

Title 129 - Nebraska Air Quality Regulations

Chapter 2 - DEFINITION OF MAJOR SOURCE

001 Hazardous Air Pollutants. A major source of hazardous air pollutants is defined as:

001.01 For pollutants other than radionuclides, any stationary source or any group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant listed in Appendix II, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator of EPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources for hazardous air pollutants. All fugitive emissions must be considered in determining whether a stationary source is a major source.

001.02 For radionuclides, "major source" shall have the meaning specified by the Administrator of EPA by rule.

002 Except as otherwise expressly provided herein, a major stationary source of air pollutants is one that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator of EPA). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of this subsection, unless the source belongs to one of the following categories of stationary source:

002.01 Coal cleaning plants (with thermal dryers);

002.02 Kraft pulp mills;

002.03 Portland cement plants;

002.04 Primary zinc smelters;

002.05 Iron and steel mills;

002.06 Primary aluminum ore reduction plants;

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- 002.07 Primary copper smelters;
- 002.08 Municipal incinerators capable of charging more than 250 tons of refuse per day;
- 002.09 Hydrofluoric, sulfuric, or nitric acid plants;
- 002.10 Petroleum refineries;
- 002.11 Lime plants;
- 002.12 Phosphate rock processing plants;
- 002.13 Coke oven batteries;
- 002.14 Sulfur recovery plants;
- 002.15 Carbon black plants (furnace process);
- 002.16 Primary lead smelters;
- 002.17 Fuel conversion plants;
- 002.18 Sintering plants;
- 002.19 Secondary metal production plants;
- 002.20 Chemical process plants;
- 002.21 Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- 002.22 Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- 002.23 Taconite ore processing plants;
- 002.24 Glass fiber processing plants;
- 002.25 Charcoal production plants;
- 002.26 Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
- 002.27 Any other stationary source category which is being regulated by a standard promulgated under Section 111 or 112 of the Act, as of August 7, 1980.

003 A major stationary source of air pollutants is defined as one which emits, or has the potential to emit 5 tons per year or more of lead.

004 Any physical change that would occur at a stationary source not otherwise qualifying as a major stationary source, shall be considered a major stationary source, if the change by itself would constitute a major stationary source.

005 A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

006 A major stationary source for purposes of Chapter 17, section 013 includes:

006.01 For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator of EPA has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;

006.02 For ozone transport regions established pursuant to section 184 (control of ozone or interstate ozone pollution) of the Act, sources with the potential to emit 50 tpy or more of volatile organic compounds;

006.03 For carbon monoxide nonattainment areas:

006.03A That are classified as "serious," and

006.03B In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator of EPA, sources with the potential to emit 50 tpy or more of carbon monoxide; and

006.04 For particulate matter (PM10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM10.

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007 Major source, for purposes of Class I operating permits, means any stationary source (or group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that are described in paragraph 001, 002, 003, 004, 005, 006, 008 or 009 of this definition. For the purposes of defining "major source", a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

008 Major stationary source, for the purposes of the Prevention of Significant Deterioration of Air Quality Program (PSD), includes the sources described in sections 008.01 through 008.03. Sources in the categories listed in sections 002.01 through 002.27 must include fugitive emissions in determining major source status.

008.01 Any of the following stationary sources which emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant: fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, Portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants (with thermal dryers), primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants.

008.02 Notwithstanding the stationary source size specified in section 008.01, any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant, or

008.03 Sources fitting the descriptions in sections 004 and 005.

009 Major source of particulate matter, for purposes of Class I operating permits, shall be determined based on the potential to emit PM₁₀.

Legal Citation: Title 129, Ch. 2, Nebraska Department of Environmental Quality

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EPA Rulemakings

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: 03/14/2006
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. Chapter 2 revisions update 002.20 Chemical process plants; 007 Major source for purposes of Class I operating permits; and 008 Major stationary source for the purposes of the Prevention of Significant Deterioration of Air Quality Program (PSD).

CFR: 40 C.F.R. 52.1420(c) and Part 70, Appendix A, Nebraska; City of Omaha; Lincoln-Lancaster County Health Department, (f)
FRM: 68 FR 40528 (07/08/2003)
PRM: 68 FR 40617 (07/08/2003)
State Submission: 11/05/2002
State Final: 07/10/2002
APDB File: NE-57
Description: This revision clarifies the definition of major source to include fugitive emissions when determining if a source is major for hazardous air pollutants and was also revised to be consistent in both Title V and the NSR/PSD programs (001.01 and 002.27).

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: 9/7/97
APDB File: NE-41
Description: This revision adds subsection 009 which establishes that major source determination for PM is based on PM₁₀ particle size.

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(1), 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: 12/17/93
State Final: 6/26/94
APDB File: NE-31
Description: The EPA approved a new rule pertaining to the definition of major source as part of the overall recodification of the Nebraska rules.

Difference Between the State and EPA-Approved Regulation

In sections 002.20 and 008.01 Nebraska's rule excludes ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System (NAICS) codes 325193 or 312140 from chemical processing plants. These exclusions are not approved.