

Title 129 - Nebraska Air Quality Regulations

Chapter 1 - DEFINITIONS

Definitions included here apply to the state regulations in this Title and to the Appendices. Unless otherwise defined, or a different meaning is clearly required by context, the following words and phrases, as used in this Title, shall have the following meanings:

001 "Act" means the Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*).

002 "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit as determined below:

002.01 In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during the preceding year and which is representative of normal source operation. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, existing control equipment, and types of materials processed, stored, or combusted during the selected time period.

002.02 The Director may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

002.03 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.

003 "Administrator" means the Administrator of the Agency or his or her designee.

004 "Affected facility" means, with reference to a stationary source, any apparatus to which a standard of performance is specifically applicable.

005 "Affected source" means a source that includes one or more affected units.

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006 "Affected States" means all States that:

006.01 Are one of the following contiguous States: Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming, and in the judgement of the Director may be affected by emissions from a facility seeking a Class I permit, modification, or renewal; or

006.02 Are a contiguous State within 50 miles of the permitted source.

007 "Affected unit" means a unit that is subject to emission reduction requirements or limitations under Chapter 26.

008 "Agency" means the Environmental Protection Agency (EPA).

009 "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.

010 "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.

011 "Air pollution control agency" means any of the following:

011.01 The Department designated by statute as the official state air pollution control agency for purposes of Neb. Rev. Stat. Sections 81-1501 to 81-1532;

011.02 An agency established by two or more states and having substantial powers or duties pertaining to the prevention and control of air pollution;

011.03 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

011.04 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.

012 "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 year after the promulgation of a new or revised National Ambient Air Quality Standard, the Governor must designate each region as non-attainment, attainment, or unclassifiable. The Administrator must approve the designations.

013 "Allowable emissions" means 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:

013.01 The applicable standards set forth in 40 CFR Parts 60 (Standards of Performance for New Stationary Sources) or Parts 61 or 63 (National Emission Standards for Hazardous Air Pollutants);

013.02 Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or

013.03 The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

014 "Ambient air" means the portion of the atmosphere, external to buildings, to which the general public has access.

015 "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.

016 "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 Council through rule-making at the time of issuance but have future-effective compliance dates:

016.01 Any standard or other requirement provided for in the applicable implementation plan that implements the

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relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR part 52;

016.02 Any term or condition of any preconstruction permits;

016.03 Any standard or other requirement under Chapter 18 relating to standards of performance for new stationary sources;

016.04 Any standard or other requirement established pursuant to Section 112 of the Act and regulations adopted by the Council in Chapters 23, 27 and 28 relating to hazardous air pollutants listed in Appendix II;

016.05 Any standard or other requirement of the acid rain program under Chapter 26;

016.06 Any requirements established under Chapter 31 or pursuant to any permit or order issued by the Director under this Title;

016.07 Any standard or other requirement governing solid waste incineration under Chapter 18 or pursuant to Section 129(e) of the Act and regulations adopted by the Council;

016.08 Any standard or other requirement for consumer and commercial products established under Section 183(e) of the Act and regulations adopted by the Council;

016.09 Any standard or other requirement for tank vessels established under Section 183(f) and regulations adopted by the Council;

016.10 Any standard or other requirement to protect stratospheric ozone as promulgated pursuant to Title VI of the Act and regulations adopted by the Council.

016.11 Any national ambient air quality standard or increment or visibility requirement under Chapter 19 but only as it would apply to temporary sources permitted pursuant to Chapter 10.

016.12 "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 Council.

017 "Area source" means:

017.01 For the purposes of Class I permits under Chapter 5, 001.01C, 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 C.F.R. Part 63 and adopted by the Council.

017.02 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.

017.03 Area source shall not include motor vehicles or nonroad vehicles.

018 "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 pipework, and construction of permanent storage structures. With respect to a change in method of operating this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

019 "Best Available Control Technology" 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.

020 "Building, structure, or facility" 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

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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.

021 "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 this Title.

022 "Class I source" means any source subject to the Class I permitting requirements of Chapter 5.

023 "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 this Title.

024 "Class II source" means any source subject to the Class II permitting requirements of Chapter 5.

025 "Commence" as applied to construction, reconstruction, or modification of a stationary source means that the owner or operator has all necessary preconstruction approvals and either has:

025.01 Begun, or caused to begin, a continuous program of physical on-site construction of the source to be completed within a reasonable time;

025.02 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 construction of the source to be completed within a reasonable time.

026 "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 actual emissions.

027 "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-month period ending on August 31 of each year.

028 "Control" and "controlling" means prohibition of contaminants as related to air pollution.

