Class I operating permit modification as required by paragraph (D)(3)(e)(3) above.
 - (5) A source submitting a complete request for a group processing of minor permit modifications may make the change proposed immediately after filing the application unless notices by the Department that the request did not qualify as a minor permit modification. After the source makes the change, and until the Department takes action under paragraph (D)(4)(a) through (D)(4)(c) above, the source must comply with applicable requirements governing the change, applicable requirements under the Act, and the proposed permit terms and conditions. If the source fails to comply with its proposed permit terms and conditions during this interim period, the existing permit terms and conditions the source seeks to modify may be enforced and such failure to comply shall cause for denial of the minor permit modification request.
 - (6) The permit shield described in Article 2, Section 8, paragraph (N) shall not apply to group-processed minor permit modifications.

- (E) Significant Permit Modifications.
- (1) A “significant permit modification” is any revision or change to a permit that cannot be accomplished as an administrative permit amendment or as a minor permit modification. Any relaxation of existing monitoring, reporting, or record keeping shall be considered significant.
 - (2) A permittee may request a significant permit modification by submitting the application forms in accordance with Article 2, Section 7 for operating permits, or in accordance with Article 2, Section 17, paragraph (S) for construction permits.
 - (3) The Department shall review an application for a significant modification following the applicable procedures for permit issuance, including public participation, and EPA and affected states review.
 - (4) The permit shield described in Article 2, Section 8, paragraph (L), shall apply to a significant modification only after the Director approves the modification, provided that the permit contains a permit shield.
 - (5) Any significant permit modification shall be subject to permit fees in accordance with Article 1, Section 6, paragraph (D).
- (F) Reopening for Cause; Revocation and Reissuance; and Termination.
- (1) Any Class I or Class II operating permit issued by the Director shall be reopened, revoked and reissued, or terminated during its term for cause, including but not limited to:
 - (a) Additional requirements under the Act or the LLCAPCPRS become applicable to a Class I or Class II source with a remaining permit term of three (3) or more years. Such reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended.
 - (b) Additional requirements, including excess emissions requirements, become applicable to an affected source under the Acid Rain program under Title IV of the Act.
 - (c) The Director, or Administrator for a Class I operating permit only, determines that the permit must be revoked and reissued to assure compliance with the applicable requirements.
 - (d) The Director, or the Administrator for a Class I operating permit only, determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms and conditions of the permit.
 - (e) The Director, or the Administrator for a Class I operating permit only, determines that an applicable requirement or applicable requirement under the Act applies which was not identified by the permittee in its application.
 - (2) A permit may be revoked during its term for cause, including, but not limited to:
 - (a) The existence at the source of unresolved noncompliance with applicable requirements or a term or condition of the permit, and refusal of the permittee to agree to an enforceable schedule of compliance to resolve the noncompliance;
 - (b) The permittee has falsely certified or submitted false, incomplete, or misleading information to the Department or EPA;
 - (c) The Director determines that the permitted source or activity endangers human health or the environment and that the danger cannot be removed by a modification of the permit; or
 - (d) The permittee has failed to pay a penalty owed pursuant to a court order, stipulation and agreement, or an order issued by the Administrator.
 - (3) The Department shall initiate a reopening or revocation under paragraphs (F)(1) or (F)(2) above by providing a notice of intent to the permittee no less than thirty (30) days prior to the date that the permit is to be re-opened, unless the Director determines that an emergency exists which necessitates a shorter time period. Proceedings to reopen a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.
 - (4) Within ninety (90) days of receiving notification from the Administrator that a Class I operating permit should be reopened for cause pursuant to this section, the Department shall proceed with reopening the permit, or revoking and reissuing the permit, as appropriate.
 - (5) If the Administrator does not object to the Department’s determination under paragraph (F)(4) above within ninety (90) days, the Department shall proceed as indicated.
 - (6) If the Administrator objects to the Department’s determination under paragraph (F)(4) above within ninety (90) days, the Department shall have an additional ninety (90) days from receipt of EPA’s objection during which the Department may take action to terminate, modify, or revoke and reissue the permit in accordance with the EPA’s objection.

- (7) If the Department fails to take action as stated in any EPA objection under paragraph (F)(6) of this section, the permit may be subject to action by the Administrator.
- (G) Changes Allowed for Class I and Class II Operating Permits Only.
- (1) A permittee may make the following changes within a permitted facility without a permit revision, if the change is not a modification under Article 2, Sections 18, 23, 27, or 28, the change does not require a construction permit under Article 2, Sections 17 or 19, and the change does not result in the emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions) being exceeded, provided that the permittee provides the Director with written notification a minimum of seven (7) days in advance of the proposed changes, unless the Director determines a shorter time is necessary for emergency reasons. The permit shield described in Article 2, Section 8, paragraph (N) shall not apply to any change made under this section.
- (a) Changes in the configuration of the facility's equipment, defined as "Section 502 (b)(10) changes" in Article 2, Section 1, provided that the written notification required above includes:
- (1) A brief description of the change within the permitted facility;
 - (2) The date on which the change will occur;
 - (3) Any changes in emissions; and
 - (4) Any permit term or condition that is no longer applicable as a result of the change.
- (b) Trading of increases and decreases in emissions in the permitted facility, where the applicable implementation plan provides for such emissions trades without requiring a permit revision; provided that the written notification required in paragraph (G)(1) above includes such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including at a minimum:
- (1) The date the proposed change will occur;
 - (2) A description of each such change;
 - (3) Any change of emissions;
 - (4) The regulatory provisions and permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan; and
 - (5) The pollutants emitted subject to the emissions trade.
- (c) Trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that has been established pursuant to Article 2, Section 8, paragraph (S), provided that the written notification required above shall include:
- (1) The date the change will occur.
 - (2) A description of the changes in emission that will result.
 - (3) How these increases and decreases in emissions will comply with the terms and conditions of the permit.
 - (4) For Class I sources, the written notifications above shall also be submitted to the Administrator.
 - (5) Notwithstanding any other part of this regulation, the Director may, upon review of written notice submitted in accordance with paragraph (G)(1) above, require a source to apply for an operating permit if the change does not meet the requirements of paragraph (G)(1) above.
- (2) A permittee may make changes within a permitted facility without a permit revision, if the change is not a modification under Article 2, Sections 18, 23, 27, or 28, and the change is not a change which would require a construction permit under Chapters 17 or 19. The permittee may make such changes provided that:
- (a) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.
- (b) The source shall provide contemporaneous written notice to the Director of each such change, except for changes that qualify as insignificant activities under the provisions of Article 2, Section 7, paragraphs (F)(3) and (F)(4). Such written notice shall include the following:
- (1) A description of each change;
 - (2) The date each change will be made;
 - (3) A description of any change in emissions;
 - (4) A list the pollutants emitted; and

- (5) A list of any applicable requirement(s) that would apply as a result of the change, including terms and conditions established in the relevant operating permit for synthetic minor purposes.
 - (c) For Class I sources, the written notice required in paragraph (G)(2)(b) above shall also be provided contemporaneously to the Administrator.
- (H) No permit revisions shall be required under any State-approved programs providing for economic incentives, marketable permits, emissions trading, or other similar programs or processed for changes that are provided for in the permit.

SECTION 16. STACK HEIGHTS – GOOD ENGINEERING PRACTICE.

- (A) The degree of emissions limitation required of any source for control of any air pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in paragraph (B) below.
- (B) The provisions of paragraph (A) above shall not apply to:
 - (1) Stack heights in existence, or dispersion techniques implemented prior to December 31, 1970, except where pollutants are being emitted from such stacks or using dispersion techniques by sources which were constructed or reconstructed, or for which major modifications were carried out after December 31, 1970; or
 - (2) Coal-fired steam electric generating units, subject to the provisions of Section 118 of the Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.
- (C) No emission limitation will be established, or permit to construct or modify issued, involving any dispersion technique, unless approved by the Lincoln City Council or Lancaster County Board of Commissioners (depending on jurisdiction) following public hearing notice at least thirty (30) days in advance. The public notice will announce the availability of any fluid model or field study demonstration.

SECTION 17. CONSTRUCTION PERMITS.

- (A) Except as provided under paragraph (U) of this section or under Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 4, no person shall cause the construction, reconstruction, or modification of any of the following without first having obtained a construction permit from the Department. Sources not subject to provisions of this section may still be required to obtain a Prevention of Significant Deterioration (PSD) permit pursuant to the provisions of Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 4.

- (1) A construction permit shall be required for any air contaminant source or emission unit for which there is a net increase in potential emissions equal to or exceeding the levels set forth in Table 17-1 below.

Table 17-1

Pollutants	Net Increase in Potential to Emit (in units of tons per year, or tpy)
Particulate matter less than 10 micrometers nominal diameter (PM ₁₀)	15.0 tpy
Particulate matter less than 2.5 micrometers nominal diameter (PM _{2.5})	10.0 tpy
Sulfur dioxide (SO ₂), sulfur trioxide (SO ₃), or any combination of the two	40.0 tpy
Oxides of nitrogen, calculated as NO ₂	40.0 tpy
Volatile organic compounds (VOC)	40.0 tpy
Carbon monoxide (CO)	100.0 tpy
Lead (Pb)	0.6 tpy

- (2) When determining applicability under paragraph (A)(1) of this section, sources in the following source categories must include fugitive emissions:
- (a) Fossil-fuel-fired steam electric plants of more than two-hundred fifty million British Thermal Units per hour (250.0 MMBtu/hr) heat input;
 - (b) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British Thermal units per hour (250.0 MMBtu/hr) heat input;
 - (c) Iron and steel mills;
 - (d) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels;
 - (e) 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; and
 - (f) Any other source category found in 40 CFR Part 52, §52.51 paragraph (b)(1)(iii).
- (3) A construction permit shall be required for any air contaminant source or emission unit for which there is a net increase in potential emissions equal to or exceeding two and one-half (2.5) tons per year of any hazardous air pollutant, or an aggregate of ten (10) tons per year of any hazardous air pollutants, including all associated fugitive emissions. Such construction, reconstruction, and/or modification shall be subject to the 'best available control technology' (BACT) requirements set forth under Article 2, Section 27, paragraph (B).
- (4) A construction permit shall be required for any incinerator used for the following:
- (a) Processing of salvageable materials (includes any unit meeting the definition of a 'drum reclamation unit', 'part reclamation unit', or 'rack reclamation unit' as the terms are defined in 40 CFR Part 60, Subpart CCCC §60.2265);
 - (b) Cremation of human or animal remains; and
 - (c) Incineration of pathological material or pathological waste.
- (5) Construction and/or operation of refuse incinerators used for disposal of residential waste shall be prohibited.

- (B) The standards which would have been imposed under a construction permit are applicable to those sources who have failed to obtain a permit to the same extent as if a permit had been obtained.
- (C) **Duty to Apply and Permit Application.** The owner or operator of any source required to obtain a construction permit or coverage under a general construction permit, requesting permit applicability under this section of the LLCAPCPRS, or submitting a request for a significant permit modification shall submit an application on forms provided by the Department. The applicant shall, at a minimum, include the following information with the application:
- (1) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of designated source contacts. If the company is located on leased property, the name of the property owner shall be provided.
 - (2) The following emission-related information for each emissions unit:
 - (a) All potential emissions of regulated air pollutants. A permit application will describe all potential emissions of regulated air pollutants emitted from any emissions unit. If requested by the Department, the applicant will submit additional information related to the emissions of air pollutants sufficient to verify which regulations are applicable to the source, and other information necessary to collect any permit fees owed under the fee schedule. This information will be provided for each operating scenario identified by the source.
 - (b) Identification and description of all points of emissions described in (C)(2)(a) above in sufficient detail to establish the basis for fees and applicability of requirements of the Act, the State Act, and the LLCAPCPRS.
 - (c) Emissions rate in tpy and pounds per hour (lb/hr) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method or alternative method as approved by the Director.
 - (d) The following information to the extent it is needed to determine or regulate emissions: Fuels, fuel use, raw materials, production rates, and operating schedules to the extent needed to determine or regulate emissions.
 - (e) Identification and detailed description of air pollution control equipment and compliance monitoring devices and activities.
 - (f) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants.
 - (g) Other information identified in any applicable requirement (including information related to stack height limitations developed pursuant to paragraphs (J)-(L) of this section).
 - (h) Calculations on which the information in the above paragraphs is based.
 - (i) The applicant will indicate any emission points at the facility for which the applicant has or intends to request coverage under a general permit. Existing general permit coverage will be incorporated into the current permitting action and the general permit coverage will expire on permit issuance without further action needed by the Department.
 - (3) The following air pollution control requirements:
 - (a) Citation and description of all applicable requirements; and
 - (b) Description of or reference to any applicable test method for determining compliance with each applicable requirement.
 - (4) Other specific information that may be necessary to implement and enforce other applicable requirements of the Act, the State Act, or the LLCAPCPRS or to determine the applicability of such requirements.
 - (5) An explanation of any proposed exemptions from otherwise applicable requirements.
 - (6) Additional information as determined to be necessary by the permitting authority to define alternate operating scenarios identified by the source or to define permit terms and conditions related to modifications that do not require a permit revision.
- (D) **Application Completeness and Certification.** An application will be deemed complete if it provides all the information required and is sufficient to evaluate the subject source and to determine all applicable requirements. The application shall be certified by a responsible official for the source. The owner or operator must maintain a copy of the application, including any supporting emission calculations or other related materials, on file at the location of the source or at the owner's or operator's main or corporate office.

- (E) **Duty to Supplement and Complete Application.** If the Department determines that the application is not complete and additional information is necessary to evaluate or take final action on the application, the Department may request such information in writing and set a reasonable deadline for a response.
- (F) **Duty to Correct Application.** Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or correct information.
- (G) **Duty to Comply with Ambient Air Quality Standards.** The Department will review each application and evaluate potential emissions from the planned source for compliance and attainment with these regulations, applicable federal air quality regulations, and National Ambient Air Quality Standards (NAAQS). The Department shall require in the application information necessary to determine if the new or modified source will interfere directly or indirectly with the attainment or maintenance of any Primary and Secondary NAAQS, or violate any portion of an existing control strategy.
- (H) **Ambient Air Quality Impact Analysis.** If an ambient air quality impact analysis is deemed necessary by the Director as a part of a construction permit application, concentrations of pollutants that may be expected to occur in the vicinity of a source or combination of sources will be determined by use of an air pollution dispersion model acceptable to the Director. Meteorological and operating conditions that may occur that will produce the greatest concentrations of the pollutants emitted shall be used in evaluating the effect of the source(s) on ambient air quality.
- (I) **Disapproval of Application.**
 - (1) If it is determined by the Director that emissions resulting from the operation of a source to be constructed or modified will violate the Standards of Performance for New Stationary Sources, violate any portion of these rules and regulations, or interfere with attainment or maintenance of a NAAQS, no permit will be granted until necessary changes are made in the plans and specifications to resolve, to the Director's satisfaction, the objections to issuance.
 - (2) A construction permit will not be issued for any major source or major modification when such source or modification would cause or contribute to violation of a NAAQS in any area that does not or would not meet the national standard by exceeding, at a minimum, the significant levels set forth under Table 17-2 below.

Table 17-2

Pollutants	Averaging Time				
	Annual	24 hours	8 hours	3 hours	1 hour
PM ₁₀	1.0 µg/m ³	5.0 µg/m ³	---	---	---
PM _{2.5}	0.3 µg/m ³	1.2 µg/m ³	---	---	---
NO ₂	1.0 µg/m ³	---	---	---	---
SO ₂	1.0 µg/m ³	5.0 µg/m ³	---	25.0 µg/m ³	---
CO	---	---	0.5 mg/m ³	---	2.0 mg/m ³

Note: "µg/m³" means micrograms per cubic meter
"mg/m³" means milligrams per cubic meter

- (J) **Notice of Intent for Issuance of Permits.** The Director shall publish notice of intent to approve or disapprove the application in accordance with procedures in Article 2, Section 14.
- (K) **State Implementation Plan (SIP) Conformity.** Approval, by issuance of a permit for any construction, reconstruction, or modification, does not relieve the owner or operator from his or her responsibility to comply with the applicable portions of the SIP control strategy. The permittee must comply with all conditions of the construction permit. Any permit noncompliance shall constitute a violation of the LLCAPCRS and the Act and is grounds for enforcement action or permit revocation.

- (L) Permits – Effective Term and Rescission. Any permit issued under the provisions of this section shall remain in effect indefinitely, except as follows:
- (1) Approval to construct shall become invalid if construction, reconstruction, or modification of the source is not commenced within eighteen (18) months after receipt of such approval, if construction is discontinued for a period of eighteen (18) months or more, or if construction is not completed within a reasonable time. The Director may extend the eighteen (18) month period upon a satisfactory showing by the permittee that the complexity of the construction, reconstruction, or modification justifies an extension. This provision does not apply to the time period between construction of the approved phases of a phased construction permit. For phased construction permits, each phase must commence construction within eighteen (18) months of the projected and approved commencement date.
 - (2) Permits may be revised in accordance with the provisions of paragraph (N) of this section or amended in accordance with the provisions in Article 2, Section 15, paragraph (A). Issuance of a revised permit shall not result in extended approval to construct as provided under the provisions of paragraph (L)(1) of this section, unless such an extension is authorized at the time of issuance of the revised permit.
 - (3) Permits may be rescinded at a permittee's request and upon satisfactory showing by the permittee that the emission unit(s) or equipment for which the permit was issued has been removed from the source or rendered inoperable. For such permit rescissions, any equipment that is rendered inoperable and remains at the source shall be considered 'decommissioned in place' and may not be returned to an operable state without first obtaining a new permit pursuant to the provisions of this section or the provisions of Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 4, as applicable.
 - (4) The Director may determine, on a case-by-case basis, to rescind a permit at a permittee's request if it is determined after issuance of such a permit that potential emissions do not exceed the thresholds set forth in Table 17-1 of this section, and that the rescission of such a permit would not result in potential emissions exceeding the thresholds set forth in Table 17-1 of this section or any other emission limit established under the provisions of the LLCAPCPRS. The Director shall provide notice of any such permit rescission in accordance with the provisions set forth in Article 2, Section 14.
 - (5) Permits may be revoked pursuant to the provisions set forth in paragraph (K) or in accordance with the provisions set forth in Article 2, Section 15, paragraph (F)(2)-(3).
- (M) Additional Requirements for Construction or Modification of Sources in Non-Attainment Areas.
- (1) No permit to construct or modify will be issued for a proposed major source or a major modification if the source is located, or is to be located, in an area that is non-attainment for a pollutant for which the source or modification is major unless it determined that:
 - (a) By the time the facility is to begin operation, total allowable emissions from all sources described in paragraphs (M)(1)(a)(1) through (M)(1)(a)(3) below represent a net decrease in emissions and show reasonable further progress toward attainment and maintenance of the NAAQS, and provided that any emissions reductions required as a precondition of the issuance of a permit shall be federally enforceable before such permit is issued.
 - (1) The same source or existing sources in the same non-attainment area;
 - (2) New sources which are not major emitting facilities; and
 - (3) Existing sources allowed under the SIP prior to the application for such permit to construct or modify.
 - (b) Any emissions reductions required as a precondition of the issuance of a permit are federally enforceable before such permit is issued.
 - (c) The proposed source is required to comply with the lowest achievable emission rate; and
 - (d) The owner or operator of the proposed new or modified source has demonstrated that all other major stationary sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the State subject to emissions limitations are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards.
 - (e) The proposed source is in compliance with requirements established under the SIP and the non-attainment area SIP is being adequately implemented for the non-attainment area in which the proposed source is to be constructed or modified.

