

NEBRASKA ADMINISTRATIVE CODE

Title 129 – Air Quality Regulations

Chapter 10 - PERMITS - PUBLIC PARTICIPATION

001 Scope. Except for modifications qualifying for administrative or minor permit revisions in Chapter 9, all Class I and Class II operating permit proceedings, including initial permit issuance, significant modifications, and renewals, and unless otherwise provided by rule, all construction permit proceedings, will provide for public notice, an opportunity for comment, and an opportunity to request a public hearing pursuant to Nebraska Administrative Code Title 115 – Rules of Practices and Procedures.

002 Public Hearings.

002.01 The applicant, any affected State or TAS, any interstate agency, the Administrator, or any interested agency, person, or group, may request or petition the Director, in writing, within the 30 day comment period of the public notice, for a public hearing, and state the nature of the issues to be raised and all arguments and factual grounds supporting their position.

002.02 The Director may hold a public hearing if the comments, requests, or petitions raise legal, policy or discretionary questions of general application not pertaining solely to a particular party and significant public interest exists with respect to the application.

003 Public notice of hearing. In addition to the public notice described in 001 above, the public notice of a hearing under 002 will be published according to the procedures of 001 and include the following additional information:

003.01 Reference to the date of the previous notices relating to the permit;

003.02 Date, time, and place of hearing;

003.03 A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and

003.04 A concise statement of the issues raised.

004 At the time that any final permit decision is issued, the Department will issue a response to significant comments received during the comment period and public hearing. The response to comments will be made available to the public.

005 The Department will make and keep a record of the commenters and of the issues raised during the public participation process. This record will be made available to the Administrator of EPA in fulfillment of the obligation under Section 505(b)(2) of the Act to

determine whether a citizen petition may be granted. Such record will also be available to the public.

006 The Department will notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments related to the source.

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

Chapter 10

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 10 (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 14 Permits – Public Participation to Chapter 10.

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)
FRM: 76 FR 15852 (03/22/2011)
PRM: 75 FR 81179 (12/27/2010)
State Submission: 01/14/2011
State Final: 02/06/2008
APDB File: NE-81
Description: This revision incorporates changes impacting the regulation of GHGs and establishes emission thresholds for GHG emissions; provides NE the authority to issue PSD permits governing GHGs; and reflects 2002 NSR Reform rules. The revisions to Chapter 14 update 001 Scope; and add 010 Public participation in PSD permit applications.

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 establishes the requirements for public participation involving SIP-based operating permits. 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.
