

LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM

ARTICLE 2. REGULATIONS AND STANDARDS

SECTION 5. OPERATING PERMITS - WHEN REQUIRED

(A) Applicability and Scope. - The following sources are required to obtain operating permits unless exempted under Paragraph (B) below:

(1) Class I permits shall be required to operate any of the following:

(a) Any major source as defined in Chapter 2 of these Regulations and Standards;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 18 of these Regulations and Standards;

(c) Any source, including an area source, subject to a standard or other requirement under Section 23, Section 27, or Section 28 of these Regulations and Standards;

(d) Any affected source;

(e) Any source in a source category designated by the Director.

(2) Unless a Class I permit is required, Class II permits shall be required to operate any of the following:

(a) Any emissions unit having a potential to emit:

(1) Fifteen (15) tons/year or more of PM₁₀ emissions.

(2) Forty (40) tons/year or more pounds of SO₂ or SO₃, or any combination of the two.

(3) Forty (40) tons/year or more of Oxides of nitrogen (calculated as NO₂).

(4) Forty (40) tons/year or more of volatile organic compounds (VOC).

(5) Fifty (50) tons/year or more of carbon monoxide.

(6) Six-tenths (0.6) tons/year or more of lead.

(7) Two and one-half (2.5) tons/year or more of any hazardous pollutant or an aggregate of ten (10) tons/year or more of any hazardous air pollutants.

(b) All incinerators used for refuse disposal or for the processing of salvageable materials except refuse incinerators located on residential premises containing five or less dwelling units used only for disposal of residential waste generated on the residential premises where the incinerator is located.

(c) Any source or operation responsible for the emission of particulate plumes in excess of the limitations established in Section 20, of these Regulations and Standards, except:

(1) Vehicular sources;

(2) Wood stoves located on residential premises containing five or less dwelling units which burn clean, untreated wood for recreational purposes;

(3) Vehicles used in the conduct of on-farm agriculture operations.

(B) Source Category Exemptions.

(1) All sources listed in paragraph (A) above that are not major sources, affected sources, or solid waste management units required to obtain a permit pursuant to a performance standard adopted in Section 18 of these Regulations and Standards, are exempt from the obligation to obtain a Class I permit unless required to do so under an applicable requirement. Any such exempt source may opt to apply for a permit under these regulations and shall be issued a permit if the applicant otherwise satisfies all of the requirements of these regulations.

(2) The following sources are exempt from applying for and having a Class I or II operating permit:

(a) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and

(b) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, paragraph 61.145, Standard for Demolition and Renovation.

(c) All sources and source categories subject only to regulations or requirements under Section 112(r) of the Act.

(d) All sources and source categories that would be required to obtain a permit solely because of the presence of a generator whose sole function is to provide back-up power when electrical power from the local utility is interrupted. This exemption unavailable to peaking units at electric utilities and any other generator which is used during time periods when power is available from the utility. Exempted units must submit an annual report of hours of operation to the Department.

(C) Emissions Units Covered.

(1) Sources required to obtain an operating permit shall identify in the permit application all relevant emission units except emissions that are specifically exempted.

(2) A source required to obtain an operating permit under these Regulations and Standards may comply through one of the following methods:

(a) The source may obtain a single permit for all relevant emission points located within a contiguous area under common control, whether or not falling under the same two-digit SIC code; or

(b) The source may request and obtain coverage for one or more emission points eligible for coverage under a general permit issued by the Department and obtain a separate permit for emission points not eligible for such coverage.

(D) Fugitive Emissions. Fugitive emissions from a source shall be included in the permit application and covered in the operating permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(E) Except as provided in Chapter 12, paragraph (B), of these Regulations and Standards, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under an approved operating permit program. If an operating source submits a timely and complete application for permit issuance, or for renewal, the source's failure to have a permit is not a violation of these Regulations and Standards or the Act until the Department takes final action on the permit application, provided that the failure to have a permit is through no fault of the source. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to Section 7, paragraph (C) of these Regulations and Standards, the applicant fails to submit any additional information necessary to process the application within the deadline specified in writing by the Department.

(F) The submittal of a complete Class I or II operating permit application shall not affect the requirement that any source have a pre-construction permit as may be required by these Regulations and Standards.

Ref: Title 129, Chapter 5, Nebraska Department of Environmental Quality

EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c) and Part 70, Appendix A, Nebraska; City of Omaha;
Lincoln-Lancaster County Health Department, (d)
FRM: 65 FR 3130 (1/20/00)
PRM: 65 FR 3168 (1/20/00)
State Submission: 2/5/99
State Final: 8/11/98
APDB File: NE-41

Description: This revision adds reference to Section 28, MACT source categories, in Section A(1)(c). Subsection A(2)(a) was revised to delete particulate matter emissions larger than 10 microns from operating permit applicability determinations. Subsection (E) was revised to allow Class II sources to take advantage of the application shield and to correct a reference to a local regulation. Subsection (B)(2)(d) was added regarding Class I and Class II permits requirements for certain emergency standby generators.

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.

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.

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)(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.

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, and 23 were withdrawn by the state prior to final rulemaking by the EPA.

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.

Difference Between the State and EPA-Approved Regulation

None.