- (f) The source has provided the Director an acceptable, complete, and detailed assessment of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. This assessment will include an analysis as to why the facility cannot be constructed elsewhere.
 - (2) The requirements of paragraph (M)(1)(a) above, for emission reductions from existing sources in the vicinity of proposed new sources or modifications, shall be determined on a case-by-case basis. The offset baseline shall be the actual emissions of the source from which offset credit is obtained. The following shall apply to emission offsets:
 - (a) If the emissions limit under the LLCAPCPRS allows for greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential.
 - (b) Requirements for an existing fuel combustion source, as described in 40 CFR Part 51, Appendix S, Section IV.C.2.
 - (c) Requirements for emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels, as described in 40 CFR Part 51, Appendix S, Section IV.C.3.
 - (d) Requirements for replacing one volatile organic compound with another of lesser reactivity, as described in 40 CFR Part 51, Appendix S, Section IV.C.4.
 - (e) The procedures set out in 40 CFR Part 51, Appendix S, Section IV.D, relating to the permissible location of offsetting emissions shall be followed unless the Director determines that an equally stringent or more stringent procedure is appropriate.
 - (f) Credit for an emissions reduction can be claimed to the extent that the Director has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR Part 51, Subpart I or in demonstrating attainment or reasonable further progress.
 - (g) Emissions reductions otherwise required by the Act or the LLCAPCPRS shall not be creditable as emission reductions for purposes of any offset.
 - (3) The provisions of paragraph (M), above, do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the source categories found in 40 CFR Part 52, §52.21 paragraph (i)(1)(vii).
 - (4) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this section shall apply to the source or modification as though construction had not yet commenced on the source or modification.
- (N) Modification of the Construction Permit. The purpose of this section is to provide a means to address unforeseen situations which may develop in the process of constructing or modifying an emission source subject to this section.
- (1) Subject to the approval of the Director, the terms of a construction permit may be modified without public review through the substitution of alternative provisions, provided the following conditions set forth in Article 2, Section 15, paragraph (C)(2) are met.
 - (2) Modifications meeting the conditions of Article 2, Section 15, paragraph (C)(2) shall be processed as follows:
 - (a) The owner or operator shall submit an application for modification of a construction permit as provided in Article 2, Section 15, paragraph (C)(3), and provide such additional information as may be required to determine if the conditions of Article 2, Section 15, paragraph (C)(2) have been met.
 - (b) The Department shall review the application and determine whether or not a modification of the construction permit is required. The applicant shall not proceed with the project until a determination is made by the Director.
 - (3) Proposed modifications to a construction permit which do not meet the conditions of Article 2, Section 15, paragraph (C)(2) must be processed through the full construction permit process as provided in paragraphs (C) through (M) of this section.

- (O) Construction Permits for Commercial, Industrial, and Institutional Emergency Electrical Generators.
- (1) The provisions in this paragraph shall apply to the following emergency electrical generators where the total emergency electrical generator capacity at a commercial, industrial, or institutional facility is or will be equal to or greater than the following: two hundred kilowatts (200 kW) for units burning fuel oil, liquefied petroleum gas (LPG), or natural gas; nineteen kilowatts (19 kW) where one or more generator(s) is fueled with gasoline:
- (a) Stationary units that are installed on or after November 15, 2009, provided that the owner or operator submits the application for a construction permit no later than thirty (30) days prior to installation; and
- (b) Portable units that are installed on or after November 15, 2009, provided that the owner or operator submits the application for a construction permit no later than two (2) days after installation except as provided for in paragraph (O)(3)(f) for disasters.
- (2) To qualify for a construction permit under the provisions of this paragraph, owners or operators of these units shall comply with the following requirements:
- (a) Each generator shall be equipped with a non-resettable hour meter.
- (b) Total hours of operation for each unit shall be limited to no more than five hundred (500) hours per calendar year.
- (c) The following records shall be maintained in accordance with Article 2, Section 8, paragraph (D)(2)(b):
- (1) Total hours of operation during each calendar year;
- (2) Hours of operation for maintenance and/or readiness testing during each calendar year; and
- (3) Hours of operation for any non-emergency use (excluding maintenance and/or readiness testing), including any hours of operation for a demand response program, if applicable, during each calendar year.
- (d) Owners or operators of stationary emergency RICE must operate each unit as an 'Emergency stationary RICE' as defined in 40 CFR Part 63, Subpart ZZZZ §63.6675. In addition, owners or operators of stationary emergency RICE must operate each unit in compliance with the requirements set forth under the following rules, if applicable:
- (1) 40 CFR Part 60, Subpart IIII for compression ignition (CI) internal combustion engines; or
- (2) 40 CFR Part 60, Subpart JJJJ for spark ignition (SI) internal combustion engines.
- (e) The sulfur content of any fuel oil combusted in these units shall not exceed fifteen parts per million (15 ppm) by weight. Any fuel oil combusted must have either a cetane index of forty (40) or a maximum aromatic content of thirty-five percent by volume (35% v/v).
- (f) A construction permit for a portable unit shall not be required in cases where the unit is relocated to Lancaster County for the express purpose of addressing an immediate emergency condition, such as the result of a natural or man-made disaster, and the unit will not remain operational for a period greater than thirty (30) days. If a portable unit will be operated more than thirty (30) days, the owner or operator shall apply for a construction permit within twenty-four (24) hours after conclusion of the thirtieth (30th) day of operation.
- (3) To obtain a construction permit under the provisions of this paragraph, owners or operators of emergency generators shall submit their applications to the Department and provide the following information for each unit:
- (a) The make and model number of the engine.
- (b) An indication of whether the emergency electrical generator is stationary or portable.
- (c) The brake horsepower (bhp) rating and kilowatt (kW) rating, the date ordered, the date the engine was manufactured (year), engine displacement (liters/cylinder), and the type of engine (compression ignition or spark ignition). If it is a spark ignition engine, the owner or operator shall state whether it is 2-stroke or 4-stroke engine, and whether it is a rich burn or lean burn engine.
- (d) The type of fuel(s) (natural gas, LPG, gasoline, fuel oil) combusted.
- (e) If fuel oil is combusted, indicate the grade (e.g., No. 2), the sulfur content (percent by weight, or wt%), and the cetane index or the aromatic content. Provide a statement of certification from the fuel supplier confirming the grade, sulfur content, and cetane index or aromatic content of the fuel oil delivered and a letter from the owner or operator certifying that this is the only type of fuel oil being combusted. If gasoline is combusted, the owner or operator shall obtain from the fuel supplier a fuel certification to document that the sulfur content of the gasoline meets the requirements of 40 CFR 1090.205.

- (f) A site plan showing the proposed location of the unit and the location of any adjacent habitable structures, such as businesses, schools, and/or residences. The height of the unit's exhaust stack and the elevations of surrounding habitable structures shall also be indicated. Depending on the level of concern raised by evaluation of the site plan, the Department may request that an ambient air quality impact analysis be performed.
 - (4) In the event the owner or operator of an emergency generator who holds a construction permit issued under the provisions of this paragraph chooses to operate the generator in a manner that is not consistent with the provisions of paragraph (O)(3) of this section, the owner or operator shall submit a construction permit application to the Department no less than thirty (30) days prior to operating the RICE as a non-emergency generator. Within eighteen (18) months of issuance of a construction permit, the Department may require the owner or operator to submit an application for an operating permit in accordance with the requirements of Article 2, Sections 5 or 9.
 - (5) The owner or operator of an emergency RICE whose hours of operation exceed an applicable limit set forth under paragraph (O)(3) of this section shall report the exceedance(s) to the Department no later than thirty (30) days after discovery of any such exceedance(s).
 - (6) Within thirty (30) days of the date the Department issues the construction permit, the owner or operator shall submit a construction permit fee for review of the construction permit application, drafting the construction permit, and issuing the permit. The fee shall be assessed in accordance with Article 1, Section 6, paragraph (E).
 - (7) In the event the Department determines that a construction permit cannot be granted under the provisions of this paragraph, a letter explaining the reason(s) for refusal will be sent to the owner or operator. The owner or operator who is denied a construction permit may provide additional information to support their request, or may appeal the decision to the Director according to the procedures established in Article 1, Section 4.
 - (8) Owners or operators issued a construction permit under the provisions of paragraph (O) of this section shall not be required to submit an annual emissions inventory in accordance with Article 2, Section 6, and shall not be required to submit annual emission fees in accordance with Article 1, Section 6, paragraph (A).
- (P) Fees. Any person or source issued a construction permit under the provisions of this section, or issued a PSD permit in Lancaster County, Nebraska under the provisions of Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 4, shall pay the following fees:
- (1) Construction permit fees as required under Article 1, Section 6, paragraphs (D)(1) and (E), as applicable; and
 - (2) Annual emission fees as required under Article 1, Section 6, paragraph (A), except as provided for under paragraph (O)(8) of this section. Owners or operators of sources with a valid operating permit issued pursuant to Article 2, Sections 5, 7, 8, 9, 10, and/or 12, or that are continuing to operate under the terms of an expired operating permit pursuant to Article 2, Section 12, paragraph (C), shall pay a single fee for annual emissions from the entire source.
- (Q) Any source not required to obtain a construction permit pursuant to paragraph (A) of this section may request a construction permit to be issued in the manner prescribed by paragraphs (B) through (M) of this section for the following purposes:
- (1) Establishing enforceable limits to avoid otherwise applicable requirements under the provisions of the LLCAPCPRS.
 - (2) Revising existing construction permits to incorporate significant permit revisions as defined in Article 2, Section 15.
 - (3) Establishing a PAL pursuant to the applicable provisions of 40 CFR Part 52 §52.21. The construction permit used to establish a PAL must include all required information and conditions listed in 40 CFR Part 52 §52.21(aa).
 - (4) Establishing a Best Available Retrofit Technology (BART) permit or other permit required to reduce visibility impairment in a Class I Federal area as described in 40 CFR Part 81 §81.400 pursuant to the provisions Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 2. Administrator, as used in 40 CFR Part 81 §81.400, means Administrator of the EPA.

- (R) For each permit issued pursuant to the provisions of this section, the owner or operator must place a copy of the permit and of the letter of transmittal on file at the location of the source no later than fourteen (14) calendar days after the date of the letter of transmittal or upon the actual start-up of the constructed/reconstructed/modified source, whichever occurs first. A copy of the permit must also be placed on file at the owner's or operator's main or corporate office no later than thirty (30) calendar days after the date of the letter of transmittal.
- (S) Permit Content.
- (1) Each construction permit will include requirements applicable to the source and any additional requirements which the Director deems appropriate, including, but not limited to, the following:
 - (a) Emissions limitations and standards, which are at least as stringent as any applicable requirement or other requirements contained in the SIP.
 - (b) Compliance certification, testing, monitoring, reporting, and recordkeeping.
 - (2) The Director may place such conditions and restrictions upon a permit issued, modified, or revoked and reissued under this section as he or she deems necessary to protect public health or the environment. Such conditions or restrictions may be placed upon the permit at the time it is issued or modified. By the way of example, and not of limitation, such conditions or restrictions may be new federal applicable requirements not yet adopted in the LLCAPCPRS.
 - (3) Each construction permit shall specify emission limitations and standards, including those operational requirements and limitations that assure compliance with all requirements applicable at the time of permit issuance. All terms and conditions in a construction permit issued pursuant to this section, including any provisions designed to limit a source's potential to emit, are enforced by the Administrator and citizens under the Act except those terms and conditions which have been specifically designated as not federally enforceable.
 - (4) General Conditions.
 - (a) The permittee must comply with all conditions of the construction permit. Any permit noncompliance shall constitute a violation of the LLCAPCPRS and the Act, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit modification.
 - (b) It shall not be a defense for a permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
 - (c) The permit may be reopened, modified, revoked and reissued, or may be terminated for cause in accordance with the provisions of the LLCAPCPRS. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not supersede any permit condition.
 - (d) The permit does not convey any property rights of any sort, or any exclusive privilege.
 - (e) The permittee shall furnish to the Department, within the time specified by the Department, any information requested by the Department in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department, copies of records required to be kept in accordance with the permit or, for information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality pursuant to, Neb. Rev. Stat. §84-712.05.
 - (f) The owner or operator must maintain a copy of the permit application, including any supporting emission calculations or other related materials, on file at the location of the source or at the owner's or operator's main or corporate office.
 - (g) Inspection and entry requirements that require the permittee to allow the Department, EPA or an authorized representative, upon presentation of credentials and other documents, to:
 - (1) Enter upon the permittee's premises at reasonable times where a source subject to a construction permit is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - (3) Inspect at reasonable times any facilities, pollution control equipment, including monitoring and air pollution control equipment, practices, or operations regulated or required under the permit, and

- (4) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
 - (h) Each construction permit shall contain the following monitoring and related record keeping and reporting requirements:
 - (1) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods established in Article 2, Section 21 or pursuant to any permit or order issued by the Director under the LLCAPCPRS.
 - (2) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring, periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement.
 - (3) As necessary, requirements concerning the use, maintenance, and installation of monitoring equipment or methods and quality assurance and control procedures.
 - (i) Each construction permit shall incorporate all applicable record keeping requirements and require, if necessary, the following:
 - (1) Records of required monitoring information that include the following:
 - (a) The date and place as defined in the permit, and time of sampling or measurements;
 - (b) The date(s) analyses were performed;
 - (c) The company or entity that performed the analyses;
 - (d) The analytical techniques or methods used;
 - (e) The results of such analyses; and
 - (f) The operating conditions existing at the time of sampling or measurement.
 - (2) Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. The permit may specify that records may be maintained in computerized form.
 - (j) When the terms of a construction permit that require an owner or operator to perform monitoring, perform record keeping, or submit reports are incorporated into an operating permit issued and effective pursuant to Article 2, Sections 5, 7, 8, 9, 10, and/or 12, the owner or operator shall satisfy such monitoring, record keeping, or reporting requirements by complying with the terms of the operating permit. Duplicate records and reports are not required to satisfy the requirements of both permits.
- (T) Pre-Construction Activities and Requirements.
 - (1) Construction Allowed Prior to Obtaining a Permit.
 - (a) The owner or operator of a new proposed source of air pollution, or who is seeking to modify an existing source of air pollution, may commence construction prior to obtaining a construction permit if the project meets the eligibility requirements as prescribed below:
 - (1) The project is not subject to review under paragraph (M) of this section;
 - (2) The project is not subject to review under Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 4;
 - (3) The owner or operator is not relying on federally enforceable permit restrictions for the project to avoid review under paragraph (M) of this section or under Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 4;
 - (4) The project is not subject to review under Article 2, Section 27, paragraphs (B) or (C); and
 - (5) The owner or operator is not relying on federally enforceable permit restrictions for the project to avoid review under Article 2, Section 27, paragraphs (B) or (C);
 - (b) Owners/operators of eligible projects may initiate construction of the project prior to issuance of a construction permit by the Director, provided:
 - (1) The Department has received an application for a construction permit for which the Department has deemed complete; and

- (2) The source has submitted a pre-construction notification to the Department at least five (5) calendar days prior to initiating construction. The pre-construction notification shall include:
 - (a) The applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application;
 - (b) A waiver of any city, county, or state liability, that must be signed by a responsible official for the source; and
 - (c) A complete list of the pre-construction-related activities to be undertaken.
 - (c) Pre-construction related activities under this section will not be allowed if:
 - (1) The start of actual construction has occurred; and/or an application for permit approval under this rule has not been filed;
 - (2) The source makes changes to the complete application as it relates to the project scope; or
 - (3) The source has submitted a construction permit application for "No Construction Permit Required (NPR) Applicability Determination".
 - (d) In no case will the applicant be allowed to hook up the equipment to the exhaust stack or operate the equipment in any way that may emit any pollutant prior to receiving a construction permit.
- (2) Additional Pre-Construction Requirements.
 - (a) Cease Construction. The applicant must cease construction if the Department determines construction, reconstruction or modification of the source will interfere with the attainment or maintenance of the NAAQS or will result in a violation of a control strategy as approved pursuant to 40 CFR Part 51, Subpart G.
 - (b) Modification. The applicant will be required to make any changes or modifications to the source imposed in the issued construction permit.
 - (c) Notification of Construction. The applicant must notify the Department of the date that actual construction or reconstruction activities started. All notifications shall be submitted to the Department in writing no later than thirty (30) days after construction or reconstruction started.

SECTION 18. NEW SOURCE PERFORMANCE STANDARDS AND EMISSION LIMITS FOR EXISTING SOURCES.