029 "Control strategy" means a plan to attain National Ambient Air Quality Standards or to prevent exceeding those standards.

030 "Council" means the Environmental Quality Council.

031 "Department" means the Department of Environmental Quality.

032 "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 this Title, it shall be deemed to refer to the "designated representative" with regard to all matters under the Acid Rain Program.

033 "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.

034 "Director" means the Director of the Department of Environmental Quality or his or her designee.

035 "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.

036 "Elevated terrain" means terrain which may affect the calculation of good engineering practice stack height.

037 "Emission data" means chemical analysis of process fuel and the manufacturing or production process, as well as operational procedures and actual nature and amounts of emissions.

038 "Emission limitation" and "Emission standard" mean a requirement established pursuant to this Title, the State Act, 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.

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039 "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

040 "Emissions unit" means 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 is not meant to alter or affect the definition of the "unit" for purposes of Chapter 26.

041 "Emissions" means releases or discharges into the outdoor atmosphere of any air contaminant or combination thereof.

042 "Existing source" means equipment, machines, devices, articles, contrivances, or installations which are in being on the effective date of these regulations.

043 "Federally enforceable" means all limitations, conditions, and requirements within any applicable State Implementation Plan, any permit requirements established in any permit issued pursuant to this Title, and any requirements in Chapters 18 and 23, 27, or 28 which are enforceable by the Administrator.

044 "Final permit" means the version of a permit issued by the Department that has completed all review procedures required by Chapter 14, and for a Class I permit, Chapter 13.

045 "Fixed capital cost" means the capital needed to provide all the depreciable components of a source.

046 "Fuel burning equipment" means any furnace, boiler, apparatus, stack and all associated equipment, used in the process of burning fuel.

047 "Fugitive dust" means solid airborne particulate matter emitted from any source other than a flue or stack.

048 "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

049 "General permit" means a Class I or Class II operating permit that meets the requirements of Chapter 9.

050 "Hazardous air pollutant" means any air pollutant:

050.01 listed in Appendix II, or

050.02 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, or incapacitating reversible, illness.

051 "Incinerator" means any furnace used in the process of burning solid waste, except for a furnace owned and operated by law enforcement agencies solely to dispose of ammunition, fireworks or similar flammable or explosive materials.

052 "Insignificant activities" refers to activities and emissions that may be excluded from reporting for operating permit applications and/or emissions inventories. Emissions exempted from reporting requirements must still be included in the determination of whether a source must obtain a Class I or Class II operating permit.

053 "Installation" means an identifiable piece of process equipment.

054 "Interstate air pollution control agency" means:

054.01 An air pollution control agency established by two or more states; or

054.02 An air pollution control agency of two or more political subdivisions located in different states.

055 "Local agency" means any air pollution control agency in this state, other than a state agency, which is charged with responsibility for carrying out part of a plan.

056 "Low emitter" refers to a facility that has a potential to emit any regulated pollutant above the major source threshold (Class I operating permit level), but has actual emissions below the levels requiring a Class II operating permit.

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057 "Lowest Achievable Emission Rate (LAER)" means, for any source, the more stringent emission rate from either:

057.01 The most stringent emission limitation contained in the implementation plan of any state for such class or category of sources (as adopted by the Council) unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

057.02 The most stringent emission limitation which is achieved in practice by such class or category of source and adopted by the Council. These limitations, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

058 "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act.

058.01 Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.

058.02 A physical change or change in the method of operation shall not include:

058.02A Routine maintenance, repair and replacement;

058.02B Use of an alternative fuel or raw material by reason of an order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Energy Regulatory Act;

058.02C Use of an alternative fuel by reason of an order or rule under section 125 of the Act;

058.02D Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

058.02E Use of an alternative fuel or raw material by a stationary source which:

058.02E1 The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR 51.166; or

058.02E2 The source is approved to use under any permit issued under regulations approved pursuant to 40 CFR 51.165.

058.02F An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or regulations approved pursuant to 40 CFR Part 51, Subpart I; or

058.02G Any change in ownership at a stationary source.

059 "Major stationary source" or "major source" means any source identified in Chapter 2.

060 "Maximum achievable control technology (MACT)" means:

060.01 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.

060.02 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

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sources in the category or subcategory, which is no less stringent than the average emission limitation achieved by the best performing 12 percent of the existing sources, as determined pursuant to section 112(d)(3) of the Act.

061 "Method 9" refers to a visual determination of the opacity of emissions from a stationary source as defined in 40 CFR 60, Appendix A-4.

