

CITY OF OMAHA CHAPTER 41 - AIR QUALITY CONTROL

ARTICLE I. IN GENERAL

SECTION 41-2. ADOPTION OF STATE REGULATIONS WITH EXCEPTIONS

Title 129 of the Air Pollution Rules and Regulations of the State of Nebraska, including all appendices, as approved by the Environmental Quality Council on September 8, 1997, is hereby incorporated by reference except as provided herein.

Chapter 1:

Amend the existing regulations as follows:

Department: The public works department, environmental quality control division, air quality control section.

Director: The director of the City of Omaha public works department or his designee.

Regulated pollutant for fee purposes: any regulated air pollutant identified in the previous rules and regulations except for the following: Carbon Monoxide

Add new definitions that will read as follows:

Control officer: The director of the City of Omaha public works department or his designee.

Odor: That property of an air contaminant detectible by the sense of smell.

Chapter 4

Amend the existing regulations as follows:

Delete Section "007, Total reduced sulfur"

Chapter 5:

Amend the existing regulations as follows:

001.03, change the expression "001.03A and 001.03B" to "Chapters 7 through 15"

001.03A delete.

001.03B1 delete.

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001.03B2 delete.

001.03B3 delete.

001.03B4 delete.

001.03B5 delete.

002 Source Category Exemptions, Amend 002.02D to read: "All source categories that OAQC has determined to not require a permit based on guidance and technical papers available from the Environmental Protection Agency."

002.02E delete.

Chapter 6

Amend the existing regulations as follows:

In section 001 delete "July 1" and replace with "March 31."

Chapter 9

Amend the existing regulations as follows:

002 If the director, in his or her discretion, determines a general permit is appropriate, he or she shall initiate issuance of a general permit by publication of a notice which identifies the criteria for sources that qualify for a general permit. The notice shall be published in a newspaper with citywide circulation and shall announce the availability of a draft general permit for public review and comment for 30 days.

Chapter 30:

Delete the existing regulations and add to this chapter the following new sections:

001 No person shall cause or allow any open fires in the City of Omaha without having written permission of the Director, and the Omaha Fire Department.

002 Written permission can be obtained for the following purposes.

002.01 Open fires set solely for recreational purposes or for outdoor cooking of food for human consumption.

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002.02 Firework displays.

002.03 Fires set for the purpose of ceremonial retirement of flags of the United States.

002.04 Fires set for the purpose of training public and industrial fire fighting personnel.

002.05 Fires set for vegetative clearing on park property or agricultural zoned property.

002.05a Fires set by the City to reduce the volume of trees, and tree parts that have been collected by the City, or at the direction of the City, as a result of storm damage to public property: All non-wood items must be segregated before burning. These fires may not create an impact on ambient air monitoring, public nuisance or traffic hazard. Fires must be attended continually, and may not last more than 72 hours.

Chapter 32

Amend the existing regulations as follows:

004 No person shall cause or permit any earth work on a two or more acre site or scheduled to last more than three days without first giving prior notice to the control office of the location, the control measures to be practiced, and the duration of the project. Any work not scheduled to last more than three days but which, in fact, exceeds three days also requires notification to the control officer. Such notice must be made before the fourth day of such work. This notification shall be provided on forms approved by the control officer, and submitted prior to the start of the project. The submission of the above form does not preclude the owner /operator from complying with all applicable provisions of the OMC and state and federal regulations. The control measures must be approved by the control officer prior to the start of the project.

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005 No person shall cause or permit any unconfined outside abrasive blasting to occur on a project or site using more than ten tons of abrasive or lasting more than three days without first giving prior notice to the control officer of the location, the control measures to be practiced and, the duration of the project. This notification shall be provided on forms approved by the control officer, and submitted prior to the start of the project. The submission of the above form does not preclude the owner/operator from complying with all applicable provisions of the OMC, state and federal regulations. The control technology must be approved by the control officer prior to the start of the project.

006 Any person owning or controlling any unpaved parking or road(s) that receives three notices of violation in any 12-consecutive month period may be required to pave or crease using such parking or road.

Chapter 38:

Delete the word "director" and substitute the words "Mayor of the City of Omaha" throughout the chapter.

Section 2. Section 41-2 of the Omaha Municipal Code, as heretofore existing, is hereby repealed.

Section 3. This ordinance shall be in force and take effect (15) fifteen days from its passage.

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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: 8/20/99  
State Final: 4/1/98  
APDB File: NE-41  
Description: This revision consolidates financial assurance provisions from Chapter 45 with other General Provisions in Chapter 41 which is both SIP and Title V approved. Chapter 45 is deleted.

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CFR: 40 C.F.R. 52.1420(c)(44)(i)(B)  
FRM: 61 FR 5701 (2/14/96)  
PRM: 61 FR 5725 (2/14/96)  
State Submission: 6/2/95  
State Proposal: 11/2/93  
State Final: 5/29/95 (effective date locally)  
APDB File: NE-38  
Description: The EPA approved a revision to the SIP that updated the local ordinances of the city of Omaha and created a federally enforceable Class II operating permits program. Chapter 41, Air Quality Control rules of the city of Omaha, replaced Chapter 45.04 rules in their entirety.

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CFR: 40 C.F.R. 70, Appendix A, City of Omaha (b)  
FRM: 60 FR 53872 (10/18/95), Correction Notice 61 FR 7073 (2/26/96)  
PRM: 60 FR 5883 (1/31/95)  
State Submission: 11/15/93  
State Proposal: 3/21/95  
State Final: 5/29/95 (effective date locally)  
APDB File: NE-32a  
Description: The EPA fully approved the operating permits program submitted by the city of Omaha 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(l), the city'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.

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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: 9/24/74 (effective date locally)  
APDB File: NE-08  
Description: The EPA approved the revised air quality control rules for the city of Omaha. The state withdrew Sections 050, 150, 160, and 180 of the regulations prior to the EPA's final rulemaking.

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CFR: 40 C.F.R. 52.1420(c)(5)  
FRM: 41 FR 8962 (3/2/76)  
PRM: None  
State Submission: 6/29/72  
State Proposal: Unknown  
State Final: 5/25/72 (effective date locally)  
APDB File: NE-00  
Description: As part of an action to clarify the list of SIP revisions submitted by the states, the EPA approved revisions to the city of Omaha's regulations.

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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: 5/26/70 (effective date locally)  
APDB File: NE-00  
Description: The EPA approved the city of Omaha's regulations for air pollution control as part of the original SIP.

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Difference Between the State and EPA-Approved Regulation

None.