- (A) Standards of Performance for New Stationary Sources. Notwithstanding any other provisions of these regulations, the following “Standards of Performance for New Stationary Sources”, also referred to as “New Source Performance Standards” (NSPS), published at 40 CFR Part 60 unless otherwise indicated, are hereby adopted herein and incorporated by reference:
- (1) Subpart A: General Provisions
 - (2) Subpart D: NSPS for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971
 - (3) Subpart Da: NSPS for Electric Utility Steam Generating Units
 - (4) Subpart Db: NSPS for Industrial-Commercial-Institutional Steam Generating Units
 - (5) Subpart Dc: NSPS for Small Industrial-Commercial-Institutional Steam Generating Units
 - (6) Subpart E: NSPS for Incinerators (applicable to municipal type waste incinerators)
 - (7) Subpart Ea: NSPS for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
 - (8) Subpart Eb: NSPS for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
 - (9) Subpart Ec: NSPS for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
 - (10) Subpart F: NSPS for Portland Cement Plants
 - (11) Subpart G: NSPS for Nitric Acid Plants
 - (12) Subpart Ga: NSPS for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011
 - (13) Subpart H: NSPS for Sulfuric Acid Plants
 - (14) Subpart I: NSPS for Hot Mix Asphalt Facilities
 - (15) Subpart J: NSPS for Petroleum Refineries
 - (16) Subpart Ja: NSPS for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
 - (17) Subpart K: NSPS for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
 - (18) Subpart Ka: NSPS for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
 - (19) Subpart Kb: NSPS for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
 - (20) Subpart L: NSPS for Secondary Lead Smelters
 - (21) Subpart M: NSPS for Secondary Brass and Bronze Production Plants
 - (22) Subpart N: NSPS for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
 - (23) Subpart Na: NSPS for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
 - (24) Subpart O: NSPS for Sewage Treatment Plants
 - (25) Subpart P: NSPS for Primary Copper Smelters
 - (26) Subpart Q: NSPS for Primary Zinc Smelters
 - (27) Subpart R: NSPS for Primary Lead Smelters
 - (28) Subpart S: NSPS for Primary Aluminum Reduction Plants
 - (29) Subpart T: NSPS for the Phosphate Fertilizer Industry – Wet-Process Phosphoric Acid Plants
 - (30) Subpart U: NSPS for the Phosphate Fertilizer Industry – Superphosphoric Acid Plants
 - (31) Subpart V: NSPS for the Phosphate Fertilizer Industry – Diammonium Phosphate Plants
 - (32) Subpart W: NSPS for the Phosphate Fertilizer Industry – Triple Superphosphate Plants
 - (33) Subpart X: NSPS for the Phosphate Fertilizer Industry – Granular Triple Superphosphate Storage Facilities
 - (34) Subpart Y: NSPS for Coal Preparation and Processing Plants
 - (35) Subpart Z: NSPS for Ferroalloy Production Facilities
 - (36) Subpart AA: NSPS for Steel Plants – Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983
 - (37) Subpart AAa: NSPS for Steel Plants – Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

- (38) Subpart AAb: NSPS for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarbonization Vessels Constructed After May 16, 2022
- (39) Subpart BB: NSPS for Kraft Pulp Mills
- (40) Subpart BBa: NSPS for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013
- (41) Subpart CC: NSPS for Glass Manufacturing Plants
- (42) Subpart DD: NSPS for Grain Elevators
- (43) Subpart EE: NSPS for Surface Coating of Metal Furniture
- (44) Subpart GG: NSPS for Stationary Gas Turbines
- (45) Subpart HH: NSPS for Lime Manufacturing Plants
- (46) Subpart KK: NSPS for Lead-Acid Battery Manufacturing Plants
- (47) Subpart KKa: NSPS for Lead Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022
- (48) Subpart LL: NSPS for Metallic Mineral Processing Plants
- (49) Subpart MM: NSPS for Automobile and Light Duty Truck Surface Coating Operations
- (50) Subpart MMa: NSPS for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022
- (51) Subpart NN: NSPS for Phosphate Rock Plants
- (52) Subpart PP: NSPS for Ammonium Sulfate Manufacture
- (53) Subpart QQ: NSPS for the Graphic Arts Industry: Publication Rotogravure Printing
- (54) Subpart RR: NSPS for Pressure Sensitive Tape and Label Surface Coating Operations
- (55) Subpart SS: NSPS for Industrial Surface Coating – Large Appliances
- (56) Subpart TT: NSPS for Metal Coil Surface Coating
- (57) Subpart UU: NSPS for Asphalt Processing and Asphalt Roofing Manufacture
- (58) Subpart VV: NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and On or Before November 7, 2006
- (59) Subpart VVa: NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, and on or Before April 25, 2023
- (60) Subpart VVb: NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
- (61) Subpart WW: NSPS for the Beverage Can Surface Coating Industry
- (62) Subpart XX: NSPS for Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After December 17, 1980, and On or Before June 10, 2022
- (63) Subpart XXa: NSPS for Bulk Gasoline Terminals that Commenced Construction, Modification, or Reconstruction After June 10, 2022
- (64) Subpart AAA: NSPS for New Residential Wood Heaters
- (65) Subpart BBB: NSPS for the Rubber Tire Manufacturing Industry
- (66) Subpart DDD: NSPS for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
- (67) Subpart FFF: NSPS for Flexible Vinyl and Urethane Coating and Printing
- (68) Subpart GGG: NSPS for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006
- (69) Subpart GGGa: NSPS for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
- (70) Subpart HHH: NSPS for Synthetic Fiber Production Facilities
- (71) Subpart III: NSPS for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes After October 21, 1983, and on or Before April 25, 2023
- (72) Subpart IIIa: NSPS for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
- (73) Subpart JJJ: NSPS for Petroleum Dry Cleaners
- (74) Subpart KKK: NSPS for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011

- (75) Subpart LLL: NSPS for SO₂ Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011
 - (76) Subpart NNN: NSPS for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations After December 30, 1983, and on or Before April 25, 2023
 - (77) Subpart NNNa: NSPS for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
 - (78) Subpart OOO: NSPS for Nonmetallic Mineral Processing Plants
 - (79) Subpart PPP: NSPS for Wool Fiberglass Insulation Manufacturing Plants
 - (80) Subpart QQQ: NSPS for VOC Emissions from Petroleum Refinery Wastewater Systems
 - (81) Subpart RRR: NSPS for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes After June 29, 1990, and on or Before April 25, 2023
 - (82) Subpart RRRa: NSPS for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
 - (83) Subpart SSS: NSPS for Magnetic Tape Coating Facilities
 - (84) Subpart TTT: NSPS for Industrial Surface Coating – Surface Coating of Plastic Parts for Business Machines
 - (85) Subpart TTTa: NSPS for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022
 - (86) Subpart UUU: NSPS for Calciners and Dryers in Mineral Industries
 - (87) Subpart VVV: NSPS for Polymeric Coating of Supporting Substrates Facilities
 - (88) Subpart WWW: NSPS for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014
 - (89) Subpart XXX: NSPS for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014
 - (90) Subpart AAAA: NSPS for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
 - (91) Subpart CCCC: NSPS for Commercial and Industrial Solid Waste Incineration Units
 - (92) Subpart EEEE: NSPS for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006
 - (93) Subpart IIII: NSPS for Stationary Compression Ignition Internal Combustion Engines
 - (94) Subpart JJJJ: NSPS for Stationary Spark Ignition Internal Combustion Engines
 - (95) Subpart KKKK: NSPS for Stationary Combustion Turbines
 - (96) Subpart LLLL: NSPS for New Sewage Sludge Incineration Units
 - (97) Subpart OOOO: NSPS for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015
 - (98) Subpart TTTT: Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units
 - (99) Appendices A, B, C, and F
- (B) Except as provided in paragraph (C) below, New Source Performance Standards (NSPS) are applicable only to those new, modified, or reconstructed facilities specified or defined as an “affected facility”.

- (C) Emission Limits for Existing Stationary Sources. Notwithstanding any other provisions of these regulations, the following emission limits are applicable to existing sources as follows:
- (1) Municipal Solid Waste (MSW) Landfills. The designated facility to which these limits apply is each existing MSW landfill for which construction, reconstruction, or modification was commenced before May 30, 1991, which has accepted waste at any time since November 8, 1987, or has additional capacity available for future waste deposition:
- (a) Each designated facility having an aggregate design capacity of two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters or more shall calculate and report non-methane organic compound (NMOC) emissions as provided for new MSW landfills under paragraph (A)(78) of this section.
- (b) Each designated facility having an NMOC emission rate of fifty (50) megagrams per year or more shall design, install, and operate a landfill gas collection and control system (LGCCS) as provided for new MSW landfills under paragraph (A)(78) of this section. An alternate design plan may be approved by the Department provided the source demonstrates that:
- (1) Meeting the requirements of paragraph (A)(78) of this section will result in unreasonable costs of control due to plant age, location, or basic process design;
- (2) It will be physically impossible to install necessary control equipment needed to meet the requirements of paragraph (A)(78) of this section; or
- (3) Other factors specific to the facility will make application of a less stringent standard significantly more reasonable than meeting the requirements of paragraph (A)(78) of this section.
- (c) Each designated facility subject to the control provisions of paragraph (C)(1)(b) above shall submit the LGCCS design for Department review within one (1) year of the first report in which NMOC emissions equal or exceed fifty (50) megagrams per year, and shall install the approved LGCCS within thirty (30) months of that report, except as provided under paragraph (A)(78) of this section.
- (d) Each designated facility subject to the control provisions of paragraph (C)(1)(b) above shall conduct testing, monitoring, record keeping, and reporting for the LGCCS as provided for new landfills under paragraph (A)(78) of this section.
- (1) If a source received approval for an alternate design plan under paragraph (C)(1)(b) above, the Department may also approve alternative testing and monitoring procedures for the source provided the source demonstrates that the testing and monitoring requirements in paragraph (A)(78) of this section are not practical for the alternate design and that the alternate procedures are adequate to determine compliance with the approved alternate design plan.

SECTION 19. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY.

The construction of any new major source or the major modification of any existing major stationary source in areas designated as attainment or unclassifiable shall be subject to the requirements set forth in Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 4 – Prevention of Significant Deterioration of Air Quality (PSD).

SECTION 20. PARTICULATE LIMITATIONS AND STANDARDS.

- (A) No person shall cause, suffer, allow, or permit particulate matter (PM) emissions from any processing machine, equipment, device, or other articles, or combination thereof, except indirect heating equipment and incinerators, in excess of the amounts allowed in Table 20-2 of this section during any one (1) hour. Incinerators shall be subject to the applicable particulate emission standards established in Article 2, Section 22.
- (B) No person shall cause or allow PM emissions caused by the combustion of fuel to be emitted from any stack or chimney into the outdoor atmosphere in excess of the hourly rate set forth in the following table:

Table 20-1

Total Heat Input in Million British Thermal Units Per Hour (MMBtu/hr)	Maximum Allowable Emissions in Pounds per Million British Thermal Units (lbs/MMBtu)
10 or less	0.60
Between 10 and 10,000	$A = \frac{1.026}{I^{0.233}}$
10,000 or more	0.12

Where:

A = The allowable emission rate in lbs/MMBtu

I = The total heat input in MMBtu/hr

- (C) Paragraphs (A) and (B) of this section shall apply unless a more stringent particulate matter standard is specified in the underlying requirements of an applicable federal rule or is specified within a construction permit issued pursuant to Article 2, Section 17 or Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 4.
- (D) For the purpose of this section, the total heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack, or the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning units at a plant, or on a premises, shall be used for determining the maximum allowable PM emissions.
- (E) Unless subject to a more stringent opacity standard specified in another section of the LLCAPCPRS, no person shall cause or allow emissions from any source of an opacity equal to or greater than twenty percent (20%) as evaluated by an EPA approved method, or recorded by a continuous opacity monitoring system (COMS) operated and maintained pursuant to 40 CFR Part 60, Appendix B, except as provided for in paragraph (F) of this section.
- (F) Exceptions.
- (1) Emission sources subject to monitoring requirements of Article 2, Section 34, paragraph (E) are allowed to have one six (6) minute period per hour of not more than twenty-seven percent (27%) opacity.
 - (2) For exceptions due to breakdowns or scheduled maintenance, see Article 2, Section 35.

Table 20-2

Process Weight Rate (lbs/hr)	Process Weight Rate (tons/hr)	Allowable Rate of Emissions (lbs/hr)	Process Weight Rate (lbs/hr)	Process Weight Rate (tons/hr)	Allowable Rate of Emissions (lbs/hr)
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.5
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	180,000	90.00	50.2
8,000	4.00	10.4	200,000	100.00	51.2
9,000	4.50	11.2	1,000,000	500.00	69.0
10,000	5.00	12.0	2,000,000	1,000.00	77.6
12,000	6.00	13.6	6,000,000	3,000.00	92.7

Interpolation of the data in this table for process weight rates up to 60,000 lbs/hr shall be accomplished by use of the following equation:

$$E = 4.10p^{.67}$$

Where:

E = rate of emission in lbs/hr

p = process weight rate in tons/hr

Interpolation of the data for process weight rates in excess of 60,000 lbs/hr shall be accomplished by use of the following equation:

$$E = 55.0p^{.11-40}$$

If two (2) or more units discharge into a single stack, the allowable emission rate will be determined by the sum of all process weights discharge into the single stack.

SECTION 21. COMPLIANCE ASSURANCE MONITORING.

For purposes of implementing the compliance assurance monitoring (CAM) program, the “Compliance Assurance Monitoring” provisions published as 40 CFR Part 64 are hereby adopted herein and incorporated by reference.

SECTION 22. INCINERATOR EMISSION STANDARDS.

- (A) The provisions of this section apply to all new and existing incinerators except for those listed in paragraphs (A)(1) through (A)(3) below. Incinerators not included in the exemptions listed in paragraphs (A)(1) through (A)(3) must comply with the construction permit requirements set forth in Article 2, Section 17, paragraph (A)(4) of the LLCAPCPRS.
- (1) Incinerators used to burn hazardous waste and subject to regulation under Nebraska Administrative Code Title 128, Chapter 7, Section 008.
 - (2) Furnaces used for law enforcement purposes specified in the definition of “incinerator” set forth in Article 2, Section 1 of the LLCAPCPRS.
 - (3) Air curtain incinerators subject to regulation under 40 CFR Part 60, Subparts AAAA or CCCC and which combust only those materials described in paragraphs (A)(3)(a) through (A)(3)(d) below, and as defined in Article 2, Section 1 of the LLCAPCPRS. Air curtain incinerators must meet additional requirements set forth in paragraph (H) of this section.
 - (a) One hundred percent (100%) wood waste;
 - (b) One hundred percent (100%) clean lumber;
 - (c) One hundred percent (100%) yard waste; and/or
 - (d) A one hundred percent (100%) mixture of only wood waste, clean lumber, and/or yard waste.
- (B) No person shall cause or permit particulate matter (PM) emissions from any incinerator to be discharged into the outdoor atmosphere to exceed one-tenth of a grain per dry standard cubic foot (0.10 gr/dscf) of exhaust gas, corrected to seven percent oxygen (7% O₂).
- (C) The burning capacity of an incinerator shall be the manufacturer’s or designer’s guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practice.
- (D) Waste/material burned during performance testing required by Article 2, Section 34 of the LLCAPCPRS shall be representative of the waste/material normally burned by the affected facility and shall be charged at a rate equal to the burning capacity of the incinerator. Copies of additional operational data recorded during the test shall be submitted to the Department together with the completed test report forms.
- (E) Instructions for proper operation of each incinerator shall be posted on-site and written certification that each operator has read these instructions, understands them, and intends to comply, shall be kept on record by the owner.
- (F) Except as provided in paragraphs (F)(3)(a) and (F)(3)(b) below, each incinerator shall meet the following design criteria:
- (1) Each incinerator shall consist of a refractory lined combustion furnace(s) employing adequate design parameters necessary for maximum combustion of the materials to be burned; and
 - (2) Each incinerator shall be designed to vent the products of combustion through an adequate stack, duct, or chimney.
 - (3) Exceptions:
 - (a) An alternate design for a new unit may be permitted provided it can be shown that the alternative design is at least as effective in controlling pollutant emissions as the design criteria of this section.
 - (b) An operating permit can be issued to an existing unit not meeting the design criteria set forth in paragraphs (F)(1)-(2) above, provided compliance with both paragraph (B) of this section and the visible emission standard in Article 2, Section 20, paragraph (E) of the LLCAPCPRS can be demonstrated.
- (G) Chemotherapeutic and low-level radioactive wastes (as defined at 40 CFR Part 60 Subpart Ec §60.51c) shall not be incinerated.

- (H) Air curtain incinerators, as defined in Article 2, Section 1 of the LLCAPCPRS, shall comply with the following requirements:
- (1) Air curtain incinerators shall be used only for the combustion of the materials set forth in paragraphs (A)(3)(a) through (A)(3)(d) of this section.
 - (2) Within sixty (60) days after the air curtain incinerator reaches the charge rate at which it will operate, but no later than one hundred eighty (180) days after its initial startup, the air curtain incinerator shall be operated in compliance with the following requirements:
 - (a) The opacity limitation is ten percent (10%) (based on a six (6) minute average), except as described in paragraph (H)(2)(b), below;
 - (b) The opacity limitation is thirty-five percent (35%) (based on a six (6) minute average) during the startup period that is within the first thirty (30) minutes of operation.
 - (3) Except during malfunctions, the requirements of paragraph (H)(2) apply at all times, and each malfunction must not exceed three (3) hours.
 - (4) The owner/operator of an air curtain incinerator shall monitor opacity in accordance with the following requirements:
 - (a) The owner/operator shall use EPA Test Method 9 in Appendix A of 40 CFR Part 60 to determine compliance with the opacity limitations set forth in paragraph (H)(2) above;
 - (b) The owner/operator shall conduct an initial performance test for opacity as specified in 40 CFR Part 60, Subpart A §60.8; and
 - (c) After the initial performance test for opacity, the owner/operator shall conduct annual performance tests no more than twelve (12) calendar months following the date of previous test.
 - (5) Prior to commencing construction on the air curtain incinerator, the owner/operator shall submit the following to the Department:
 - (a) Notification of intent to construct the air curtain incinerator;
 - (b) Notification of planned initial start-up date; and
 - (c) A description of the types of material(s) to be burned in the air curtain incinerator.
 - (6) The owner/operator of an air curtain incinerator shall comply with the following recordkeeping requirements:
 - (a) Keep records of the results of all initial and annual opacity tests on-site (or readily available) in either paper copy or electronic format, unless the Director approves another format, for at least five (5) years.
 - (b) Make all records available for submittal to the Director or for an inspector's onsite review.
 - (c) The results of the initial opacity tests must be submitted no later than sixty (60) days following the initial test. Submit annual opacity test results no more than thirty (30) days following each annual test.
 - (d) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date.
 - (e) Keep a copy of the initial and annual reports onsite (or readily available) for a period of five (5) years.
- (I) Owners/operators of incinerators used for the incineration of 'pathological material' and/or 'pathological waste', as defined in Article 2, Section 1 of the LLCAPCPRS, shall comply with the requirements set forth in paragraphs (B) through (G) of this section in addition to the following:
- (1) Each incinerator shall be equipped with a secondary combustion chamber and auxiliary burner (i.e., afterburner) that shall be operated at all times the incinerator's primary combustion chamber is in operation.
 - (2) Each incinerator's secondary combustion chamber shall be capable of achieving and maintaining a minimum operating temperature to be established by one of the methods listed as follows in order of descending preference:
 - (a) The average temperature recorded during a performance test conducted on the incinerator by the owner/operator;
 - (b) The average temperature recorded during a performance test conducted on an incinerator of the same make and model by the manufacturer; or
 - (c) The minimum temperature recommended by the manufacturer.

SECTION 23. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPs).

- (A) Notwithstanding any other provisions of the LLCAPCPRS, the following “National Emissions Standards for Hazardous Air Pollutants” (NESHAPs), published at 40 CFR Part 61 unless otherwise indicated, are hereby adopted herein and incorporated by reference:
- (1) Subpart A: General Provisions
 - (2) Subpart C: National Emission Standard for Beryllium
 - (3) Subpart D: National Emission Standard for Beryllium Rocket Motor Firing
 - (4) Subpart E: National Emission Standard for Mercury
 - (5) Subpart F: National Emission Standard for Vinyl Chloride
 - (6) Subpart J: National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
 - (7) Subpart L: National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
 - (8) Subpart M: National Emission Standard for Asbestos, and the following:
 - (a) All asbestos containing waste covered under 40 CFR Part 61, Subpart M §61.144, §61.145, §61.146, and §61.147 shall be maintained in an adequate wetted state until disposed of by acceptable methods.
 - (b) All asbestos containing waste bags shall be transparent so that the asbestos-containing material (ACM) is visible after packaging.
 - (c) Containment projects shall use a viewing window or windows wherever practical.
 - (9) Subpart N: National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants
 - (10) Subpart O: National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters
 - (11) Subpart P: National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities
 - (12) Subpart V: National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
 - (13) Subpart Y: National Emission Standard for Benzene Emissions from Benzene Storage Vessels
 - (14) Subpart BB: National Emission Standard for Benzene from Benzene Transfer Operations
 - (15) Subpart FF: National Emission Standard for Benzene Waste Operations
 - (16) Appendices A, B, and C

SECTION 24. SULFUR COMPOUND EMISSION STANDARDS FOR EXISTING SOURCES.

- (A) No person shall allow sulfur oxides to be emitted from any existing fossil fuel burning equipment in excess of two and one half (2.5) pounds per million British thermal units (lbs/MMBtu) heat input, maximum two (2) hour average.
- (B) For the purpose of these regulations:
 - (1) “Existing fossil fuel burning equipment” means equipment, machines, devices, articles, contrivances, or installations in operation prior to February 26, 1974; and
 - (2) The heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack, or the equipment manufacturer’s or designer’s guaranteed maximum input, whichever is greater.

SECTION 25. NITROGEN OXIDE EMISSION STANDARDS FOR EXISTING SOURCES.

