



Lincoln-Lancaster County Health Department

Lincoln-Lancaster County Health Department
Environmental Public Health Division
Air Quality Program
3131 O Street – Lincoln, NE 68510
ph: 402.441.8040 web: www.lincoln.ne.gov/city/health/environ/Air/index.htm

Date Received

LLCHD USE ONLY

Variance Application Seeking Authority To Initiate Construction Prior To Air Construction Permit Issuance

The Lincoln-Lancaster County Air Pollution Control Regulations and Standards requires certain new, reconstructed, or modified sources of air pollution to obtain an air quality construction permit before construction activities may begin. Article 2, Sections 17 and 19 detail when a permit must be obtained. Under extraordinary circumstances, the Director may by variance allow you, at your own risk, to begin construction prior to obtaining a permit. You may apply for a variance under Article 1, Section 5 by submitting this form. The variance is not a permit. Sources that obtain a variance are not released from the obligation to ultimately obtain a permit. Please refer to the instructions starting on page 3 to complete this variance.

THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT RESERVES THE RIGHT TO REQUIRE ADDITIONAL INFORMATION TO SUPPLEMENT THIS APPLICATION. THIS FORM IS FOR THE CONVENIENCE OF THE APPLICANTS AND THE DEPARTMENT. IT IS INTENDED TO MAKE REQUESTS MORE EFFICIENT AND EXPEDITIOUS, BUT IS NOT MANDATORY.

OWNER AND BUSINESS INFORMATION

Owner/Operator Information: Name, Tel. #, e-Mail, Contact Person Information: Name, Title, e-Mail, Tel. #, Business Mailing Address: Address or P.O. Box, City, State, ZIP Code

FACILITY INFORMATION

Facility Name/Number, NAICS Code, Facility Type, Air Program ID #: 31-109, Air Pollution Control Equipment, Proximity to nearest occupied structure, Provide either the street address, legal description, or a brief narrative description of the location of the property where the equipment will be located, Address or P.O. Box, City, State, ZIP Code, Legal or Narrative Description below

CONSTRUCTION ACTIVITY REQUESTED

(Please detail all construction activities for which this variance is being requested. Use additional sheets if necessary.)

**OTHER INFORMATION – Please answer the following questions.**

**Have you submitted a construction permit application?**

Yes     No    If yes, give date when submitted: \_\_\_\_\_

**Have you received complaints from neighbors regarding your operations or planned activities?**

Yes     No    If yes, describe the nature of the complaints, and indicate whether the complaints have been resolved in the space provided below.

**Please explain the reason(s) you are unable to delay commencing construction until the issuance of a construction permit in the space provided below.**

**Do you understand that a variance, if granted, must not be construed as a guarantee that an air quality construction permit will be issued for the equipment/facility in question?**

Yes     No

**Do you agree to assume all risks in the event that your construction permit is denied, or if issued, that the permit may require that you retrofit any installations to meet the permit requirements?**

Yes     No

The Director, in considering your variance request, must take into consideration at least the following:

- (a) The character and degree of injury to or interference with the health and physical property of the people;
- (b) The social and economic value of the source of the air, water, or land pollution;
- (c) The question of priority of location of the area involved; and
- (d) The technical practicability and economic reasonableness of reducing or eliminating the emissions or discharges resulting from the source.

Please provide details on circumstances you wish the Director to consider that addresses each of these elements in accordance with the included instructions. Feel free to supplement the application with additional material. Use additional pages if necessary.

**CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS** (see instructions for signatory requirements)

***I certify that the information provided in this variance request is true, accurate, and complete to the best of my knowledge and belief, and that in accordance with the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, I have the authority as a 'responsible official' to sign this request on behalf of the facility for which this request is being submitted. I agree to postpone operation of all proposed emission sources until such time that a construction permit is issued by the Lincoln-Lancaster County Health Department.***

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

***In accordance with LLCAPCPRS Article 1, Section 5, paragraph (H), a fee of \$100.00 per hour shall be associated with the issuance of any variance. The maximum fee shall not exceed \$10,000.00. The LLCHD will provide a notice of billing once a determination to approve or deny the variance has been issued.***

## **INSTRUCTIONS**

**Owner/Operator Information:** Provide the name and phone number of the facility owner and/or operator.

**Contact Person Information:** Provide the name, phone number, e-mail address, and job title of the person to be contacted concerning any questions the Department may have on the variance request. This contact need not be a 'Responsible Official' (See below).

**Business Mailing Address:** Provide the mailing address of the business's main headquarters, or the address to which all correspondence regarding this variance request should be directed.

**Facility Name/Number:** The descriptive designation used by the owner to identify the facility.

**NAICS Code:** Provide the 6-digit North American Industry Classification System code that corresponds to this type of facility.

**Facility Type:** The type of facility being constructed, e.g. asphalt plant, concrete plant, rock crusher, asphalt reclaim, concrete reclaim, etc.

**Air Program ID #:** If the business in question currently owns/operates other equipment at the proposed construction site for which the LLCHD Air Quality Program has already issued an operating or construction permit, please enter the LLCHD source number for this facility.

**Air Pollution Control Equipment:** Provide a description of the equipment that you intend to install and operate at this facility.

**FACILITY LOCATION INFORMATION:** Provide either the physical address, legal description, or a narrative description of the proposed relocation site. Also provide the distance (in feet) to the nearest occupied structure.

- If you are providing the legal description, be sure to provide the section number, the descriptive portion of the section (quarter, half, etc.), the township, and the range. The county is assumed to be 'Lancaster'.
- If you are providing a narrative description, provide the distance and direction to the nearest road, highway, intersection, and/or municipality, e.g. 3.5 miles west of Hickman on highway 55-G.

**CONSTRUCTION ACTIVITY REQUESTED:** Please detail all construction activities for which this variance is being requested. If you need additional sheets, please attach them at the end of this variance request.

**OTHER INFORMATION:** Please provide all information as requested.

- When completing the section on considerations surrounding your variance request, you should address the following items:
  - a. How you plan to minimize the emissions from construction activities and the constructed items.
  - b. If modeling was required, what the results of the modeling showed for air quality impacts.
  - c. How the source will benefit the community by way of new jobs, revenue, etc...
  - d. How your company has worked with the local community.
  - e. Whether the area you plan to construct is at an existing source, is currently undeveloped or developed, has endangered or threatened species nearby, is currently zoned for your activity, etc...
  - f. Why you need the variance now, as opposed to waiting until the permit is issued. What hardships will you incur. What you have done to obtain a permit prior to construction.

**CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS:** This application must be signed by a "responsible official". A "responsible official", in accordance with the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, 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 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 Section 2 of these Regulations and Standards are concerned; and
  - (b) The designated representative for any other purposes under title V of the Act.