062 "Method 22" refers to a visual determination of fugitive emissions from material sources and smoke emissions from flares as defined in 40 CFR 60, Appendix A-7.

063 "Minor source" means any source which is not defined as a major source in Chapter 2.

064 "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.

065 "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:

065.01 Routine maintenance, repair, and replacement (except as defined as reconstruction) shall not be considered physical changes; and

065.02 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.

066 "National standard" means either a primary or a secondary standard established pursuant to the Act.

067 "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.

068 "Net emissions increase" means the amount by which the sum of the following exceeds zero:

068.01 Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

068.02 Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs. An increase or decrease in actual emissions is creditable only if:

068.02A It occurs within a reasonable period, not to exceed one year, to be specified by the Director; and

068.02B The Director has not relied on it in issuing a permit for the source under regulations approved pursuant to 40 CFR 51.165, which permit is in effect when the increase in actual emissions from the particular change occurs.

068.03 An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

068.04 A decrease in actual emissions is creditable only to the extent that:

068.04A The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

068.04B It is federally enforceable at and after the time that actual construction on the particular change begins;

068.04C 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; and

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068.04D It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

068.05 An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

069 "New source" means any stationary source the construction, modification, or reconstruction of which is commenced after the publication of regulations by the State of Nebraska or the federal government prescribing a standard of performance which will be applicable to such source.

070 "Non-attainment area" means any area designated by the Department or the Agency pursuant to Section 107 (d) of the Act as an area exceeding any National Ambient Air Quality Standard.

071 "Opacity" means a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

072 "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.

073 "Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

074 "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J at 40 CFR Part 50 or equivalent methods.

075 "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

076 "Particulate matter 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 Agency, or

by a test method specified in an approved State Implementation Plan.

077 "PM₁₀ emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified by the Agency or by a test method specified in an approved State Implementation Plan.

078 "Permit modification" means a revision to a Class I or Class II operating permit that meets the requirements of Chapter 15.

079 "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer an air operating permit program, as set forth in Neb. Rev. Stat. §81-1505.04.

080 "Permit revision" means any Class I or Class II operating permit modification or administrative permit amendment.

081 "Permitting authority" means the Department of Environmental Quality.

082 "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof or any legal successor, representative, agent, or agency of the foregoing.

083 "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.

084 "Plan" means an implementation plan adopted by the State pursuant to Section 110 of the Act, to attain and maintain a national standard.

085 "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,

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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. 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 Chapter 26.

086 "Primary standard" means a national primary ambient air quality standard identified in Chapter 4.

087 "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.

088 "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.

089 "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.

090 "Proposed Class I operating permit" means the version of a permit that the Department proposes to issue and forwards to the Administrator for review.

091 "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.

092 "Reconstruction" means a situation where the fixed capital cost of the new components exceeds 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 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 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.

093 "Region" means:

093.01 An air quality control region designated by the Administrator; or

093.02 Any area designated by the State as an air quality control region.

0894 "Regional administrator" means the Regional designee appointed by the Administrator.

095 "Regulated air pollutant" means the following:

095.01 Nitrogen oxides or any volatile organic compounds as defined in this Chapter;

095.02 Any pollutant for which a national ambient air quality standard has been promulgated;

095.03 Any pollutant that is subject to any standard in Chapter 18; and

095.04 Any pollutant subject to a standard or other requirements established in Chapters 27 or 28 relating to hazardous air pollutants, including the following:

095.04A Any pollutant subject to requirements under Chapter 27, 005; and

095.04B Any pollutant for which the requirements of relating to construction, reconstruction, and modification in Chapter 27, 003, have been met, but only with respect to the individual source subject to these requirements.

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096 "Regulated pollutant for fee purposes" means any regulated air pollutant identified in the previous section, except for the following:

096.01 Carbon monoxide;

096.02 Particulate matter, excluding PM₁₀;

096.03 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 regulations adopted by the Council; or

096.04 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 and regulations adopted by the Council.

097 "Renewal" means the process by which a permit is reissued at the end of its term.

098 "Responsible official" means one of the following:

098.01 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:

098.01A The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

098.01B The delegation of authority to such representatives is approved in advance by the permitting authority;

098.02 For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

098.03 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

098.04 For affected sources:

098.04A The designated representative in so far as actions, standards, requirements, or prohibitions under Chapter 26 are concerned; and

098.04B The designated representative for any other purposes under the Title V program.

099 "Rule or regulation" means any rule or regulation of the Council.

100 "Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

100.01 Emissions from ships or trains coming to or from the new or modified stationary source; and

100.02 Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

101 "Secondary standard" means a national secondary ambient air quality standard identified in Chapter 4.