- (A) No owner or operator of an installation producing nitric acid, either as an end product or for use in intermediate steps in production of other products, will allow emissions of oxides of nitrogen (calculated as nitrogen dioxide) to exceed five and one-half (5.5) pounds per ton of one-hundred percent (100%) nitric acid produced, or a concentration equivalent to four hundred (400) parts per million by volume (ppmv), whichever is more stringent.
- (B) Paragraph (A) of this section shall apply, unless:
 - (1) The installation is subject to 40 CFR Part 60, Subpart Ga;
 - (2) A more stringent NO_x standard for nitric acid production is specified in the underlying requirements of an applicable federal rule; or
 - (3) A more stringent NO_x standard for nitric acid production is specified within a construction permit issued pursuant to the LLCAPCPRS.

SECTION 26. ACID RAIN.

- (A) Notwithstanding any other provisions of the LLCAPCPRS, the following provisions of the federal Acid Rain regulations, published at 40 CFR Parts 72, 75, and 76 unless otherwise indicated, are hereby adopted herein and incorporated by reference for purposes of implementing an Acid Rain program that meets the requirements of Title IV of the Act:
- (1) 40 CFR Part 72: Permits Regulation, provided as follows:
 - (a) The term “permitting authority” shall mean the Department and the term “Administrator” shall mean the Administrator of the U.S. Environmental Protection Agency; and
 - (b) If the provisions or requirements of 40 CFR Part 72 conflict with other provisions of the LLCAPCPRS as they apply to affected sources, the Part 72 provisions and requirements shall apply and take precedence.
 - (2) 40 CFR Part 75: Continuous Emission Monitoring
 - (3) 40 CFR Part 76: Acid Rain Nitrogen Oxides Emission Reduction Program

**SECTION 27. HAZARDOUS AIR POLLUTANTS – MAXIMUM ACHIEVABLE CONTROL
TECHNOLOGY (MACT).**

- (A) Notwithstanding any other provisions of the LLCAPCPRS, 40 CFR Part 63, Subpart D §63.70 through §63.81 pertaining to compliance extensions for early reductions are hereby adopted herein and incorporated by reference.
- (B) Requirements for New, Modified, or Reconstructed Sources of Hazardous Air Pollutants. Any owner/operator constructing a new source, or performing construction/reconstruction/modification at an existing source, where the potential to emit any hazardous air pollutant from the constructed/reconstructed/modified source equals or exceeds the levels specified in Article 2, Section 17, paragraph (A)(2) of the LLCAPCPRS, will only be issued a permit to construct/reconstruct/modify if best available control technology, as determined by the Director, is applied for each hazardous air pollutant for which the potential to emit exceeds the levels specified in Article 2, Section 17, paragraph (A)(2) of the LLCAPCPRS. The source shall comply with all other applicable requirements of the LLCAPCPRS. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under Article 2, Sections 18, 23, 27, or 28.
- (C) Requirements for New or Reconstructed Major Sources of Hazardous Air Pollutants. Any new source with the potential to emit an amount equal to or in excess of ten (10) tons per year of any hazardous air pollutant or twenty-five (25) tons per year or more of any combination of hazardous air pollutants, will only be issued a permit for construction/reconstruction/modification required under Article 2, Section 17, paragraph (A)(2) of the LLCAPCPRS if maximum achievable control technology, as determined by the Director, is applied, and the source is required to comply with all other requirements of the LLCAPCPRS.
 - (1) For the purposes of this section, the provisions set forth in 40 CFR Part 63, Subpart B §63.40 (b); §63.41; §63.42 (c); §63.43 (a), (b), and (d); and §63.44 are hereby adopted herein and incorporated by reference.
 - (2) Except as provided in paragraph (C)(1) above, the provisions and procedures of Article 2, Section 17 of the LLCAPCPRS and paragraph (B) above apply.
- (D) Notwithstanding any other provisions of the LLCAPCPRS, the provisions set forth in 40 CFR Part 63, Subpart B §63.50 through §63.56 pertaining to maximum achievable control technology determinations for emission units subject to case-by-case determination of equivalent emission limitations are hereby adopted herein and incorporated by reference.
- (E) Notwithstanding any other provisions of the LLCAPCPRS, the provisions set forth in 40 CFR Part 68 “Chemical Accident Prevention Provisions”, Subparts A thru H, are hereby adopted herein and incorporated by reference.

SECTION 28. HAZARDOUS AIR POLLUTANTS – SOURCE CATEGORY EMISSION STANDARDS.

- (A) Notwithstanding any other provisions of the LLCAPCPRS, the following “National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories” published at 40 CFR Part 63 unless otherwise indicated, are hereby adopted herein and incorporated by reference:
- (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 and Fenceline Monitoring for All Emission Sources
 - (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
 - (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
 - (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 NN: NESHAP for Wool Fiberglass Manufacturing Area Sources
 - (30) Subpart OO: NESHAP for Tanks – Level 1
 - (31) Subpart PP: NESHAP for Containers
 - (32) Subpart QQ: NESHAP for Surface Impoundments
 - (33) Subpart RR: NESHAP for Individual Drain Systems
 - (34) Subpart SS: NESHAP for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
 - (35) Subpart TT: NESHAP for Equipment Leaks – Control Level 1 Standards
 - (36) Subpart UU: NESHAP for Equipment Leaks – Control Level 2 Standards
 - (37) Subpart VV: NESHAP for Oil-Water Separators and Organic-Water Separators
 - (38) Subpart WW: NESHAP for Storage Vessels (Tanks) – Control Level 2
 - (39) Subpart XX: NESHAP for Ethylene Manufacturing Process Units – Heat Exchange Systems and Waste Operations
 - (40) Subpart YY: NESHAP for Source Categories – Generic MACT Standards
 - (41) Subpart CCC: NESHAP for Steel Pickling – HCl Process and Hydrochloric Acid Regeneration Plants
 - (42) Subpart DDD: NESHAP for Mineral Wool Production
 - (43) Subpart EEE: NESHAP for Hazardous Waste Combustors
 - (44) Subpart GGG: NESHAP for Pharmaceutical Production
 - (45) Subpart HHH: NESHAP for Natural Gas Transmission and Storage Facilities
 - (46) Subpart III: NESHAP for Flexible Polyurethane Foam Production
 - (47) Subpart JJJ: NESHAP for Group IV Polymers and Resins

- (48) Subpart LLL: NESHAP for the Portland Cement Manufacturing Industry
- (49) Subpart MMM: NESHAP for Pesticide Active Ingredient Production
- (50) Subpart NNN: NESHAP for Wool Fiberglass Manufacturing
- (51) Subpart OOO: NESHAP for Manufacture of Amino/Phenolic Resins
- (52) Subpart PPP: NESHAP for Polyether Polyols Production
- (53) Subpart QQQ: NESHAP for Primary Copper Smelting
- (54) Subpart RRR: NESHAP for Secondary Aluminum Production
- (55) Subpart TTT: NESHAP for Primary Lead Smelting
- (56) Subpart UUU: NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units
- (57) Subpart VVV: NESHAP for Publicly Owned Treatment Works
- (58) Subpart XXX: NESHAP for Ferroalloys Production – Ferromanganese and Silicomanganese
- (59) Subpart AAAA: NESHAP for Municipal Solid Waste Landfills
- (60) Subpart CCCC: NESHAP for Manufacturing of Nutritional Yeast
- (61) Subpart EEEE: NESHAP for Organic Liquids Distribution (Non-Gasoline)
- (62) Subpart DDDD: NESHAP for Plywood and Composite Wood Products
- (63) Subpart FFFF: NESHAP for Miscellaneous Organic Chemical Manufacturing
- (64) Subpart GGGG: NESHAP for Solvent Extraction for Vegetable Oil Production
- (65) Subpart HHHH: NESHAP for Wet-Formed Fiberglass Mat Production
- (66) Subpart IIII: NESHAP for Surface Coating of Automobiles and Light-Duty Trucks
- (67) Subpart JJJJ: NESHAP for Paper and Other Web Coating
- (68) Subpart KKKK: NESHAP for Surface Coating of Metal Cans
- (69) Subpart MMMM: NESHAP for Surface Coating of Miscellaneous Metal Parts and Products
- (70) Subpart NNNN: NESHAP for Surface Coating of Large Appliances
- (71) Subpart OOOO: NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles
- (72) Subpart PPPP: NESHAP for Surface Coating of Plastic Part and Products
- (73) Subpart QQQQ: NESHAP for Surface Coating of Wood Building Products
- (74) Subpart RRRR: NESHAP for Surface Coating of Metal Furniture
- (75) Subpart SSSS: NESHAP for Surface Coating of Metal Coil
- (76) Subpart TTTT: NESHAP for Leather Finishing Operations
- (77) Subpart UUUU: NESHAP for Cellulose Products Manufacturing
- (78) Subpart VVVV: NESHAP for Boat Manufacturing
- (79) Subpart WWWW: NESHAP for Reinforced Plastic Composites Production
- (80) Subpart XXXX: NESHAP for Rubber Tire Manufacturing
- (81) Subpart YYYY: NESHAP for Stationary Combustion Turbines
- (82) Subpart ZZZZ: NESHAP for Stationary Reciprocating Internal Combustion Engines
- (83) Subpart AAAAA: NESHAP for Lime Manufacturing Plants
- (84) Subpart BBBB: NESHAP for Semiconductor Manufacturing
- (85) Subpart CCCCC: NESHAP for Coke Ovens: Pushing, Quenching, and Battery Stacks
- (86) Subpart DDDDD: NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources
- (87) Subpart EEEEE: NESHAP for Iron and Steel Foundries
- (88) Subpart FFFFF: NESHAP for Integrated Iron and Steel Manufacturing Facilities
- (89) Subpart GGGGG: NESHAP for Site Remediation
- (90) Subpart HHHHH: NESHAP for Miscellaneous Coating Manufacturing
- (91) Subpart IIIII: NESHAP for Mercury Emissions from Mercury Cell Chlor-Alkali Plants
- (92) Subpart JJJJJ: NESHAP for Brick and Structural Clay Products Manufacturing
- (93) Subpart KKKKK: NESHAP for Clay Ceramics Manufacturing
- (94) Subpart LLLLL: NESHAP for Asphalt Processing and Asphalt Roofing Manufacturing
- (95) Subpart MMMMM: NESHAP for Flexible Polyurethane Foam Fabrication Operations
- (96) Subpart NNNNN: NESHAP for Hydrochloric Acid Production
- (97) Subpart PPPPP: NESHAP for Engine Test Cells/Standards
- (98) Subpart QQQQQ: NESHAP for Friction Materials Manufacturing Facilities
- (99) Subpart RRRRR: NESHAP for Taconite Iron Ore Processing
- (100) Subpart SSSSS: NESHAP for Refractory Products Manufacturing
- (101) Subpart TTTTT: NESHAP for Primary Magnesium Refining
- (102) Subpart UUUUU: NESHAP for Coal- and Oil-Fired Electric Utility Steam Generating Units
- (103) Subpart WWWW: NESHAP for Hospital Ethylene Oxide Sterilizers at Area Sources
- (104) Subpart YYYYY: NESHAP for Area Sources – Electric Arc Furnace Steelmaking Facilities

- (105) Subpart ZZZZZ: NESHAP for Iron & Steel Foundries Area Sources
 - (106) Subpart BBBBBB: NESHAP for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities at Area Sources
 - (107) Subpart CCCCCC: NESHAP for Gasoline Dispensing Facilities at Area Sources
 - (108) Subpart DDDDDD: NESHAP for Polyvinyl Chloride and Copolymers Production Area Sources
 - (109) Subpart EEEEEEE: NESHAP for Primary Copper Smelting Area Sources
 - (110) Subpart FFFFFFF: NESHAP for Secondary Copper Smelting Area Sources
 - (111) Subpart GGGGGG: NESHAP for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium
 - (112) Subpart HHHHHH: NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
 - (113) Subpart JJJJJJ: NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources
 - (114) Subpart LLLLLL: NESHAP for Acrylic and Modacrylic Fibers Production Area Sources
 - (115) Subpart MMMMMM: NESHAP for Carbon Black Production Area Sources
 - (116) Subpart NNNNNN: NESHAP for Chemical Manufacturing Area Sources: Chromium Compounds
 - (117) Subpart OOOOOO: NESHAP for Flexible Polyurethane Foam Production and Fabrication Area Sources
 - (118) Subpart PPPPPP: NESHAP for Lead Acid Battery Manufacturing Area Sources
 - (119) Subpart QQQQQQ: NESHAP for Wood Preserving Area Sources
 - (120) Subpart RRRRRR: NESHAP for Clay Ceramics Manufacturing at Area Sources
 - (121) Subpart SSSSSS: NESHAP for Glass Manufacturing Area Sources
 - (122) Subpart TTTTTT: NESHAP for Secondary Nonferrous Metals Processing Area Sources
 - (123) Subpart VVVVVV: NESHAP for Chemical Manufacturing Area Sources
 - (124) Subpart WWWWWW: NESHAP for Plating and Polishing Operations at Area Sources
 - (125) Subpart XXXXXX: NESHAP for Nine Metal Fabrication and Finishing Source Categories at Area Sources
 - (126) Subpart YYYYYY: NESHAP for Area Sources – Ferroalloys Production Facilities
 - (127) Subpart ZZZZZZ: NESHAP – Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries
 - (128) Subpart AAAAAAA: NESHAP for Area Sources – Asphalt Processing and Asphalt Roofing Manufacturing
 - (129) Subpart BBBBBBBB: NESHAP for Chemical Preparation Industry at Area Sources
 - (130) Subpart CCCCCCCC: NESHAP for Paints and Allied Products Manufacturing at Area Sources
 - (131) Subpart DDDDDDDD: NESHAP for Prepared Feeds Manufacturing at Area Sources
 - (132) Subpart EEEEEEEE: NESHAP – Gold Mine Ore Processing and Production Area Source Category
 - (133) Subpart HHHHHHHH: 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 paragraph (A) of this section and specifically referenced in this paragraph may accept operational limits to avoid the requirements associated with operating at the source’s maximum design capacity or monthly throughput.
- (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 paragraph(s) of this section.
 - (c) Records are collected and maintained as described for each applicable 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.
 - (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 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 paragraph (B) of this section.
- (3) Duty to Comply. Each source approved for coverage under this provision must comply with all 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 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.

SECTION 29. OPERATING AND CONSTRUCTION PERMIT EMISSION FEES.

- (A) Applicability. The provisions of this section shall apply to any person who owns or operates a source that is required to obtain a Class I or Class II operating permit in accordance with Article 2, Section 5, or is required to obtain a construction permit in accordance with Article 2, Section 17.
- (B) Calculation of Fee. Beginning July 1, 1995, owners or operators of sources identified in paragraph (A) of this section shall pay an annual emission fee for each ton of a regulated air pollutant for fee purposes emitted to the air by the facility. Any temporary source issued an operating permit under Article 2, Section 10 shall pay an annual emission fee for emissions during the time period the source was located and operated in Lincoln or Lancaster County. The fee shall be based on the actual emission tonnage and as established in the emission inventory for the previous calendar year, beginning with calendar year 1994. For purposes of this section, a pollutant which may be regulated under more than one provision of the LLCAPCPRS need only be counted once.
- (1) The emission fee shall be determined by multiplying \$25 per ton of regulated air pollutant for fee purposes reported in the annual emission inventory report required in Article 2, Section 6. The emission fee shall be increased or decreased annually by the Department in each year, beginning after 1991, by the percentage difference between the Consumer Price Index (CPI) for the most recent year ending before the beginning of such year and the CPI for the year 1989 or as required to pay all reasonable direct and indirect costs of developing and administering the air quality permit programs identified in the LLCAPCPRS.
 - (2) The emission fee shall be as required to pay all reasonable direct and indirect costs of developing and administering the air quality permit programs identified in the LLCAPCPRS.
 - (3) The emission fee for each ton of actual emissions shall be established annually in Article 1, Section 6, paragraph (A)(2).
 - (4) The emission fee is due and payable on actual emissions up to and including four thousand (4,000) tons per year for each regulated air pollutant for fee purposes.

SECTION 30. RESERVED.

SECTION 31. (RESERVED).

SECTION 32. DUTY TO PREVENT ESCAPE OF VISIBLE AIRBORNE DUST.

- (A) Handling, Transportation, Storing. No person may cause or permit the handling, transporting, or storage of any material in a manner which may allow particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premises where it originates.
- (B) Construction, Use, Repair, Demolition. No person may cause or permit a building or its appurtenances or a road, or a driveway, or an open area to be constructed, used, repaired, or demolished without applying all such reasonable measures to prevent particulate matter from becoming airborne so that it remains visible beyond the premises where it originates. The Director may require such reasonable measures as may be necessary to prevent particulate matter from becoming airborne, including but not limited to: paving or frequent cleaning of roads, driveways, and parking lots; application of dust-free surfaces; application of water; and the planting and maintenance of vegetative ground cover.
- (C) Notwithstanding any other provisions of this section, the Department shall not regulate emissions from normal farming practices, farm crop drying and handling, or animal feeding activities, provided that reasonable and practical measures to limit particulate matter from such sources are utilized.

SECTION 33. TIME SCHEDULE FOR COMPLIANCE.

- (A) Except as otherwise noted in specific emission control regulations, compliance with the LLCAPCPRS shall be according to the following schedule:
- (1) All new or modified installations that required approval under the provisions of Article 2, Section 17 shall be in compliance with all applicable emission control regulations at start-up after the effective date of the applicable emission control regulation. Provided, however, such installation may, at the request of the operator and under conditions approved by the Department, be operated for such specified time periods as are required to make necessary adjustments on the equipment. Compliance must be demonstrated in conformance with Article 2, Section 34.
 - (2) All existing installations subject to Article 2, Section 2, paragraphs (A)(1) and (A)(2) shall be in compliance with the LLCAPCPRS within one-hundred eighty (180) days after the effective date of the LLCAPCPRS and shall certify compliance and state the method used to determine compliance, unless the person responsible for the operation of such installation has received a variance from the Department to continue such operation in non-conformance with the regulations for a specified period of time beyond the one-hundred eighty (180) day period provided for compliance.
 - (3) All requests for variances shall be submitted in writing to the Department and, in addition to statutory requirements, shall contain the following information:
 - (a) A description of the affected operation or installation.
 - (b) The reason for being unable to meet the requirements of the LLCAPCPRS.
 - (c) A specific time schedule showing increments of progress toward compliance, including:
 - (1) Date of submittal of the source's final control plan to the appropriate air pollution control agency;
 - (2) Date by which contracts for emission control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;
 - (3) Date of initiation of on-site construction or installation of emission control equipment or process change;
 - (4) Date by which on-site construction or installation of emission control equipment or process modification is to be completed; and
 - (5) Date by which final compliance is to be achieved.
 - (d) The notarized signature of the person responsible for the operation or installation.
 - (e) Any other supporting documentation specifically requested by the Department and deemed pertinent to consideration of the individual request.
- (B) Compliance schedules requiring more than twelve (12) months to conform with applicable rules and regulations to meet National Primary and Secondary Ambient Air Quality Standards will be accomplished in progressive steps. A report will be made in writing to the Director within five (5) days after each step is completed.
- (C) Failure to meet time schedules approved in accordance with paragraphs (A)(1) and (A)(2) of this section shall constitute a violation of the LLCAPCPRS unless a request to amend the time schedule is received at least thirty (30) days before the end of any specified period approved for a particular activity. Such a request to amend the schedule shall contain the same type of information as required for the initial request for variance as described in paragraph (A)(3) of this section.

