

NEBRASKA ADMINISTRATIVE CODE

Title 129 –Air Quality Regulations

Chapter 14 – INCINERATORS, EMISSION STANDARDS

001 The provisions of this Chapter apply to all new and existing incinerators except for any incinerator meeting the exemption criteria listed in Sections 001.01 through 001.04 of this Chapter. Incinerators not included in the exceptions listed in Sections 001.01 through 001.04 will comply with construction permit requirements listed in Chapter 3.

001.01 Incinerators located on residential premises containing five or less dwelling units and used exclusively for the disposal of waste originating on said premises.

001.02 Incinerators used solely for space heating.

001.03 Incinerators owned and operated by law enforcement agency used solely for the disposal of contraband materials obtained during a law enforcement operation.

001.04 Air curtain incinerators subject to Chapter 12 Sections 001.75 or 001.76 or which operate in compliance with Chapter 15 Section 002.02G6 and combust only wood waste; clean lumber; or a mixture that only contains one or more of those two materials and complies with Section 007 of this Chapter.

002 No person will cause or permit particulate matter emissions from any incinerator to exceed 0.10 grains per dry standard cubic foot (gr/dscf) of exhaust gas, corrected to seven percent oxygen.

003 The burning capacity of an incinerator will be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practice.

004 Waste burned during performance testing required by Chapter 15 will be representative of the waste normally generated by the affected facility and will be charged at a rate equal to the burning capacity of the incinerator. Copies of any additional operational data recorded during the test will be submitted to the Department together with the completed performance test report.

005 Instructions for proper operation of each incinerator will be posted on site and written certification that each operator has read these instructions, understands them and intends to comply, will be kept on record by the source.

006 Except as provided in Sections 006.01 and 006.02 below, each incinerator will consist of (a) refractory lined combustion furnace(s) employing design parameters necessary for maximum combustion of the materials to be burned, and will be designed to vent the products of combustion through a stack, duct, or chimney.

006.01 An alternate design for a new unit may be permitted provided it can be shown that the alternative design is at least as effective in controlling pollutant emissions as the design criteria of this section.

006.02 An operating permit can be issued for an existing unit not meeting the design criteria set forth in Section 006 above, provided compliance with both Section 002 of this Chapter and the visible emission standard in Section 001.06 of Chapter 15 can be demonstrated.

007 Air curtain incinerators that meet the requirements of Section 001.05 of this Chapter will meet the following requirements:

007.01 Within 60 days after the air curtain incinerator reaches the charge rate at which it will operate, but no later than 180 days after its initial startup, the limitations in Sections 007.01A and 007.01B will be met:

007.01A The opacity limitation is 10 percent (6-minute average), except as described in Section 007.01B.

007.01B The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.

007.02 Except during malfunctions, the requirements of Section 007.01 apply at all times, and each malfunction will not exceed three hours.

007.03 Opacity monitoring of the air curtain incinerator will include:

007.03A Use of Method 9 of Appendix A of New Source Performance Standards (40 CFR Part 60) to determine compliance with the opacity limitation.

007.03B Conducting an initial test for opacity as specified in 40 CFR §60.8.

007.03C After the initial test for opacity, conducting annual opacity tests no more than 12 calendar months following the date of the previous test.

007.04 Prior to commencing construction on the air curtain incinerator, submit all items described in Sections 007.04A through 007.04C:

007.04A Notification of intent to construct the air curtain incinerator.

007.04B Planned initial startup date.

007.04C Types of materials to be burned in the air curtain incinerator.

007.05 Recordkeeping requirements for air curtain incinerators:

007.05A Maintain records of results of all initial and annual opacity test reports onsite or readily available in either paper copy or electronic format, unless the Director approves another format, for at least five years.

007.05B Make all records available during an onsite inspection and available for submittal to the Director.

007.05C The results (each 6-minute average) of the initial opacity tests will be submitted no later than 60 days following the initial tests. Annual opacity test results will be submitted within 12 months following the previous tests. The opacity test reports will be submitted electronically or by paper copy within 60 days of the test.

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

Chapter 14

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 14 (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 22 Incinerators; Emission Standards to Chapter 14

Differences between state regulations and EPA approved regulations

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: 81 FR 70023 (10/11/2016)
PRM: 81 FR 70065 (10/11/2016)
State Submission: 3/6/2014 and 7/14/14
State Final: Title 129, Chapters 4 (7/14/2014), 19, and 22 (3/6/2014)
APDB File: NE-90; EPA-R07-OAR-2016-0556 effective 12/12/16.
Description: This revision to Chapter 22 involves minor formatting and grammatical changes to the text.

CFR: 40 C.F.R. 52.1420(c)
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 7/3/10
APDB File: NE-84A, EPA-R07-OAR-2016-0555 effective 12/6/16
Description: This revision 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. 52.1420(c)
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 001 was revised to clarify exempt incinerator provisions. Subsection 002 was revised to correct the emission measurement method for particulate matter. Subsection 006 was added to incorporate the incinerator design specifications formerly contained in 001.

CFR: 40 C.F.R. 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: The EPA approved the renumbering of this rule as part of the overall recodification of the Nebraska rules. The rule was previously Chapter 11. 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)(39)

FRM: 56 FR 50515 (10/7/91)

PRM: None

State Submission: 3/8/91

State Proposal: 12/7/90

State Final: 2/20/91

APDB File: NE-30

Description: The EPA approved a revision as part of an update of a number of regulations. This revision tightened the particulate emission limit for incinerators and added a requirement for operating instructions.

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 11 as part of an action to update the entire set of regulations in the Nebraska SIP.

CFR: 40 C.F.R. 52.1420(c)(31)

FRM: 50 FR 23003 (5/30/85)

PRM: 49 FR 37427 (9/24/84)

State Submission: 10/6/83 Chapter 22 6

State Proposal: 6/17/83

State Final: 9/30/83

APDB File: NE-18

Description: The EPA approved a change to the regulation revising the format for reporting incinerator emission compliance.