102 "Section 502(b)(10) changes" are changes that contravene an express permit term. 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.

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103 "Significant" means, as pertains to a modification in a non-attainment area, a net increase in actual emissions by a rate that would equal or exceed the following:

Pollutant and Emission Rate

Carbon monoxide: 100 tons per year (tpy)

Nitrogen oxides: 40 tpy

Sulfur dioxide: 40 tpy

Particulate matter: 25 tpy

PM₁₀: 15 tpy

Ozone: 40 tpy of volatile organic compounds

Lead: 0.6 tpy

Fluorides: 3 tpy

Sulfuric acid mist: 7 tpy

Hydrogen sulfide (H₂S): 10 tpy

Total reduced sulfur (including H₂S): 10 tpy

Reduced sulfur compounds (including H₂S): 10 tpy

Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans):

3.2x10⁻⁶ megagrams per year (3.5x10⁻⁶ tons per year)

Municipal waste combustor metals (measured as particulate matter):

14 megagrams per year (15 tons per year)

Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride):

36 megagrams per year (40 tons per year)

Municipal solid waste landfill emissions (measured as nonmethane organic compounds):

45 megagrams per year (50 tons per year)

104 "Solid waste" means any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial or mining operations, or from community activities.

105 "Source" means any property, real or personal, or person contributing to air pollution.

106 "Speciation" is the process of classifying and 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.

107 "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.

108 "Stack in existence" means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

109 "Stack height" means the distance from the ground level elevation of a stack to the elevation of the stack outlet.

110 "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.

111 "Startup of operation" means the beginning of routine operation of an affected facility.

112 "State" means any non-Federal permitting authority, including any local agency, interstate association, or statewide program.

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113 "State Act" means the Nebraska Environmental Protection Act, Neb. Rev. Stat. §81-1501 through §81-1533, as amended.

114 "State agency" means the Nebraska Department of Environmental Quality established by Neb. Rev. Stat. Sections 81-1501 to 81-1533.

115 "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under this Title.

116 "Synthetic minor" refers to a facility that has a potential to emit any regulated pollutant above the major source threshold (Class I operating permit level), but has taken federally enforceable limits to keep potential emissions below the major source threshold, but above the minor source threshold.

117 "Title V program" or "State program" means a program approved by the Administrator for purposes of Title V of the Act.

118 "Total reduced sulfur" means total sulfur from the following compounds: hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

119 "Total Suspended Particulates" means particulate matter as measured by the method described in Appendix B of 40 CFR Part 50.

120 "UTM coordinates" refer to the Universal Transverse Mercator Coordinate (UTM) system, which provides coordinates on a world wide flat grid. The UTM coordinate system divides the world into 60 zones, each being six degrees longitude wide and extending from 80 degrees south latitude to 84 degrees north latitude. The first zone starts at the International Date Line and proceeds eastward.

121 "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. VOC includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

acetone;

1-chloro-1,1-difluoroethane (HCFC-142b);

Chlorodifluoromethane (CFC-22);
1-chloro-1-fluoroethane (HCFC-151a);
chlorofluoromethane (HCFC-31);
Chloropentafluoroethane (CFC-115);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
Dichlorodifluoromethane (CFC-12);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
1,1-difluoroethane (HFC-152a);
difluoromethane (HFC-32);
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
[(CF₃)₂CF₂OCH₃];
Ethane;
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
[(CF₃)₂CF₂OC₂H₅];
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅);
ethylfluoride (HFC-161);
1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
Methane;
Methyl acetate;
Methylene chloride (dichloromethane);
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃);

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parachlorobenzotrifluoride (PCBTF);
1,1,1,3,3-pentafluorobutane (HFC-365mfc);
Pentafluoroethane (HCFC-125);
1,1,1,2,3-pentafluoropropane (HFC-245eb);
1,1,2,2,3-pentafluoropropane (HFC-245ca);
1,1,2,3,3-pentafluoropropane (HFC-245e);
1,1,1,3,3-pentafluoropropane (HFC-245fa);
tetrachloroethylene (PERC);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1-trichloroethane (methyl chloroform);
Trichlorofluoromethane (CFC-11);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
1,1,1-trifluoroethane (HFC-143a);
Trifluoromethane (FC-23);
volatile methyl siloxanes (VMS);

and perfluorocarbon compounds which fall into the following classes:

- a. Cyclic, branched, or linear, completely fluorinated alkanes;
- b. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

d. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Legal Citation: Title 129, Ch. 1, Nebraska Department of Environmental Quality