SECTION 34. EMISSION SOURCE TESTING AND MONITORING.

- (A) The Department may require any person responsible for the operation of an emission source to make or have tests made to determine the rate of contaminant emissions from the source whenever it has reason to believe, on the basis of estimates of potential contaminant emissions rates from the source and due consideration of probable efficiency of any existing control device, or visible emission determinations made by an official observer, that existing emissions exceed the limitations required in the LLCAPCPRS. Such tests may also be required pursuant to verifying that any newly installed control device meets performance specifications. Should the Department determine that the test did not represent normal operating conditions or emissions, additional tests may be required. Such a requirement shall be considered as an order and subject to all administrative and legal requirements specified.
- (B) Required tests shall be conducted in accordance with the following test methods and procedures, as applicable:
- (1) 40 CFR Part 51, Appendix M;
 - (2) 40 CFR Part 60, Appendices A, B, C, F;
 - (3) 40 CFR Part 61, Appendix B;
 - (4) 40 CFR Part 63, Appendix A;
 - (5) 40 CFR Part 266, Appendix IX; and/or
 - (6) Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 (3rd Edition) (November 1986) and its Updates I, II, IIA, IIB, III, IIIA, IIIB, IVA, IVB, V, and VI.
 - (7) Such tests shall be conducted by reputable, qualified individuals. A certified written copy of the test results signed by the person conducting the test shall be provided to the Department within sixty (60) days of completion of the test unless a different period is specified in the underlying requirements of an applicable federal regulation.
- (C) The owner or operator of a source shall provide notice to the Department at least thirty (30) days prior to testing to afford the Department an opportunity to have an observer present. The Department may, in writing, approve a notice of less than thirty (30) days. If the testing is pursuant to an underlying requirement contained in a federal regulation, the notice provisions of the underlying requirement shall apply.
- (D) The Department may conduct tests of emissions of contaminants from any stationary source.
- (1) Upon written request from the Department, the person responsible for the source to be tested shall cooperate with the Department in providing all necessary test ports in stacks or ducts and such other safe and proper facilities, exclusive of instruments and sensing devices, as may be reasonably required to conduct the test with due regard being given to expenditures and possible disruption of normal operations of the source.
 - (2) A report concerning the findings of such tests shall be furnished to the person responsible for the source upon request.
- (E) A continuous monitoring system for the measurement of opacity shall be installed and placed in operation by the owner or operator of any fossil fuel-fired steam generator with greater than two hundred fifty million British thermal units per hour (250.0 MMBtu/hr) heat input. Exemptions from this requirement will be made if gaseous fuel(s) and/or oil are the only fuels combusted and the source has never been found to be in violation of Article 2, Section 20. Installation, calibration, operation, and reporting shall be performed in accordance with the procedures specified in 40 CFR Part 60.
- (F) The Director may require the owner or operator of any other emission source which is subject to the provisions of these regulations to install, use and maintain such stationary monitoring equipment as is required to demonstrate continuing compliance with any applicable emissions limitations, and to maintain records and make reports regarding such measured emissions to the Department in a manner and on a schedule to be determined by the Director.
- (G) When a new or modified stationary source becomes operational, the owner or operator will submit a written report of performance tests (if required) to the Director within sixty (60) days after reaching maximum capacity but not later than one hundred eighty (180) days after the startup of operations. Failure to meet established performance standards will result in withdrawal of the provisional approval granted to operate the new or modified stationary source. Final approval and issuance of an operating permit will be withheld for operation of the affected facility until such time as the owner or operator has corrected the deficiencies determined by the

performance tests. Upon satisfactory accomplishment of a valid series of performance tests, approval for operation of the new or modified stationary source will be granted through issuance of an operating permit in accordance with Article 2, Section 5.

- (H) Notwithstanding any other provisions of the LLCAPCPRS, the following methods may be used to determine compliance with applicable requirements:
- (1) A monitoring method approved for the source and incorporated in an operating permit pursuant to Article 2, Section 8;
 - (2) Any compliance test method specified in the State Implementation Plan (SIP);
 - (3) Any test or monitoring method approved for the source in a permit issued pursuant to Article 2, Sections 17, 19, or 27;
 - (4) Any test or monitoring method provided for in the LLCAPCPRS; or
 - (5) Any other test, monitoring, or information gathering method that produces information comparable to that produced by any method described in paragraphs (H)(1) through (H)(4) above.
- (I) Predictive Emissions Monitoring System (PEMS) Requirements. Where allowed by the Department, the owner or operator of any PEMS used to meet a pollutant monitoring requirement must comply with the following:
- (1) The PEMS must predict the pollutant emissions in the units of the applicable emission limitations.
 - (2) Monitor diluent, either oxygen (O₂) or carbon dioxide (CO₂) when applicable:
 - (a) Using a CEMS:
 - (1) In accordance with 40 CFR Part 60 Appendix B, Performance Specification 3 for diluent; or
 - (2) With a similar alternative method approved by the Director and EPA; or
 - (b) Using a PEMS with a method approved by the Director and EPA.
 - (3) Any PEMS shall meet the requirements of 40 CFR Part 75 Subpart E, except as provided in paragraph (I)(5) of this section.
 - (4) The owner or operator of any PEMS installed subsequent to adoption of paragraph (I) of this section shall perform the following initial certification procedures:
 - (a) Conduct initial Relative Accuracy Test Audit (RATA) at low, medium, and high operating levels using 40 CFR Part 60, Appendix B:
 - (1) Performance Specification 2, Section 8.4 (pertaining to nitrogen oxides, or NO_x) in terms of the applicable standard in parts per million by volume (ppmv), pounds per million British thermal units (lbs/MMBtu), or grams per horsepower-hour (g/hp-hr), except the relative accuracy shall be within ten percent (10%) or two parts per million (2.0 ppm) absolute difference;
 - (2) Performance Specification 3, Sections 8 and 13.2 (pertaining to O₂ or CO₂); and
 - (3) Performance Specification 4, Sections 8 and 13.2 (pertaining to carbon monoxide, or CO), for owners or operators electing to use a CO PEMS; and
 - (b) Conduct a t-test, an F-test, and a correlation analysis using 40 CFR Part 75, Appendix A, Section 7.6 and 40 CFR Part 75 §75.41 (c)(1) and (2) at low, medium, and high load levels.
 - (1) Calculations shall be based on a minimum of twenty-seven (27) successive emission data points at each tested level which are at least seven (7) minute averages.
 - (2) The t-test and the correlation analysis shall be performed using all data collected at low, medium, and high load levels.
 - (3) The correlation analysis may be waived following review of the waiver request submittal if:
 - (a) The process design is such that it is technically impossible to vary the process to result in a concentration change sufficient to allow a successful correlation analysis statistical test. Any waiver request must also be accompanied with documentation of the reference method measured concentration. The waiver is to be based on the measured value at the time of the waiver. Should a subsequent RATA effort identify a change in the reference method measured value by more than thirty percent (30%), the statistical test must be repeated at the next RATA effort to verify the successful compliance with the correlation analysis statistical test requirement; or

- (b) The data for a measured compound (e.g., NO_x, O₂) are determined to be autocorrelated according to the procedures of 40 CFR Part 75 §75.41 (b)(2). A complete analysis of autocorrelation with support information shall be submitted with the request for waiver. The statistical test shall be repeated at the next RATA effort to verify the successful compliance with the correlation analysis statistical test requirement.
- (5) Allowable Test Adjustments
 - (a) For either NO_x or CO and for the purpose of conducting an f-test, if the standard deviation of the EPA reference method is less than either three percent (3%) of the span or five (5) parts per million (ppm), use an EPA reference method standard deviation of either five (5) ppm or three percent (3%) of span.
 - (b) For the diluent CO₂ or O₂, and for the purpose of conducting an f-test, if the standard deviation of the reference method is less than three percent (3%) of span, use an EPA reference method standard deviation of three percent (3%) of span.
 - (c) For either NO_x or CO and at any one test level, if the mean value of the EPA reference method is less than either ten (10) ppm or five percent (5%) of the standard, all statistical tests are waived for that emission parameter at that specific test level.
 - (d) For the diluent O₂ or CO₂ and at any one test level, if the mean value of the reference method is less than three percent (3%) of span, all statistical tests are waived for that diluent parameter at that specific test level.
 - (e) All requests for waivers shall be submitted to the Department for review and approval. The Director shall approve or deny each waiver request.
 - (f) The owner or operator shall, for each alternative fuel fired in a unit, certify the PEMS in accordance with paragraphs (I)(4)(a) and (I)(4)(b) of this section unless the alternative fuel effects on NO_x, CO, and O₂ (or CO₂) emissions were addressed in the model training process.
 - (g) The PEMS shall be subject to the approval of the Director.
- (6) The owner or operator may vary from paragraphs (I)(3) or (I)(4) of this section if the owner or operator:
 - (a) Demonstrates to the satisfaction of the Director that the alternative is substantially equivalent to the requirements; or
 - (b) Demonstrates to the satisfaction of the Director that the requirement is not applicable.
- (J) Applying for Approval of a PEMS system
 - (1) Approval to use PEMS will be limited to the specific unit and fuel type for which certification testing was conducted. Any future change in the type or composition of the fuel, or combustion characteristics of the boiler, will require that the PEMS be recertified, unless the PEMS was initially constructed to account for different fuel types and/or compositions. In this case, fuel switching would be permitted without recertification. Owners or operators may attempt to justify that a slight change in fuel composition does not affect emissions and the PEMS does not need be recertified. The approval of such justification will be determined by the Director.
 - (2) Owners or operators shall submit the following information in the application for certification or recertification of a PEMS:
 - (a) Source identification information including unit description, heat rate, and fuel type.
 - (b) A general description of the software and hardware components of the PEMS including manufacturer, type of computer, name(s) of software product(s), and monitoring technique. Manufacturer literature and other similar information shall also be submitted, as appropriate.
 - (c) A detailed description of the PEMS. Identify all operational parameters or ambient conditions which are determined to have an effect on the predicted emissions. If the PEMS is developed on the basis of physical principles, identify any specific physical assumptions or mathematical manipulations made that justify suitability of the model. If the PEMS is developed on the basis of linear or nonlinear regression analysis, submit the paired raw data used in developing or training the model and specifically identify the tested operating range for every input parameter and the number of data points used in the development of the model.
 - (d) A detailed description of the hardware CEMS or the reference method used during the testing period.
 - (e) Data collection procedures, including location of the sampling probe and methods to ensure accurate representativeness of emissions being measured.
 - (f) A detailed description of all PEMS operation, maintenance, and quality assurance, and control procedures to be implemented.

- (g) Identification of all sensors pertaining to the PEMS and a detailed description of the sensor validation procedure and calibration frequency for each sensor.
 - (h) Description of monitor reliability, accessibility, and timeliness analysis from paragraph (K) of this section.
 - (i) A description of the method used to calculate heat input, if applicable.
 - (j) Data, calculations, and results of the RATA test and the statistical tests performed at all three load levels and fuel types as listed under 40 CFR Part 75 §75.48 (a)(3).
 - (k) Data plots as specified in 40 CFR Part 75 §75.41 (a)(9) and §75.41 (c)(2)(i).
 - (l) A summary of all results and calculations which demonstrates that PEMS is equivalent in performance to that of the certified hardware CEMS or EPA reference method.
- (K) Quality Assurance Procedure for PEMS. The owner or operator must develop and implement a quality assurance and quality control (QA/QC) manual for the PEMS and its components. The manual should include daily, quarterly, and semiannual or annual assessment procedures or operations to ensure continuous and reliable performance of the PEMS. The QA/QC manual should also include a ready and detailed specific corrective action plan that can be executed at times when the monitoring systems are inoperative. The QA/QC manual shall be placed in a readily accessible location on the plant site. Owners or operators must assign the responsibility of implementing the QA/QC manual to designated employees and must ensure at all times that these employees have the technical and practical training needed to execute this plan.
 - (1) Daily Assessment. Identify any specific steps, measures, or maintenance plans that can be taken to ensure proper functioning of the monitoring systems. Develop a plan to detect any thermocouple, flow monitoring, and sensor failures. If the PEMS is developed to operate in a specific operating range, develop a plan that will ensure continuous operation within the specified operating range. It is the responsibility of the owner or operator to make sure that the model is trained over a wide range of operating parameters. Operation outside any of the operating ranges will be considered monitor downtime.
 - (2) Quarterly Assessment. The owner or operator must develop and implement a plan that will ensure proper accuracy and calibration of all operational parameters that affect emissions and serve as input to the predictive monitoring system. All sensors must be calibrated as often as needed but never to exceed the time recommended by the manufacturers, for the specific applications these sensors are being used.
 - (3) Semiannual or Annual Assessment. Following initial RATA, conduct RATA semiannually, pursuant to paragraph (I)(4)(a) of this section, at normal load operations, for each unit. If the relative accuracy for the initial or most recent audit for the NO_x, CO, CO₂, (or O₂) monitors is seven and one-half percent (7.5%) or less, subsequent RATA may be performed on an annual basis.
- (L) PEMS Partial Certification. In certain cases, the owner or operator may not be able to adjust all of the parameters of the model over the entire desired range of operation at one time. In this case, the owner or operator may certify the PEMS in a restricted range of operation in accordance with the PEMS certification procedure. If, at a later date, the owner or operator wishes to operate outside the demonstrated range of the certified PEMS, the owner or operator may extend the demonstrated range by certifying at a new range within sixty (60) days of cumulative operation of the parameter at that range.
- (M) Monitor downtime periods for PEMS include the following:
 - (1) Operating out of range of any operational parameters that affect NO_x;
 - (2) One or more sensor failures;
 - (3) Uncertified fuel switching or fuel composition changes unless approved;
 - (4) Failure of any quality assurance procedure specified in accordance with paragraph (K) of this section;
 - (5) Failure to complete a minimum of one (1) cycle of operation (sampling, analyzing, and data recording) for each successive fifteen (15) minute period of emission unit operation; and/or
 - (6) Failing the RATA or any applicable statistical tests. If a PEMS fails the RATA or statistical tests, downtime is the time corresponding to the completion of the sampling that results in the failure, until the time corresponding to the completion of the subsequent successful sampling.

- (N) PEMS Adjustments and Tuning. Adjustments and tuning are permissible provided that the date, reasons, and details of the PEMS adjustments are documented, submitted to the Department and the documentation placed in an accessible location on the plant site, suitable for inspection. The Department must be able to identify, at any time, that the PEMS for any unit has been inspected, the occurrence of the last PEMS adjustment, and the last RATA performed for that unit. The PEMS must be retrained on an augmented set of data which includes the set of data used for training the model prior to adjustment and the newly collected set of data needed for adjustment of the model. When PEMS retraining is performed within the demonstrated range of certification, no RATA testing is required. No tampering with the PEMS is allowed during periods when no PEMS adjustments or tuning are being performed.
- (O) Notification, Recordkeeping, and Reporting. Owners or operators using PEMS shall maintain records of all measurements, data, reports, and other information for each unit. All records, which may be kept either in written or electronic form, shall be maintained for at least five (5) years from the date of each record and shall be made available upon request by authorized representatives of the Department or EPA.
- (1) Notification.
- (a) The owner or operator shall submit written notification to the Department in accordance with paragraph (C) of this section of the date of any PEMS RATA.
- (b) The owner or operator shall submit to the Department a copy of results of any PEMS RATA and statistical testing conducted in accordance with paragraph (K)(3) of this section.
- (2) Recordkeeping. The PEMS monitoring records shall include:
- (a) Hourly emissions in units of the standard and fuel usage (or stack exhaust flow)
- (b) Records to verify minimum data collection requirement of one (1) cycle of operation (sampling, analyzing, and data recording) for each successive fifteen (15) minute period of emission unit operation.
- (c) Pounds per million British thermal units (lbs/MMBtu) heat input.
- (d) Detailed records of any daily, quarterly, and semiannual or annual quality assurance programs or monitoring plans.
- (e) Compliance with the applicable recordkeeping requirements of 40 CFR Part 75 §75.57 (d) and (e).
- (f) Compliance with the certification, quality assurance, and quality control record provisions of 40 CFR Part 75 §75.59 (a)(5) through (a)(7).
- (3) Reporting. The owner or operator of a unit approved to utilize a PEMS for demonstrating continuous compliance shall report, in writing, to the Department on a quarterly basis the monitoring system performance and any exceedance of the applicable emission standard. Written reports shall include the following information:
- (a) The magnitude of excess emissions computed in accordance with 40 CFR Part 60 §60.13 (h), any conversion factors used, the date and time of commencement and completion of each period of excess emissions, and the unit operating time during the reporting period.
- (b) Specific identification of each period of excess emissions that occurs during start-ups, shutdowns, and malfunctions of the affected unit, the nature and cause of any malfunction (if known), and the corrective action taken or preventative measures adopted.
- (c) The date and time identifying each period during which the continuous monitoring system was inoperative or down as described in paragraph (M) of this section and the nature of the system repairs or adjustments.
- (d) The results of any quality assurance assessments conducted during the quarter.
- (e) When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report.

SECTION 35. COMPLIANCE – EXCEPTIONS DUE TO STARTUP, SHUTDOWN, OR MALFUNCTION.

- (A) Upon receipt of a notice of excess emissions issued by the Department, the source to which the notice is issued may provide information showing that the excess emissions were the result of a malfunction, start-up, or shutdown. Based upon any information submitted by the source operator, and any other pertinent information available, the Director shall make a determination whether the excess emissions constitute a malfunction, start-up, or shutdown, and whether the nature, extent, and duration of the excess emissions warrant enforcement action. In determining whether enforcement action is warranted, the Director shall consider the following:
- (1) Whether the excess emissions during start-up, shutdown or malfunction, occurred as a result of safety, technological or operating constraints of the control equipment, process equipment, or process.
 - (2) Whether the air pollution control equipment, process equipment, or processes were maintained and operated to the maximum extent practical for minimizing emissions.
 - (3) Whether repairs were made as expeditiously as practicable when the operator knew or should have known when excess emissions were occurring.
 - (4) Whether the amount and duration of the excess emissions were limited to the maximum extent practical during periods of such emissions.
 - (5) Whether all practical steps were taken to limit the impact of the excess emissions on the ambient air quality.
- (B) The information provided by the source operator under paragraph (A) above, shall include, at a minimum, the following:
- (1) Name and location of installation.
 - (2) Name and telephone number of the person responsible for the installation.
 - (3) The identity of the equipment causing the excess emissions.
 - (4) The time and duration of the period of excess emissions.
 - (5) The cause of the excess emissions.
 - (6) The type of air contaminant involved.
 - (7) A best estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude.
 - (8) The measures taken to mitigate the extent and duration of the excess emissions.
 - (9) The measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of such situations.
- (C) The information specified in paragraph (B) above shall be submitted to the Director not later than fifteen (15) days after receipt of the notice of excess emissions.
- (D) **Planned Start-Up and Shutdown Reporting.** The owner or operator of an installation subject to the LLCAPCPRS shall notify the Director, in writing, whenever a planned start-up or shutdown may result in excess emissions. This notice shall be mailed no later than ten (10) days prior to such action, and shall include, but not be limited to, the following information:
- (1) Name and location of the installation.
 - (2) Name and telephone number of the person responsible for the installation.
 - (3) The identity of the equipment which may cause excess emissions.
 - (4) Reasons for proposed shutdown or start-up.
 - (5) Duration of anticipated period of excess emissions.
 - (6) Date and time of proposed shutdown or start-up.
 - (7) Physical and chemical composition of pollutants whose emissions are affected by the action.
 - (8) Methods, operating data, and/or calculations used to determine these emissions.
 - (9) Quantification of emissions during such action in the units of the applicable emission control regulation.
 - (10) All measures planned to minimize the extent and duration of excess emissions during the shutdown and ensuing start-up.
- (E) **Malfunction and Unplanned Shutdown Reporting.** The owner or operator of an installation subject to the LLCAPCPRS shall notify the Director, in writing, whenever emissions due to malfunctions, unplanned shutdowns, or ensuing start-ups are, or may be, in excess of applicable emission control regulations. Such notification shall be mailed within forty-eight (48) hours of the beginning of each period of excess emissions, and shall include, but not be limited to, the information required by paragraph (D) of this section.

