

LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM

ARTICLE 1. ADMINISTRATION AND ENFORCEMENT

SECTION 7. COMPLIANCE—ACTIONS TO ENFORCE—  
PENALTIES FOR NON-COMPLIANCE

(A) The County Attorney or Attorney General may institute enforcement proceedings pursuant to Neb. Rev. Stat., §81-1504(23), Neb. Rev. Stat. §81-1508(4), or Neb. Rev. Stat. §81-1528 (2) against any person who fails to comply with the requirements of the Air Pollution Regulations and Standards. Nothing in air pollution control program shall preclude the control of air pollution by resolution, ordinance, or rule, regulation, or standard not in actual conflict with the state air pollution control regulations. (Ref: Neb. Rev. Stat. §71-1631(15).)

(B) Any person who fails to comply with the requirements of the Air Pollution Regulations and Standards or who fails to perform any duty imposed by the Air Pollution Regulations and Standards shall be subject to a civil penalty of not more than \$10,000 per day per violation.

(C) Any person who knowingly and willfully fails to comply with the requirements of the Air Pollution Regulations and Standards or who knowingly and willfully fails to perform any duty imposed by the Air Pollution Regulations and Standards shall be subject to felony prosecution under Neb. Rev. Stat. §81-1508(f) including a fine of not more than \$10,000 per day per violation and up to a maximum six month term of imprisonment.

(D) Enforcement proceedings may include injunctive relief in court to restrain any violation that creates an imminent and substantial endangerment to the public health or to the environment.

ARTICLE 1  
SECTION 7

LINCOLN-LANCASTER COUNTY

EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c)(44)(i)(A)  
FRM: 61 FR 5701 (2/14/96)  
PRM: 61 FR 5725 (2/14/96)  
State Submission: 5/31/95  
State Proposal: 2/28/95  
State Final: 5/16/95 (effective date locally)  
APDB File: NE-37  
Description: EPA approved a revision to the SIP that updated the local ordinances of the Lincoln-Lancaster County Health Department and created a Federally enforceable Class II operating permit program. The Lincoln-Lancaster County Air Pollution Control Program rules replaced Chapter 8.64 regulations of the city of Lincoln and Resolution No. 3155 of Lancaster County in their entirety.

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CFR: 40 C.F.R. 70, Appendix A, Lincoln-Lancaster County (c)  
FRM: 60 FR 53872 (10/18/95), Correction Notice 61 FR 7073 (2/26/96)  
PRM: 60 FR 5883 (1/31/95)  
State Submission: 11/12/93  
State Proposal: 2/28/95  
State Final: 5/16/95 (effective date locally)  
APDB File: NE-32b  
Description: EPA fully approved the operating permits program submitted by Lincoln-Lancaster County for the purpose of complying with Federal requirements for an approvable program to issue operating permits to all major stationary sources and certain other sources. The EPA also approved, under 112(1), the county's program for accepting delegation of section 112 standards to enforce air toxics regulations.

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

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CFR: 40 C.F.R. 52.1420(c)(24)  
FRM: 47 FR 22954 (5/26/82)  
PRM: 42 FR 46371 (9/15/77)  
State Submission: 12/27/76  
State Proposal: 12/10/76  
State Final: 3/16/76; 6/21/76 (effective dates locally)  
APDB File: NE-08  
Description: EPA approved the revised ordinance and regulations for the city of Lincoln. The state withdrew Section 051 of the ordinance and Sections 4, 15, and 17 of the regulations.

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CFR: 40 C.F.R. 52.1420(c)(23)  
FRM: 47 FR 22954 (5/26/82)  
PRM: 42 FR 46371  
State Submission: 4/4/77; 2/18/82  
State Proposal: 3/18/77  
State Final: 2/4/77 (effective date locally)  
APDB File: NE-08  
Description: EPA approved the Lancaster County regulations into the SIP. Sections 6, 9, and 23 were withdrawn by the state prior to final rulemaking by the EPA.

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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: 2/28/67 (effective date locally)  
APDB File: NE-00  
Description: EPA approved the city of Lincoln's ordinance for air pollution control as part of the original SIP.

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Difference Between the State and EPA-Approved Regulation

None.