

Title 129 - Nebraska Air Quality Regulations

Chapter 43 - Visibility Protection

001 Code of Federal Regulations, Title 40, part 51.301 (Definitions), as amended, is incorporated by reference. Appendix Y (Guidelines for BART Determinations Under the Regional Haze Rule) of 40 CFR 51, is incorporated by reference.

002 The owner or operator of a stationary source shall submit a Best Available Retrofit Technology (BART) determination to the Department if the Department determines the stationary source is subject to BART according to 40 CFR 51, Appendix Y. The owner or operator shall prepare the BART determination in accordance with Appendix Y of 40 CFR 51 as directed by the Director. The owner or operator of a stationary source shall submit the BART determination to the Department for review. The Department will issue a permit to the source, pursuant to section 003, giving consideration to the source's BART determination.

003 The BART requirements for any BART-eligible source that is subject to BART shall be incorporated into a construction permit in accordance with Chapter 17, section 014.04.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 43, Nebraska Department of Environmental Quality

Chapter 43

EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c)(129-43)
FRM: 83 FR 30352(6/28/18)
PRM: 82 FR 46433 (10/5/17)
State Submission: rec'd 11/14/11 (dated 11/8/11)
State Proposal:
State Final: Adopted 8/17/07 effective 2/6/08
APDB File: NE-84; EPA-R07-OAR-2017-0386
Description: This action adds a new chapter titled "Visibility Protection" to Title 129 which provides Nebraska authority to comply with federal regulations relating to Regional Haze and Best Available Retrofit Technology (BART).

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)(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: Chapter 43 was deleted. Amendment or repeal provisions previously contained in Chapter 43 are now contained in Chapter 41 "General Provisions."

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: 12/17/93
State Final: 6/26/94
APDB File: NE-31
Description: The EPA approved the renumbering of this rule as part of the overall recodification of the Nebraska rules. The rule was previously Chapter 28. Slight modifications were made in referencing Title 115 of the state's regulations.

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: The EPA reapproved this rule as Chapter 28 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: The EPA approved this as Rule 27 pertaining to amendments and repeal of the regulations in the original SIP.

Difference Between the State and EPA-Approved Regulation

None.