- (F) The Director shall make a determination of whether or not excess emissions were due to start-up, shutdown, or malfunction, and what, if any, enforcement action should be taken. The Director will consider the following in making his determination:
- (1) All notification requirements of the LLCAPCPRS have been met.
 - (2) The malfunction, shutdown, or start-up did not result entirely or in part from poor maintenance, careless operation, or any other preventable upset conditions or equipment breakdowns.
 - (3) All reasonable steps were taken to correct the conditions causing the excess emissions, as expeditiously as practicable, including the use of off-shift labor and overtime if necessary.
 - (4) All reasonable steps were taken to minimize the emissions and their effect on air quality.
 - (5) The malfunction or shutdown is not part of a recurring pattern indicative of inadequate design, operation, or maintenance.
 - (6) The excess emissions are not a threat to public health or ambient air quality.
- (G) If the Director determines that the reporting requirements of paragraph (B) and/or paragraph (D) of this section are inappropriate to a particular installation, he may establish other reporting requirements which are sufficient to allow the determinations described in paragraph (F) above.
- (H) Nothing in this section shall be construed to limit the authority of the Director to take appropriate action to enforce the provisions of the LLCAPCPRS.

SECTION 36. CONTROL REGULATION CIRCUMVENTION – WHEN EXCEPTED.

- (A) No person shall cause or permit the installation or use of any machine, equipment, device, or other article, or alter any process in any manner which conceals or dilutes the emissions of contaminants without resulting in a reduction of the total amounts of contaminants emitted.
- (B) Exception to paragraph (A) above may be granted by the Director, upon request, provided that such action is intended to convert the physical or chemical nature of the contaminant emission and that failure to reduce total contaminant emissions results solely from the introduction of contaminants which are not deemed to be detrimental to the public interest.

**SECTION 37. COMPLIANCE – RESPONSIBILITY OF OWNER/OPERATOR PENDING REVIEW BY
DIRECTOR.**

Application for review of plans or advice furnished by the Director will not relieve an owner or operator of a new or modified stationary source of legal compliance with any provision of the LLCAPCPRS, or prevent the Director from enforcing or implementing any provision of the LLCAPCPRS.

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

- (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 Air Pollution Alert, Air Pollution Warning, or Air Pollution 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:

Table 38-1

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

Note: "µg/m³" means micrograms per cubic meter.
"mg/m³" 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 ₂	1600.0 µg/m ³	---	---
PM ₁₀	420.0 µg/m ³	---	---
CO	---	34.0 mg/m ³	---
Ozone	---	---	800.0 µg/m ³
NO ₂	565.0 µg/m ³	---	2260.0 µg/m ³

- (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 ₂	2100.0 µg/m ³	---	---
PM ₁₀	500.0 µg/m ³	---	---
CO	---	46.0 mg/m ³	---
Ozone	---	---	1000.0 µg/m ³
NO ₂	750.0 µg/m ³	---	3000.0 µg/m ³

- (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 LLCAPCRS 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 LLCAPCRS 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.
- (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 LLCAPCRS 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, 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 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, 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 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 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, 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.

1.0 EMERGENCY EMISSION REDUCTION REGULATIONS

The following regulations define the actions that shall be taken by the general populace and by specific point sources to prevent the excessive buildup of air pollutant concentrations under each of the three episode severity levels (Alert, Warning, and Emergency) when, and as, declared by the Director.

1.1 ALERT LEVEL

(a) General.

- (1) There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
- (2) The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 p.m. and 4:00 p.m.
- (3) Persons operating fuel-burning equipment which require boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 p.m. and 4:00 p.m.
- (4) Persons operating motor vehicles shall eliminate all unnecessary operations.

(b) Source Curtailment.

- (1) Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert level.

<u>Source of Air Pollution</u>		<u>Control Action</u>
(1)	Coal- or Oil-Fired Electric Power Generating Facilities	a. Substantial reduction by utilization of fuel having low ash and sulfur content.
		b. Maximum utilization of mid-day (12:00 pm to 4:00 pm) atmospheric turbulence for boiler lancing and soot blowing.
		c. Substantial reduction by diverting electric power generation to facilities outside of Alert area.
(2)	Coal- and Oil-Fired Process Steam Generating Facilities	a. Substantial reduction by utilization of fuel having low ash and sulfur content.
		b. Maximum utilization of mid-day (12:00 pm to 4:00 pm) atmospheric turbulence for boiler lancing and soot blowing.
		c. Substantial reduction of steam load demands consistent with continuing plant operations.
(3)	Manufacturing Industries of the Following Classifications: PRIMARY METALS INDUSTRY PETROLEUM REFINING OPERATIONS CHEMICAL INDUSTRIES MINERAL PROCESSING INDUSTRIES PAPER AND ALLIED PRODUCTS GRAIN INDUSTRIES	a. Substantial reduction of air pollutants from manufacturing by curtailing, postponing, or deferring production and all operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors, or malodorous substances.
		c. Maximum reduction of heat load demands for processing.
		d. Maximum utilization of mid-day (12:00 pm to 4:00 pm) atmospheric turbulence for boiler lancing and soot blowing.

1.2 WARNING LEVEL

(a) General.

- (1) There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form.
- (2) The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.
- (3) Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 p.m. and 4:00 p.m.
- (4) Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

(b) Source Curtailment.

- (1) Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Warning level.

Source of Air PollutionControl Action

- | | |
|---|---|
| (1) Coal- or Oil-Fired Electric Power Generating Facilities | <ol style="list-style-type: none"> a. Maximum reduction by utilization of fuel having lowest ash and sulfur content. b. Maximum utilization of mid-day (12:00 pm to 4:00 pm) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Warning area. |
| (2) Coal- and Oil-Fired Process Steam Generating Facilities | <ol style="list-style-type: none"> a. Maximum reduction by utilization of fuel having lowest ash and sulfur content. b. Maximum utilization of mid-day (12:00 pm to 4:00 pm) atmospheric turbulence for boiler lancing and soot blowing. c. Make ready for use a plan of action to be taken if an emergency develops. |
| (3) Manufacturing Industries Which Require Considerable Lead Time for Shut-Down Including the Following Classifications:
PETROLEUM REFINING
CHEMICAL INDUSTRIES
PRIMARY METALS INDUSTRIES
GRAIN INDUSTRIES
PAPER AND ALLIED PRODUCTS | <ol style="list-style-type: none"> a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation. b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors, or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12:00 pm to 4:00 pm) atmospheric turbulence for boiler lancing and soot blowing. |

	<u>Source of Air Pollution</u>	<u>Control Action</u>
	(4) Manufacturing Industries Which Require Relatively Short Lead Times for Shut-Down Including Classifications: GRAIN INDUSTRIES CHEMICAL INDUSTRIES PRIMARY METALS INDUSTRIES PAPER AND ALLIED PRODUCTS	a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12:00 pm to 4:00 pm) atmospheric turbulence for boiler lancing and soot blowing.
1.3	EMERGENCY LEVEL	
	(a) General.	
	(1) There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.	
	(2) The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.	
	(3) All places of employment described below shall immediately cease operations:	
	a. Mining and quarrying of non-metallic minerals.	
	b. All construction work except that which must proceed to avoid emergent physical harm.	
	c. All manufacturing establishments except those required to have in force an air pollution emergency plan.	
	d. All wholesale trade establishments; i.e. places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.	
	e. All offices of local, county, state government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the Chief Administrative Officer of local, county, or state government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.	
	f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.	
	g. Banks, credit agencies, agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.	
	h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.	
	i. Advertising offices, consumer credit reporting, adjustment, and collection agencies; duplicating, addressing, blueprinting, photocopying, mailing, mailing list, and stenographic services, equipment retail services, commercial testing laboratories.	
	j. Automobile repair, automobile services, garages.	
	k. Establishments rendering amusement and recreational services including motion picture theaters.	

- l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.
- (4) All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants for their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.
- (5) The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.
- (b) Source Curtailment.
 - (1) Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency level.

<u>Source of Air Pollution</u>		<u>Control Action</u>
(1)	Coal- or Oil-Fired Electric Power Generating Facilities	a. Substantial reduction by utilization of fuel having low ash and sulfur content. b. Maximum utilization of mid-day (12:00 pm to 4:00 pm) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction by diverting electric power generation to facilities outside of Emergency area.
(2)	Coal- and Oil-Fired Process Steam Generating Facilities	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing damage. b. Maximum utilization of mid-day (12:00 pm to 4:00 pm) atmospheric turbulence for boiler lancing and soot blowing. c. Taking action called for in the Emergency plan.
(3)	Manufacturing Industries of the Following Classifications: PRIMARY METALS INDUSTRY PETROLEUM REFINING OPERATIONS CHEMICAL INDUSTRIES MINERAL PROCESSING INDUSTRIES PAPER AND ALLIED PRODUCTS GRAIN INDUSTRIES	a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air pollutants from trade waste disposal operations which emit solid particles, gas vapors, or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12:00 pm to 4:00 pm) atmospheric turbulence for boiler lancing and soot blowing.

APPENDIX II

- (A) The pollutants listed in Tables AII-1 and AII-2 of this appendix are regulated hazardous air pollutants under the LLCAPCPRS:

Table AII-1

Chemical Name	CAS Number	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
Acetaldehyde	75-07-0	Yes	2,000	Acetic aldehyde; Ethanal
Acetamide	60-35-5	Yes	1,000	Ethanamide; Acetic acid amide
Acetonitrile	75-05-8	Yes	1,000	Cyanomethane; Ethanenitrile
Acetophenone	98-86-2	Yes	1,000	1-Phenylethanone; Acetylbenzene
2-Acetylaminofluorene	53-96-3	Yes	10	2-AAF
Acrolein	107-02-8	Yes	40	2-Propenal; Acraldehyde
Acrylamide	79-06-1	Yes	20	2-Propenamide
Acrylic acid	79-10-7	Yes	600	2-Propenoic acid; Acroleic acid
Acrylonitrile	107-13-1	Yes	300	2-Propenenitrile
Allyl chloride	107-05-1	Yes	1,000	2-Propenyl chloride
4-Aminobiphenyl	92-67-1	Yes	1,000	Biphenylamine
Aniline	62-53-3	Yes	1,000	Aminobenzene
o-Anisidine	90-04-0	Yes	1,000	2-Anisidine
Antimony compounds (refer to paragraph (B) of this appendix)	7440-36-0	No	2,000 *	
Arsenic and inorganic arsenic compounds	7440-38-2	No	10	
Arsine	7784-42-1	No	10	
Asbestos	1332-21-4	No	0	
Benz(a)anthracene **	56-55-3	Yes	20	
Benz(c)aridine **	225-54-1	Yes	20	
Benzene	71-43-2	Yes	1,000	Benzine; Coal/Mineral naphtha
Benzidine	92-87-5	Yes	0.6	4,4'-Bianiline
Benzo(a)pyrene	50-32-8	Yes	20	
Benzo(b)fluoranthene	205-99-2	Yes	20	
Benzotrichloride	98-07-7	Yes	12	Benzoic trichloride
Benzyl chloride	100-44-7	Yes	100	Chloromethylbenzene
Beryllium compounds (except salts)	7440-41-7	No	16	
Beryllium salts	1304-56-9	No	0.04	
Biphenyl	92-52-4	Yes	2,000	Diphenyl
Bis(chloromethyl)ether	542-88-1	Yes	0.6	BCME; Dichloromethyl ether
Bromoform	75-25-2	Yes	2,000	Tribromomethane
1-Bromopropane	106-94-5	Yes	0	1-BP; n-Propyl bromide; nBP
1,3-Butadiene	106-99-0	Yes	70	Buta-1,3-diene; Biethylene
Cadmium compounds	7440-43-9	No	20	
Calcium cyanamide	156-62-7	No	2,000	Calcium carbimide
Captan	133-06-2	No	2,000	
Carbaryl	63-25-2	No	2,000	1-Naphthalenol, methylcarbamate
Carbon disulfide	75-15-0	Yes	1,000	Carbon bisulfide
Carbon tetrachloride	56-23-5	Yes	1,000	Carbon Tet; Benzinofom
Carbonyl sulfide	463-58-1	Yes	2,000	Carbon oxide sulfide
Catechol	120-80-9	Yes	2,000	1,2-Benzenediol
Chloramben	133-90-4	No	1,000	3-Amino-2,5-dichlorobenzoic acid
Chlordane	57-74-9	Yes	20	Chlor Kil; Chlorindan
Chlorine	7782-50-5	No	100	

Table AII-1

Chemical Name	CAS Number	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
Chloroacetic acid	79-11-8	Yes	100	Monochloroacetic acid
2-Chloroacetophenone	532-27-4	Yes	60	Phenacyl chloride
Chlorobenzene	108-90-7	Yes	2,000	Benzene chloride
Chlorobenzilate	510-15-6	Yes	400	4,4'-Dichlorobenzilate
Chloroform	67-66-3	Yes	900	Methyl trichloride
Chloromethane	74-87-3	Yes	2,000	Methyl chloride
Chloromethyl methyl ether	107-30-2	Yes	100	Chlorodimethyl ether
Chloroprene	126-99-8	Yes	1,000	Chlorobutadiene
Chromic chloride	10025-73-7	No	100	
Chromium compounds (except Hexavalent and Trivalent)	7440-47-3	No	2,000	
Chromium compounds – Hexavalent only	18540-29-9	No	4	
Chromium compounds – Trivalent only	1308-38-9	No	2,000	
Chrysene **	218-01-9	Yes	20	
Cobalt compounds	7440-48-4	No	100	
Coke oven emissions	N/A	No	30	
m-Cresol	108-39-4	Yes	1,000	1-Hydroxy-3-methylbenzene
o-Cresol	95-48-7	Yes	1,000	1-Hydroxy-2-methylbenzene
p-Cresol	106-44-5	Yes	1,000	1-Hydroxy-4-methylbenzene
Cresols/Cresylic acid (mixed and isomers)	1319-77-3	Yes	1,000	
Cumene	98-82-8	Yes	2,000	Isopropyl benzene
Cyanide compounds ^a (refer to paragraph (B) of this appendix)	57-12-5	No	2,000 *	
2,4-D (salts and esters)	94-75-7	Yes	2,000	2,4-Dichlorophenoxyacetic acid
DDE	3547-04-4	Yes	20	Dichlorodiphenyldichloroethylene
Diazomethane	334-88-3	Yes	1,000	Azimethylene
Dibenz(a,h)anthracene **	53-70-3	Yes	20	
Dibenz(a,i)pyrene **	189-55-9	Yes	20	
Dibenzofurans	132-64-9	No	2,000	2,2'-Biphenylene oxide
1,2-Dibromo-3-chloropropane	96-12-8	Yes	20	DBCP; Dibromochloropropane
Dibutylphthalate	84-74-2	Yes	2,000	n-Butyl phthalate
1,4-Dichlorobenzene	106-46-7	Yes	1,000	p-DCB; p-Dichlorobenzene
3,3'-Dichlorobenzidine	91-94-1	Yes	200	Benzidine 3,3'-Dichloro-
1,1-Dichloroethane	75-34-3	Yes	1,000	1,1-DCA; Ethylidene dichloride
Dichloroethyl ether	111-44-4	Yes	60	Bis(2-chloroethyl)ether
1,1-Dichloroethylene	75-35-4	Yes	400	1,1-DCE; 1,1-Dichloroethene
1,2-Dichloropropane	78-87-5	Yes	1,000	Propylene dichloride
1,3-Dichloropropene	542-75-6	Yes	1,000	3-Dichloropropylene
Dichlorvos	62-73-7	Yes	200	2,2-Dichlorovinyl
Diethanolamine	111-42-2	Yes	2,000	2,2'-Dihydroxydiethyamine
Diethyl sulfate	64-67-5	Yes	1,000	DES; Ethyl sulfate
Diethylhexylphthalate	117-81-7	Yes	2,000	DEHP; Bis(2-ethylhexyl)phthalate
3,3'-Dimethoxybenzidine	119-90-4	Yes	100	3,3'-Dianisidine; Bianisidine
4-Dimethylaminoazobenzene	60-11-7	Yes	1,000	Dimethyl aminoazobenzene
3,3'-Dimethylbenzidine	119-93-7	Yes	16	2-Tolidine
Dimethyl carbamoyl chloride	79-44-7	Yes	20	DDC; DMCC

Table AII-1

Chemical Name	CAS Number	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
Dimethyl formamide	68-12-2	Yes	1,000	N,N-Dimethylformamide
1,1-Dimethylhydrazine	57-14-7	Yes	16	N,N'-Dimethylhydrazine
Dimethyl phthalate	131-11-3	Yes	2,000	Dimethyl 1,2-Benzendicarboxylate
Dimethyl sulfate	77-78-1	Yes	100	DMS; Dimethyl monosulfate
N,N-Dimethylaniline	121-69-7	Yes	1,000	(Dimethylamino)benzene
7,12-Dimethylbenz(a)anthracene **	57-97-6	Yes	0	
4,6-Dinitro-o-cresol, and salts	534-52-1	No	100	Dinitrocresol
2,4-Dinitrophenol	51-28-5	Yes	1,000	DNP
2,4-Dinitrotoluene	121-14-2	Yes	20	DNT; 1-Methyl-2,4-dinitrobenzene
1,4-Dioxane	123-91-1	Yes	2,000	Diethylene oxide
Dioxins and Furans ^b (TCDD Equivalent)	N/A	No	0	
1,2-Diphenylhydrazine	122-66-7	Yes	90	Hydroazobenzene
Epichlorohydrin	106-89-8	Yes	1,000	1-Chloro-2,3-epoxypropane
1,2-Epoxybutane	106-88-7	Yes	1,000	1,2-Butene oxide
2-Ethoxy ethanol ***	110-80-5	No	2,000	
Ethyl acrylate	140-88-5	Yes	1,000	2-Propenoic acid ethyl ester
Ethyl benzene	100-41-4	Yes	2,000	Alpha-Methyltoluene
Ethyl carbamate	51-79-6	No	800	Urethane
Ethyl chloride	75-00-3	Yes	2,000	Chloroethane
Ethylene dibromide	106-93-4	Yes	100	1,2-Dibromoethane
Ethylene dichloride	107-06-2	Yes	800	1,1-Dichloroethane
Ethylene glycol	107-21-1	Yes	2,000	1,2-Dihydroxyethane
Ethylene oxide	75-21-8	Yes	100	Oxirane
Ethylene thiourea	96-45-7	No	600	2-Imidazolidinethione
Ethyleneimine	151-56-4	Yes	6	Aziridine
Fine mineral fiber compounds ^c (refer to paragraph (B) of this appendix)	N/A	No	0 *	
Formaldehyde	50-00-0	Yes	1,000	
Glycol ethers ^d (refer to paragraph (B) of this appendix)	N/A	No	2,000 *	
Heptachlor	76-44-8	Yes	20	3-Chlorochlordene
Hexachlorobenzene	118-74-1	No	20	HCB; Perchlorobenzene
Hexachlorobutadiene	87-68-3	Yes	900	Hexachloro-1,3-butadiene
Hexachlorocyclopentadiene	77-47-4	Yes	100	HCCPD
Hexachloroethane	67-72-1	No	2,000	1,1,1,2,2,2-Hexachloroethane
Hexamethylene diisocyanate	822-06-0	No	20	1,6-Diisocyanatohexane
Hexamethylphosphoramide	680-31-9	No	20	HMPA; HMPT; HMPTA
Hexane	110-54-3	Yes	2,000	N-Hexane
Hydrazine	302-01-2	No	8	Diamine
Hydrochloric acid	7647-01-0	No	2,000	Hydrogen chloride
Hydrogen cyanide	74-90-8	No	0	Hydrocyanic acid
Hydrogen fluoride	7664-39-3	No	100	Hydrofluoric acid
Hydroquinone	123-31-9	Yes	1,000	1,4-Benzenediol
Indeno(1,2,3-cd)pyrene	193-39-5	Yes	20	
Isophorone	78-59-1	Yes	2,000	Cyclohexane-1-one
Lead and lead compounds	7439-92-1	No	20	

