

NEBRASKA ADMINISTRATIVE CODE

Title 129 – Air Quality Regulations

Chapter 7 - GENERAL PERMITS

001 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 this Chapter and the applicable procedures of Chapters 3, 6, and 10. The Director will not issue general permits for affected sources under the Acid Rain Program.

002 If the Director, in his or her discretion, determines a general permit is appropriate, he or she will 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 will be published in accordance with Chapter 10.

003 The public notice of the draft general permit will contain:

003.01 Name, address, and telephone number of the Department;

003.02 A brief description of the activities and/or operations addressed by the permit;

003.03 A statement of the criteria for a source to qualify for coverage under the general permit;

003.04 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

003.05 The name, address, and telephone number of the person from whom interested persons may obtain further information, and inspect and copy forms and related documents.

004 Any interested person will have thirty (30) days from issuance of the public notice to provide the Director with any written comments concerning the draft general permit or request a public hearing in writing. The Director may extend the thirty (30) day period.

005 If any written comment received during the public comment period raises substantial issues concerning the draft general permit, the Director may revise the draft general permit and issue a public notice on the revised draft general permit pursuant to Chapter 10.

006 Following the close of the public comment period and any public hearing, the

Director may issue a general permit.

006.01 For a general operating permit, the Director will include:

006.01A All applicable requirements pertinent to Class I operating permits, if the source category includes Class I sources; or

006.01B All applicable requirements pertinent to Class II operating permits, if the source category includes Class II sources.

006.02 For a general construction permit, the Director will 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 Chapter 3.

007 The owner of a source seeking coverage under a general permit will apply to the Department for coverage under the terms of the applicable general permit. Each application will 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 seeking coverage under a general permit is to apply by submitting in a manner prescribed by the Department:

007.01 An application in accordance with Chapter 6 for a general operating permit; or

007.02 An application, along with the appropriate application fee in accordance with Chapter 3, for a general construction permit.

008 The Director will notify the applicant of the final determination whether the source qualifies and is covered under the general permit or not.

009 The Director may issue coverage under a general permit to an individual source without repeating the notice and comment procedures required under Sections 001 through 006 of this Chapter.

010 The owner of a source that obtains general permit coverage may be subject to enforcement action for operation without a Class I or Class II operating permit or a construction permit if the source is later determined not to qualify for the terms and conditions of the general permit.

011 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. In such a case, the permit applicant will identify all operations, activities, and emissions that are subject to general permits or permits-by-rule. The Class I or Class II operating permit or construction permit will identify any general permits or permits by rule which have been issued or approved.

012 The Department will incorporate general permit coverage requirements into any subsequent construction permit, operating permit, or operating permit renewal that the source applies for as determined appropriate by the Department. If the general permit coverage requirements are incorporated into a construction permit, operating permit, or operating permit renewal, then the general permit coverage will expire with issuance of the permit or permit renewal without any further action needed by the Department.

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

Chapter 07

EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c)
FRM: 89 FR 66609 (8/16/2024)
PRM: 89 FR 47504 (06/03/2024)
State Submission: 12/02/2022
State Final: Title 129, Chapter 7 (9/28/2022)
APDB File: NE-106; EPA-R07-OAR-2024-0025 effective 9/16/2024
Description: This revision approves the state of Nebraska's request to revise and renumber Chapter 9, General Permits, to Chapter 7.

Difference Between the State and EPA-Approved Regulation

None.

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); Part 70, Appendix A, Nebraska; City of Omaha; Lincoln-Lancaster County Health Department (m)
FRM: 81 FR 69693 (10/7/2016)
PRM: 81 FR 69752 (10/7/2016)
State Submission: 5/1/03
State Final: 11/8/11? Adopted 12/7/07? effective 11/20/02
APDB File: NE-84A; EPA-R07-OAR-2016-0555 effective 12/6/16
Description: This revision to 011 allows for the issuance of multiple operating permits to major sources; establishes requirements regarding opacity for air curtain incinerators; allows burning in an air curtain incinerator with a general or community open fire permit; and clarifies NDEQ's authority to order emission sources to make or have tests made to determine the rate of contaminant emissions from the source. Portions of the submittal had already been acted on previously.

CFR: 40 C.F.R. 70, Appendix A, State of Nebraska (a)
FRM: 60 FR 53872 (10/18/95)
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: The 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: As part of the overall recodification of the Nebraska rules, the EPA approved a new rule which allows the Director to issue general SIP-based operating permits for numerous similar sources. The EPA also approved the rule pursuant to section 112(l) of the Clean Air Act so that it would be enforceable with respect to hazardous air pollutants.
