

Title 129 - Nebraska Air Quality Regulations

Chapter 41 - GENERAL PROVISIONS

001 Failure to comply with the requirements of these regulations may be grounds for administrative enforcement proceedings as provided by Neb. Rev. Stat. §81-1507 or penalties in proceedings brought in the discretion of the County Attorney or Attorney General pursuant to Neb. Rev. Stat. §81-1508 or in the case of Chapter 39, pursuant to Neb. Rev. Stat. §60-2211.

002 If any clause, paragraph, subsection or section of these regulations shall be held invalid, it shall be conclusively presumed that the Council would have enacted the remainder of these regulations not directly related to such clause, paragraph, subsection or section.

003 Any appeal from any final order or final determination of the Director shall be pursuant to Neb. Rev. Stat. §81-1509.

004 These rules and regulations may be amended, or repealed, pursuant to Title 115, Rules of Practice and Procedure of the Department, which procedure shall conform in all respects to Neb. Rev. Stat. §§84-901 to 84-919, as amended.

005 These rules and regulations shall become effective five (5) days after filing with the Secretary of State. Upon adoption of these rules and regulations, the prior, inconsistent rules and regulations shall be repealed.

006 Permits issued under these regulations are exempt from financial responsibility requirements contemplated in Neb. Rev. Stat. §81-1505(21)(a).

007 All material adopted by reference is available and on file with the Department and with the Secretary of State. References to the CFR and FR contained in this Title are to the Code of Federal Regulations and the Federal Register, respectively published by the U. S. Government Printing Office.

Enabling Legislation: Neb. Rev. Stat. §§84-901 through 84-919; §81-1504(13); 81-1505(17); 81-1506; 81-1507; 81-1508; 81-1509; 60-6,373.

Legal Citation: Title 129, Ch. 41, Nebraska Department of Environmental Quality

Chapter 41

EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c); Part 70, Appendix A, Nebraska; City of Omaha; Lincoln-Lancaster County Health Department,(e)
FRM: 67 FR 37325 (05/29/2002)
PRM: 67 FR 37370 (05/29/2002)
State Submission: 06/29/2001
State Final: 12/15/1998
APDB File: NE-46
Description: Subsection 007 was added to clarify that copies of the substantial Federal documents (Code of Federal Regulations and the Federal Register) adopted by reference are located and available at NDEQ's office.

CFR: 40 C.F.R. 52.1420(c); Part 70, Appendix A, Nebraska; City of Omaha; Lincoln-Lancaster County Health Department,(d)
FRM: 65 FR 3130 (1/20/00)
PRM: 65 FR 3168 (1/20/00)
State Submission: 2/5/99
State Final: 9/7/97
APDB File: NE-41
Description: Subsection 006 was added to incorporate a financial responsibility requirement previously contained in Chapter 45, which is being deleted.

CFR: 40 C.F.R. 52.1420(c)(43)(i)(A)
FRM: 61 FR 4899 (2/9/96)
PRM: 61 FR 4949 (2/9/96)
State Submission: 6/14/95
State Proposal: 12/2/94
State Final: 5/29/95
APDB File: NE-33
Description: EPA approved a revision which consolidated regulations from Chapter 40, 42, 43, and 44 into this Chapter 41. No actual change in content was made from the previously approved SIP.

CFR: 40 C.F.R. 70, Appendix A, State of Nebraska (a)
FRM: 60 FR 53872 (10/18/95), Correction Notice 61 FR 7073 (2/26/96)
PRM: 60 FR 12521 (3/7/95)
State Submission: 11/15/93
State Proposal: 12/2/94
State Final: 5/29/95
APDB File: NE-32
Description: EPA fully approved the operating permits program submitted by the state of Nebraska for the purpose of complying with Federal requirements for an approvable state program to issue operating permits to all major stationary sources and certain other sources. The EPA also approved, under section 112(l), the state's program for accepting delegation of section 112 standards to enforce air toxics regulations.

CFR: 40 C.F.R. 52.1420(c)(41)
FRM: 60 FR 372 (01/04/95)
PRM: 60 FR 418 (01/04/95)
State Submission: 2/16/94
State Proposal: 9/16/93
State Final: 6/26/94
APDB File: NE-31
Description: EPA approved the renumbering of this rule as part of the overall recodification of the Nebraska rules. The rule was previously Chapter 26.

Note: All previous versions of the rule are obsolete; the record of prior rulemakings is shown below for historical purposes only.

CFR: 40 C.F.R. 52.1420(c)(37)
FRM: 54 FR 21059 (5/16/89)
PRM: None
State Submission: 6/15/88
State Proposal: 2/5/88
State Final: 6/5/88
APDB File: NE-21
Description: EPA reapproved this rule as Chapter 26 as part of an action to update the entire set of regulations in the Nebraska SIP.

CFR: 40 C.F.R. 52.1420(a)
FRM: 37 FR 10842 (5/31/72)
PRM: None
State Submission: 1/28/72
State Proposal: Unknown
State Final: 6/6/72
APDB File: NE-00
Description: EPA approved this as Rule 25 pertaining to severability in the original SIP.

Difference Between the State and EPA-Approved Regulation

None.