Table AII-1

Chemical Name	CAS Number	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
Lindane (all isomers)	58-89-9	No	20	
Maleic anhydride	108-31-6	No	1,000	2,5-Furandione
Manganese and manganese compounds (refer to paragraph (B) of this appendix)	7439-96-5	No	800 *	
Mercury and mercury compounds	7439-97-6	No	20	
Methanol	67-56-1	Yes	2,000	Methyl alcohol
2-Methoxy ethanol ***	108-86-4	No	2,000	
Methoxychlor	72-43-5	Yes	2,000	
Methyl bromide	74-83-9	Yes	2,000	Bromomethane
Methyl hydrazine	60-34-4	Yes	60	Monomethylhydrazine
Methyl iodide	74-88-4	Yes	1,000	Iodomethane
Methyl isobutyl ketone	108-10-1	Yes	2,000	MIBK; Hexone
Methyl isocyanate	624-83-9	Yes	100	Isocyanatomethane
Methyl methacrylate	80-62-6	Yes	2,000	2-(Methoxycarbonyl)-1-propene
Methyl tert-butyl ether	1634-04-4	Yes	2,000	MTBE
4,4'-Methylene bis(2-chloroaniline)	101-14-4	No	200	MOCA; MBOCA; Bisamine
Methylene chloride	75-09-2	No	2,000	Dichloromethane
Methylene diphenyl diisocyanate	101-68-8	No	100	MDI
4,4'-Methylenedianiline	101-77-9	No	1,000	MDA; Bis(4-aminophenyl)methane
Naphthalene	91-20-3	Yes	2,000	
Nickel compounds (refer to paragraph (B) of this appendix)	7440-02-0	No	1,000 *	
Nitrobenzene	98-95-3	Yes	1,000	
4-Nitrobiphenyl	92-93-3	Yes	1,000	PNB; 4-Nitrodiphenyl
2-Nitropropane	79-46-9	Yes	1,000	2-NP
4-Nitrophenol	100-02-7	Yes	2,000	PNP; p-Nitrophenol
N-Nitrosodimethylamine	62-75-9	Yes	2	DMN; DMNA
N-Nitrosomorpholine	59-89-2	Yes	1,000	4-Nitosomorpholine
N-Nitrosos-N-methylurea	684-93-5	Yes	0.4	MNU; Methylnitrosourea
Parathion	56-38-2	Yes	100	
Pentachloronitrobenzene	82-68-8	Yes	300	PCNB; Quintobenzene
Pentachlorophenol	87-86-5	Yes	700	PCP; 2,3,4,5,6-Pentachlorophenol
Perchloroethylene	127-18-4	No	2,000	Tetrachloroethylene
Phenol	108-95-2	Yes	100	Hydroxybenzene
p-Phenylenediamine	106-50-3	Yes	2,000	1,4-Benzenediamine
Phosgene	75-44-5	Yes	100	Dichloroformaldehyde
Phosphine	7803-51-2	No	2,000	Hydrogen phosphide
Phosphorous	7723-14-0	No	100	
Phthalic anhydride	85-44-9	No	2,000	1,3-Phthalandione
Polychlorinated biphenyls	1336-36-3	Yes	18	PCBs
Polycyclic Organic Matter ° (refer to paragraph (B) of this appendix)	N/A	Yes	20 *	POM
1,3-Propane sultone	1120-71-4	No	30	Propyl sultone
beta-Propiolactone	57-57-8	Yes	100	BPL; 1,3-Propiolactone
Propionaldehyde	123-38-6	Yes	2,000	1-Propanone

Table AII-1

Chemical Name	CAS Number	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
Propoxur	114-26-1	No	2,000	
Propylene oxide	75-56-9	Yes	2,000	Methyl oxirane
1,2-Propylenimine	75-55-8	Yes	6	2-Methylaziridine
Quinoline	91-22-5	Yes	12	Benzopyridine
Quinone	106-51-4	Yes	2,000	p-Benzoquinone
Radionuclides (including radon) ^f	N/A	No	^g	
Selenium and selenium compounds	7782-49-2	No	100	
Styrene	100-42-5	Yes	1,000	Vinylbenzene; Phenylethene
Styrene oxide	96-09-3	Yes	1,000	1,2-Epoxyethylbenzene
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	No	0.0012	Tetradoxin
1,1,2,2-Tetrachloroethane	79-34-5	Yes	300	Acetylene tetrachloride
Titanium tetrachloride	7550-45-0	No	100	Tetrachlorotitanium
Toluene	108-88-3	Yes	2,000	1-Methylbenzene
2,4-Toluene diamine	95-80-7	Yes	20	2,4-Diaminotoluene
2,4-Toluenediisocyanate	584-84-9	Yes	100	2,4-TDI
o-Toluidine	95-53-4	Yes	1,000	2-Aminotoluene
Toxaphene	8001-35-2	No	20	Camphechlor
1,2,4-Trichlorobenzene	120-82-1	Yes	2,000	
1,1,1-Trichloroethane	71-55-6	No	2,000	Methyl chloroform; Chloroethane
1,1,2-Trichloroethane	79-00-5	Yes	1,000	1,1,2-TCA; Vinyl trichloride
Trichloroethylene	79-01-6	Yes	2,000	TCE; 1,1,2-Trichloroethylene
2,4,5-Trichlorophenol	95-95-4	Yes	1,000	2,4,5-TCP
2,4,6-Trichlorophenol	88-06-2	Yes	2,000	TCP; Phenacolor
Triethylamine	121-44-8	Yes	2,000	N,N-Diethylethanamine
Trifluralin	1582-09-8	No	2,000	
2,2,4-Trimethylpentane	540-84-1	Yes	2,000	Isooctane
Vinyl acetate	108-05-4	Yes	1,000	Acetic acid ethenyl ester
Vinyl bromide	593-60-2	Yes	600	Bromoethene
Vinyl chloride	75-01-4	Yes	200	1-Chloroethene
m-Xylenes	108-38-3	Yes	2,000	1,3-Xylene; 1,3-Dimethylbenzene
o-Xylenes	95-47-6	Yes	2,000	1,2-Xylene; 1,2-Dimethylbenzene
p-Xylenes	106-42-3	Yes	2,000	p-Dimethylbenzene
Xylenes (mixed isomers)	1330-20-7	Yes	2,000	Dimethylbenzenes

* – The reporting level for specific compounds in this group may be different than the reporting level provided in Table AII-1. Refer to Table AII-2 of this appendix for specific reporting levels for each compound.

** – These pollutants are not listed by name in EPA's list of Hazardous Air Pollutants. The pollutants are included here because they are part of the 'Polycyclic Organic Matter' pollutant group.

*** – These pollutants are not listed by name in EPA's list of Hazardous Air Pollutants. The pollutants are included here because they are part of the 'Glycol Ethers' pollutant group.

APPENDIX II

- (B) Individual hazardous air pollutants that are part of one of the chemical groups set forth in Table AII-2 below may have different reporting levels. The reporting level for each individual hazardous air pollutant in each chemical group is established Table AII-2. For the purpose of determining major source status as described in Article 2, Section 2 of the LLCAPCPRS, the emissions of all compounds included in each of the chemical groups presented in Table AII-2 below should be aggregated.

Table AII-2

Chemical Name	CAS Number	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
Chemical Group: Antimony				
Antimony compounds	7440-36-0	No	2,000	
Antimony pentafluoride	7783-70-2	No	100	
Antimony potassium tartrate	28300-74-5	No	1,000	
Antimony trioxide	1309-64-4	No	1,000	
Antimony trisulfide	1345-04-6	No	100	
Chemical Group: Arsenic				
Arsenic and inorganic arsenic compounds	7440-38-2	No	10	
Arsine	7784-42-1	No	10	
Chemical Group: Beryllium				
Beryllium compounds (except salts)	7440-41-7	No	16	
Beryllium salts	N/A	No	0.04	
Chemical Group: Chromium				
Chromium compounds except Hexavalent and Trivalent	7440-47-3	No	2,000	
Chromium compounds - Hexavalent	18540-29-9	No	4	
Chromium compounds - Trivalent	1308-38-9	No	2,000	Chromium oxide
Chromic chloride	10025-73-7	No	100	
Chemical Group: Cresols				
Cresols/Cresylic acid (mixed and isomers)	1319-77-3	Yes	1,000	
m-Cresol	108-39-4	Yes	1,000	1-Hydroxy-3-methylbenzene
o-Cresol	95-48-7	Yes	1,000	1-Hydroxy-2-methylbenzene
p-Cresol	106-44-5	Yes	1,000	1-Hydroxy-4-methylbenzene
Chemical Group: Cyanide				
Cyanide compounds	57-12-5	No	2,000	
Potassium cyanide	151-50-8	No	100	
Sodium cyanide	14-33-3	No	100	
Chemical Group: Fine Mineral Fibers				
Fine mineral fibers	N/A	No	0	
Ceramic fibers	142844-00-6	No	0	
Erionite	66733-21-9	No	0	
Glass Wool	65997-17-3	No	0	
Rock Wool	N/A	No	0	
Silica (crystalline)	14464-46-1	No	0	
Slag wool	N/A	No	0	
Talc containing asbestos form fibers	14807-96-6	No	0	

Table AII-2

Chemical Name	CAS Number	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
Chemical Group: Glycol Ethers				
Glycol ethers	N/A	No	2,000	
2-Ethoxy ethanol	110-80-5	No	2,000	
2-Methoxy ethanol	108-86-4	No	2,000	
Chemical Group: Manganese				
Manganese and manganese compounds, except those below	7439-96-5	No	800	
Methylcyclopentadienyl manganese	12108-13-3	No	100	
Chemical Group: Nickel				
Nickel compounds, except those below	7440-02-0	No	1,000	
Nickel carbonyl	13463-39-3	No	100	
Nickel refinery dust	1-14-6	No	80	
Nickel subsulfide	12035-72-2	No	40	
Chemical Group: Polycyclic Organic Matter (POM)				
Polycyclic Organic Matter (including those marked with ** in Table AII-1)	N/A	Yes	20	POM
2-Acetylaminofluorene	53-96-3	Yes	10	2-AAF
4-Aminobiphenyl	92-67-1	Yes	1,000	Biphenylamine
Benzidine	92-87-5	Yes	0.6	4,4'-Bianiline
Biphenyl	92-52-4	Yes	2,000	Diphenyl
Carbaryl	63-25-2	No	2,000	1-Naphthalenol, methylcarbamate
Chlorobenzilate	510-15-6	Yes	400	4,4'-Dichlorobenzilate
DDE	3547-04-4	Yes	20	Dichlorodiphenyldichloroethylene
Dibenzofurans	132-64-9	No	2,000	2,2'-Biphenylene oxide
3,3'-Dichlorobenzidine	91-94-1	Yes	200	Benzidine 3,3'-Dichloro-
3,3'-Dimethoxybenzidine	119-90-4	Yes	100	3,3'-Dianisidine; Bianisidine
3,3'-Dimethylbenzidine	119-93-7	Yes	16	2-Tolidine
4,4'-Methylene bis(2-chloroaniline)	101-14-4	No	200	MOCA; MBOCA; Bisamine
Methylene diphenyl diisocyanate	101-68-8	No	100	MDI
4-Nitrobiphenyl	92-93-3	Yes	1,000	PNB; 4-Nitrodiphenyl
Quinoline	91-22-5	Yes	12	Benzopyridine
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	No	0.0012	Tetradoxin
Chemical Group: Xylenes				
Xylenes (mixed and isomers)	1330-20-7	Yes	2,000	Dimethylbenzenes
m-Xylenes	108-38-3	Yes	2,000	1,3-Xylene; 1,3-Dimethylbenzene
o-Xylenes	95-47-6	Yes	2,000	1,2-Xylene; 1,2-Dimethylbenzene
p-Xylenes	106-42-3	Yes	2,000	p-Dimethylbenzene

^a – X'CN where X=H' or any other group where formal dissociation may occur (e.g., KCN or Ca(CN)₂).

^b – The "toxic equivalent factor" method in EPA/625/3-89-016, [U.S. EPA (1989) Interim procedures for estimating risk associated with exposure to mixtures] should be used for PCDD/PCDF mixtures. A different de minimis level will be determined for each mixture depending on the equivalency factors which are compound specific.

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- ^c – Includes glass microfibers, glass wool fibers, rock wool fibers and slag wool fibers, each characterized as “respirable” (fiber diameter <3.5 micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) >3.
- ^d – Include mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol $R-(OCH_2CH_2)_n-OR'$
Where:
n = 1, 2, or 3;
R = alkyl C7 or less; or
R = phenyl or alkyl substituted phenyl;
R' = H or alkyl C7 or less; or
OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.
- ^e – Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100 °C.
- ^f – A type of atom which spontaneously undergoes radioactive decay.
- ^g – The EPA relies on Subparts B and I, and Appendix E of 40 CFR Part 61 and assigns a de minimis level based on an effective dose equivalent of 0.3 millirem per year for a 7 year exposure period that would result in a cancer risk of 1 per million. The individual radionuclides subject to de minimis levels used for Section 112(g) are also contained in 40 CFR Part 61.

APPENDIX III

(A) The pollutants listed in Tables AIII-1 and AIII-2 of this appendix are regulated hazardous air pollutants under the LLCAPCPRS:

Table AIII-1

CAS Number	Chemical Name	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
50-00-0	Formaldehyde	Yes	1,000	
50-32-8	Benzo(a)pyrene	Yes	20	
51-28-5	2,4-Dinitrophenol	Yes	1,000	DNP
51-79-6	Ethyl carbamate	No	800	Urethane
53-70-3	Dibenz(a,h)anthracene **	Yes	20	
53-96-3	2-Acetylaminofluorine	Yes	10	2-AAF
56-23-5	Carbon tetrachloride	Yes	1,000	Carbon Tet; Benzinoform
56-38-2	Parathion	Yes	100	
56-55-3	Benz(a)anthracene **	Yes	20	
57-12-5	Cyanide compounds ^a (refer to paragraph (B) of this appendix)	No	2,000 *	
57-14-7	1,1-Dimethyl hydrazine	Yes	16	N,N'-Dimethylhydrazine
57-57-8	beta-Propiolactone	Yes	100	BPL; 1,3-Propiolactone
57-74-9	Chlordane	Yes	20	Chlor Kil; Chlorindan
57-97-6	7,12-Dimethylbenz(a)anthracene **	Yes	0	
58-89-9	Lindane (all isomers)	No	20	
59-89-2	N-Nitrosomorpholine	Yes	1,000	4-Nitrosomorpholine
60-11-7	4-Dimethyl aminoazobenzene	Yes	1,000	Dimethyl aminoazobenzene
60-34-4	Methyl hydrazine	Yes	60	Monomethylhydrazine
60-35-5	Acetamide	Yes	1,000	Ethanamide; Acetic acid amide
62-53-3	Aniline	Yes	1,000	Aminobenzene
62-73-7	Dichlorvos	Yes	200	2,2-Dichlorovinyl
62-75-9	N-Nitrosodimethylamine	Yes	2	DMN; DMNA
63-25-2	Carbaryl	No	2,000	1-Naphthalenol, methylcarbamate
64-67-5	Diethyl sulfate	Yes	1,000	DES; Ethyl sulfate
67-56-1	Methanol	Yes	2,000	Methyl alcohol
67-66-3	Chloroform	Yes	900	Methyl trichloride
67-72-1	Hexachloroethane	No	2,000	1,1,1,2,2,2-Hexachloroethane
68-12-2	Dimethyl formamide	Yes	1,000	N,N-Dimethylformamide
71-43-2	Benzene	Yes	1,000	Benzine; Coal/Mineral naphtha
71-55-6	1,1,1-Trichloroethane	No	2,000	Methyl chloroform; Chloroethane
72-43-5	Methoxychlor	Yes	2,000	
74-83-9	Methyl bromide	Yes	2,000	Bromomethane
74-87-3	Chloromethane	Yes	2,000	Methyl chloride
74-88-4	Methyl iodide	Yes	1,000	Iodomethane
74-90-8	Hydrogen cyanide	No	0	Hydrocyanic acid
75-00-3	Ethyl chloride	Yes	2,000	Chloroethane
75-01-4	Vinyl chloride	Yes	200	1-Chloroethene
75-05-8	Acetonitrile	Yes	1,000	Cyanomethane; Ethanenitrile
75-07-0	Acetaldehyde	Yes	2,000	Acetic aldehyde; Ethanal
75-09-2	Methylene chloride	No	2,000	Dichloromethane
75-15-0	Carbon disulfide	Yes	1,000	Carbon bisulfide
75-21-8	Ethylene oxide	Yes	100	Oxirane

Table AIII-1

CAS Number	Chemical Name	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
75-25-2	Bromoform	Yes	2,000	Tribromomethane
75-34-3	1,1-Dichloroethane	Yes	1,000	1,1-DCA; Ethylidene dichloride
75-35-4	1,1-Dichloroethylene	Yes	400	1,1-DCE; 1,1-Dichloroethene
75-44-5	Phosgene	Yes	100	Dichloroformaldehyde
75-55-8	1,2-Propylenimine	Yes	6	2-Methylaziridine
75-56-9	Propylene oxide	Yes	2,000	Methyl oxirane
76-44-8	Heptachlor	Yes	20	3-Chlorochlordene
77-47-4	Hexachlorocyclopentadiene	Yes	100	HCCPD
77-78-1	Dimethyl sulfate	Yes	100	DMS; Dimethyl monosulfate
78-59-1	Isophorone	Yes	2,000	Cyclohexane-1-one
78-87-5	1,2-Dichloropropane	Yes	1,000	Propylene dichloride
79-00-5	1,1,2-Trichloroethane	Yes	1,000	1,1,2-TCA; Vinyl trichloride
79-01-6	Trichloroethylene	Yes	2,000	TCE; 1,1,2-Trichloroethylene
79-06-1	Acrylamide	Yes	20	2-Propenamide
79-10-7	Acrylic acid	Yes	600	2-Propenoic acid; Acroleic acid
79-11-8	Chloroacetic acid	Yes	100	Monochloroacetic acid
79-34-5	1,1,2,2-Tetrachloroethane	Yes	300	Acetylene tetrachloride
79-44-7	Dimethyl carbamoyl chloride	Yes	20	DDC; DMCC
79-46-9	2-Nitropropane	Yes	1,000	2-NP
80-62-6	Methyl methacrylate	Yes	2,000	2-(Methoxycarbonyl)-1-propene
82-68-8	Pentachloronitrobenzene	Yes	300	PCNB; Quintobenzene
84-74-2	Dibutylphthalate	Yes	2,000	n-Butyl phthalate
85-44-9	Phthalic anhydride	No	2,000	1,3-Phthalandione
87-68-3	Hexachlorobutadiene	Yes	900	Hexachloro-1,3-butadiene
87-86-5	Pentachlorophenol	Yes	700	PCP; 2,3,4,5,6-Pentachlorophenol
88-06-2	2,4,6-Trichlorophenol	Yes	2,000	TCP; Phenacolor
90-04-0	o-Anisidine	Yes	1,000	2-Anisidine
91-20-3	Naphthalene	Yes	2,000	
91-22-5	Quinoline	Yes	12	Benzopyridine
91-94-1	3,3'-Dichlorobenzidine	Yes	200	Benzidine 3,3'-Dichloro-
92-52-4	Biphenyl	Yes	2,000	Diphenyl
92-67-1	4-Aminobiphenyl	Yes	1,000	Biphenylamine
92-87-5	Benzidine	Yes	0.6	4,4'-Bianiline
92-93-3	4-Nitrobiphenyl	Yes	1,000	PNB; 4-Nitrodiphenyl
94-75-7	2,4-D (salts and esters)	Yes	2,000	2,4-Dichlorophenoxy acetic acid
95-47-6	o-Xylenes	Yes	2,000	1,2-Xylene; 1,2-Dimethylbenzene
95-48-7	o-Cresol	Yes	1,000	1-Hydroxy-2-methylbenzene
95-53-4	o-Toluidine	Yes	1,000	2-Aminotoluene
95-80-7	2,4-Toluene diamine	Yes	20	2,4-Diaminotoluene
95-95-4	2,4,5-Trichlorophenol	Yes	1,000	2,4,5-TCP
96-09-3	Styrene oxide	Yes	1,000	1,2-Epoxyethylbenzene
96-12-8	1,2-Dibromo-3-chloropropane	Yes	20	DBCP; Dibromochloropropane
96-45-7	Ethylene thiourea	No	600	2-Imidazolidinethione
98-07-7	Benzotrichloride	Yes	12	Benzoic trichloride
98-82-8	Cumene	Yes	2,000	Isopropyl benzene
98-86-2	Acetophenone	Yes	1,000	1-Phenylethanone; Acetylbenzene

Table AIII-1

CAS Number	Chemical Name	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
98-95-3	Nitrobenzene	Yes	1,000	
100-02-7	4-Nitrophenol	Yes	2,000	PNP; p-Nitrophenol
100-41-4	Ethyl benzene	Yes	2,000	Alpha-Methyltoluene
100-42-5	Styrene	Yes	1,000	Vinylbenzene; Phenylethene
100-44-7	Benzyl chloride	Yes	100	Chloromethylbenzene
101-14-4	4,4-Methylene bis(2-chloroaniline)	No	200	MOCA; MBOCA; Bisamine
101-68-8	Methylene diphenyl diisocyanate	No	100	MDI
101-77-9	4,4'-Methylenedianiline	No	1,000	MDA; Bis(4-aminophenyl)methane
106-42-3	p-Xylenes	Yes	2,000	p-Dimethylbenzene
106-44-5	p-Cresol	Yes	1,000	1-Hydroxy-4-methylbenzene
106-46-7	1,4-Dichlorobenzene	Yes	1,000	p-DCB; p-Dichlorobenzene
106-50-3	p-Phenylenediamine	Yes	2,000	1,4-Benzenediamine
106-51-4	Quinone	Yes	2,000	p-Benzoquinone
106-88-7	1,2-Epoxybutane	Yes	1,000	1,2-Butene oxide
106-89-8	Epichlorohydrin	Yes	1,000	1-Chloro-2,3-epoxypropane
106-93-4	Ethylene dibromide	Yes	100	1,2-Dibromoethane
106-94-5	1-Bromopropane	Yes	0	1-BP; n-Propyl bromide; nBP
106-99-0	1,3-Butadiene	Yes	70	Buta-1,3-diene; Biethylene
107-02-8	Acrolein	Yes	40	2-Propenal; Acraldehyde
107-05-1	Allyl chloride	Yes	1,000	2-Propenyl chloride
107-06-2	Ethylene dichloride	Yes	1,000	1,1-Dichloroethane
107-13-1	Acrylonitrile	Yes	300	2-Propenenitrile
107-21-1	Ethylene glycol	Yes	2,000	1,2-Dihydroxyethane
107-30-2	Chloromethyl methyl ether	Yes	100	Chlorodimethyl ether
108-05-4	Vinyl acetate	Yes	1,000	Acetic acid ethenyl ester
108-10-1	Methyl isobutyl ketone	Yes	2,000	MIBK; Hexone
108-31-6	Maleic anhydride	No	1,000	2,5-Furandione
108-38-3	m-Xylenes	Yes	2,000	1,3-Xylene; 1,3-Dimethylbenzene
108-39-4	m-Cresol	Yes	1,000	1-Hydroxy-3-methylbenzene
108-86-4	2-Methoxy ethanol ***	No	2,000	
108-88-3	Toluene	Yes	2,000	1-Methylbenzene
108-90-7	Chlorobenzene	Yes	2,000	Benzene chloride
108-95-2	Phenol	Yes	100	Hydroxybenzene
110-54-3	Hexane	Yes	2,000	N-Hexane
110-80-5	2-Ethoxy ethanol ***	No	2,000	
111-42-2	Diethanolamine	Yes	2,000	2,2'-Dihydroxydiethylamine
111-44-4	Dichloroethyl ether	Yes	60	Bis(2-chloroethyl)ether
114-26-1	Propoxur	No	2,000	
117-81-7	Diethylhexylphthalate	Yes	2,000	DEHP; Bis(2-ethylhexyl)phthalate
118-74-1	Hexachlorobenzene	No	20	HCB; Perchlorobenzene
119-90-4	3,3'-Dimethoxybenzidine	Yes	100	3,3'-Dianisidine; Bianisidine
119-93-7	3,3'-Dimethyl benzidine	Yes	16	2-Tolidine
120-80-9	Catechol	Yes	2,000	1,2-Benzenediol
120-82-1	1,2,4-Trichlorobenzene	Yes	2,000	
121-14-2	2,4-Dinitrotoluene	Yes	20	DNT; 1-Methyl-2,4-dinitrobenzene
121-44-8	Triethylamine	Yes	2,000	N,N-Diethylethanamine

Table AIII-1

CAS Number	Chemical Name	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
121-69-7	N,N-Dimethylaniline	Yes	1,000	(Dimethylamino)benzene
122-66-7	1,2-Diphenylhydrazine	Yes	90	Hydroazobenzene
123-31-9	Hydroquinone	Yes	1,000	1,4-Benzenediol
123-38-6	Propionaldehyde	Yes	2,000	1-Propanone
123-91-1	1,4-Dioxane	Yes	2,000	Diethylene oxide
126-99-8	Chloroprene	Yes	1,000	Chlorobutadiene
127-18-4	Perchloroethylene	No	2,000	Tetrachloroethylene
131-11-3	Dimethyl phthalate	Yes	2,000	Dimethyl 1,2-Benzendicarboxylate
132-64-9	Dibenzofuran	No	2,000	2,2'-Biphenylene oxide
133-06-2	Captan	No	2,000	
133-90-4	Chloramben	No	1,000	3-Amino-2,5-dichlorobenzoic acid
140-88-5	Ethyl acrylate	Yes	1,000	2-Propenoic acid ethyl ester
151-56-4	Ethyleneimine	Yes	6	Aziridine
156-62-7	Calcium cyanamide	No	2,000	Calcium carbimide
189-55-9	Dibenz(a,i)pyrene **	Yes	20	
193-39-5	Indeno(1,2,3-cd)pyrene	Yes	20	
205-99-2	Benzo(b)fluoranthene	Yes	20	
218-01-9	Chrysene **	Yes	20	
225-54-1	Benz(c)aridine **	Yes	20	
302-01-2	Hydrazine	No	8	Diamine
334-88-3	Diazomethane	Yes	1,000	Azimethylene
463-58-1	Carbonyl sulfide	Yes	2,000	Carbon oxide sulfide
510-15-6	Chlorobenzilate	Yes	400	4,4'-Dichlorobenzilate
532-27-4	2-Chloroacetophenone	Yes	60	Phenacyl chloride
534-52-1	4,6-Dinitro-o-cresol, and salts	No	100	Dinitrocresol
540-84-1	2,2,4-Trimethylpentane	Yes	2,000	Isooctane
542-75-6	1,3-Dichloropropene	Yes	1,000	3-Dichloropropylene
542-88-1	Bis(chloromethyl)ether	Yes	0.6	BCME; Dichloromethyl ether
584-84-9	2,4-Toluene diisocyanate	Yes	100	2,4-TDI
593-60-2	Vinyl bromide	Yes	600	Bromoethene
624-83-9	Methyl isocyanate	Yes	100	Isocyanatomethane
680-31-9	Hexamethylphosphoramide	No	20	HMPA; HMPT; HMPTA
684-93-5	N-Nitroso-N-methylurea	Yes	0.4	MNU; Methylnitrosourea
822-06-0	Hexamethylene diisocyanate	No	20	1,6-Diisocyanatohexane
1120-71-4	1,3-Propane sultone	No	30	Propyl sultone
1304-56-9	Beryllium salts	No	0.04	
1308-38-9	Chromium compounds – Trivalent only	No	2,000	Chromium oxide
1319-77-3	Cresols/Cresylic acid (isomers and mixture)	Yes	1,000	
1330-20-7	Xylenes (isomers and mixture)	Yes	2,000	Dimethylbenzenes
1332-21-4	Asbestos	No	0	
1336-36-3	Polychlorinated biphenyls	Yes	18	PCBs
1582-09-8	Trifluralin	No	2,000	
1634-04-4	Methyl tert-butyl ether	Yes	2,000	MTBE
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin	No	0.0012	Tetradoxin
3547-04-4	DDE	Yes	20	Dichlorodiphenyldichloroethylene

Table AIII-1

CAS Number	Chemical Name	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
7439-92-1	Lead and lead compounds	No	20	
7439-96-5	Manganese and manganese compounds (refer to paragraph (B) of this appendix)	No	800 *	
7439-97-6	Mercury and mercury compounds	No	20	
7440-02-0	Nickel compounds (refer to paragraph (B) of this appendix)	No	1,000 *	
7440-36-0	Antimony compounds (refer to paragraph (B) of this appendix)	No	2,000 *	
7440-38-2	Arsenic and inorganic arsenic compounds	No	10	
7440-41-7	Beryllium compounds (except salts)	No	16	
7440-43-9	Cadmium compounds	No	20	
7440-47-3	Chromium compounds (except Hexavalent and Trivalent)	No	2,000	
7440-48-4	Cobalt compounds	No	100	
7550-45-0	Titanium tetrachloride	No	100	Tetrachlorotitanium
7647-01-0	Hydrochloric acid	No	2,000	Hydrogen chloride
7664-39-3	Hydrogen fluoride	No	100	Hydrofluoric acid
7723-14-0	Phosphorous	No	100	
7782-49-2	Selenium and selenium compounds	No	100	
7782-50-5	Chlorine	No	100	
7784-42-1	Arsine	No	10	
7803-51-2	Phosphine	No	2,000	Hydrogen phosphide
8001-35-2	Toxaphene	No	20	Campechlor
10025-73-7	Chromic chloride	No	100	
18540-29-9	Chromium compounds – Hexavalent only	No	4	
N/A	Coke oven emissions	No	30	
N/A	Dioxins and Furans ^b (TCDD Equivalent)	No	0	
N/A	Fine mineral fiber compounds ^c (refer to paragraph (B) of this appendix)	No	0 *	
N/A	Glycol ethers ^d (refer to paragraph (B) of this appendix)	No	2,000 *	
N/A	Polycyclic Organic Matter ^e (refer to paragraph (B) of this appendix)	Yes	20 *	POM
N/A	Radionuclides (including radon) ^f	No	^g	

* – The reporting level for specific compounds in this group may be different than the reporting level provided in Table AII-1. Refer to Table AII-2 of this appendix for specific reporting levels for each compound.

** – These pollutants are not listed by name in EPA’s list of Hazardous Air Pollutants. The pollutants are included here because they are part of the ‘Polycyclic Organic Matter’ pollutant group.

*** – These pollutants are not listed by name in EPA’s list of Hazardous Air Pollutants. The pollutants are included here because they are part of the ‘Glycol Ethers’ pollutant group.

APPENDIX III

- (B) Individual hazardous air pollutants that are part of one of the chemical groups set forth in Table AII-2 below may have different reporting levels. The reporting level for each individual hazardous air pollutant in each chemical group is established Table AII-2. For the purpose of determining major source status as described in Article 2, Section 2 of the LLCAPCPRS, the emissions of all compounds included in each of the chemical groups presented in Table AII-2 below should be aggregated.

Table AIII-2

CAS Number	Chemical Name	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
Chemical Group: Antimony				
1309-64-4	Antimony trioxide	No	1,000	
1345-04-6	Antimony trisulfide	No	100	
7440-36-0	Antimony compounds	No	2,000	
7783-70-2	Antimony pentafluoride	No	100	
28300-74-5	Antimony potassium tartrate	No	1,000	
Chemical Group: Arsenic				
7440-38-2	Arsenic and inorganic arsenic compounds	No	10	
7784-42-1	Arsine	No	10	
Chemical Group: Beryllium				
7440-41-7	Beryllium compounds (except salts)	No	16	
N/A	Beryllium salts	No	0.04	
Chemical Group: Chromium				
1308-38-9	Chromium compounds - Trivalent	No	2,000	Chromium oxide
7440-47-3	Chromium compounds except Hexavalent and Trivalent	No	2,000	
10025-73-7	Chromic chloride	No	100	
18540-29-9	Chromium compounds - Hexavalent	No	4	
Chemical Group: Cresols				
95-48-7	o-Cresol	Yes	1,000	1-Hydroxy-2-methylbenzene
106-44-5	p-Cresol	Yes	1,000	1-Hydroxy-4-methylbenzene
108-39-4	m-Cresol	Yes	1,000	1-Hydroxy-3-methylbenzene
1319-77-3	Cresols/Cresylic acid (mixed and isomers)	Yes	1,000	
Chemical Group: Cyanide				
14-33-3	Sodium cyanide	No	100	
57-12-5	Cyanide compounds	No	2,000	
151-50-8	Potassium cyanide	No	100	
Chemical Group: Fine Mineral Fibers				
14464-46-1	Silica (crystalline)	No	0	
14807-96-6	Talc containing asbestos form fibers	No	0	
65997-17-3	Glass Wool	No	0	
66733-21-9	Erionite	No	0	
142844-00-6	Ceramic fibers	No	0	
N/A	Fine mineral fibers	No	0	
N/A	Rock Wool	No	0	
N/A	Slag wool	No	0	

APPENDIX III

Table AIII-2

CAS Number	Chemical Name	VOC? (Yes or No)	Reporting Level (lbs/year)	Other Common Names or Designations
Chemical Group: Glycol Ethers				
108-86-4	2-Methoxy ethanol	No	2,000	
110-80-5	2-Ethoxy ethanol	No	2,000	
N/A	Glycol ethers	No	2,000	
Chemical Group: Manganese				
7439-96-5	Manganese and manganese compounds, except those below	No	800	
12108-13-3	Methylcyclopentadienyl manganese	No	100	
Chemical Group: Nickel				
1-14-6	Nickel refinery dust	No	80	
7440-02-0	Nickel compounds, except those in this group	No	1,000	
12035-72-2	Nickel subsulfide	No	40	
13463-39-3	Nickel carbonyl	No	100	
Chemical Group: Polycyclic Organic Matter (POM)				
53-96-3	2-Acetylaminofluorene	Yes	10	2-AAF
63-25-2	Carbaryl	No	2,000	1-Naphthalenol, methylcarbamate
91-22-5	Quinoline	Yes	12	Benzopyridine
91-94-1	3,3'-Dichlorobenzidine	Yes	200	Benzidine 3,3'-Dichloro-
92-52-4	Biphenyl	Yes	2,000	Diphenyl
92-67-1	4-Aminobiphenyl	Yes	1,000	Biphenylamine
92-87-5	Benzidine	Yes	0.6	4,4'-Bianiline
92-93-3	4-Nitrobiphenyl	Yes	1,000	PNB; 4-Nitrodiphenyl
101-14-4	4,4'-Methylene bis(2-chloroaniline)	No	200	MOCA; MBOCA; Bisamine
101-68-8	Methylene diphenyl diisocyanate	No	100	MDI
119-90-4	3,3'-Dimethoxybenzidine	Yes	100	3,3'-Dianisidine; Bianisidine
119-93-7	3,3'-Dimethylbenzidine	Yes	16	2-Tolidine
132-64-9	Dibenzofurans	No	2,000	2,2'-Biphenylene oxide
510-15-6	Chlorobenzilate	Yes	400	4,4'-Dichlorobenzilate
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin	No	0.0012	Tetradoxin
3547-04-4	DDE	Yes	20	Dichlorodiphenyldichloroethylene
N/A	Polycyclic Organic Matter (including those marked with ** in Table AII-1)	Yes	20	POM
Chemical Group: Xylenes				
95-47-6	o-Xylenes	Yes	2,000	1,2-Xylene; 1,2-Dimethylbenzene
106-42-3	p-Xylenes	Yes	2,000	p-Dimethylbenzene
108-38-3	m-Xylenes	Yes	2,000	1,3-Xylene; 1,3-Dimethylbenzene
1330-20-7	Xylenes (mixed and isomers)	Yes	2,000	Dimethylbenzenes

^a – X'CN where X=H' or any other group where formal dissociation may occur (e.g., KCN or Ca(CN)₂).

APPENDIX III

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- ^b – The "toxic equivalent factor" method in EPA/625/3-89-016, [U.S. EPA (1989) Interim procedures for estimating risk associated with exposure to mixtures] should be used for PCDD/PCDF mixtures. A different de minimis level will be determined for each mixture depending on the equivalency factors which are compound specific.
- ^c – Includes glass microfibers, glass wool fibers, rock wool fibers and slag wool fibers, each characterized as "respirable" (fiber diameter <3.5 micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) >3.
- ^d – Include mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol $R-(OCH_2CH_2)_n-OR'$
Where:
n = 1, 2, or 3;
R = alkyl C7 or less; or
R = phenyl or alkyl substituted phenyl;
R' = H or alkyl C7 or less; or
OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.
- ^e – Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100 °C.
- ^f – A type of atom which spontaneously undergoes radioactive decay.
- ^g – The EPA relies on Subparts B and I, and Appendix E of 40 CFR Part 61 and assigns a de minimis level based on an effective dose equivalent of 0.3 millirem per year for a 7 year exposure period that would result in a cancer risk of 1 per million. The individual radionuclides subject to de minimis levels used for Section 112(g) are also contained in 40 CFR Part 61.