

Title 129 - Nebraska Air Quality Regulations

Chapter 10 - OPERATING PERMITS FOR TEMPORARY SOURCES

001 Except as provided in 004 of this Chapter, the Director may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit subject to Department approval. No affected source shall be permitted as a temporary source.

002 Class I or Class II operating permits for temporary sources shall include the requirements specified in Chapter 8 and the following:

002.01 Conditions that will assure compliance with all applicable requirements and ambient air quality standards established in Chapter 4 at all authorized locations; and

002.02 Requirements that the owner or operator notify the Director at least 20 days in advance of each change in location by providing the following information:

002.02A A specific description of the source, including SIC code;

002.02B A legal description of the proposed new location;

002.02C The anticipated dates of operation at the new proposed location;

002.02D A description of site location, adjacent surroundings, including proximity to occupied buildings;

002.02E A contact person for the source;

002.02F The signature of a responsible official certifying the information contained in the notification; and

002.02G A source number as assigned by the Department.

003 The Director may disapprove a new proposed location for a temporary source if operation in the new location would cause or contribute to a violation of standards or otherwise adversely affect human health or the environment.

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004 In the case of temporary activities initiated to maintain or restore electrical power supply or prevent imminent power loss, the provisions of either 004.01 or 004.02 shall apply, as appropriate. Units complying with this section are exempt from all other provisions of this chapter.

004.01 Temporary power generation units maintained within the state must be covered by an operating permit which identifies them as temporary units, specifies their rating, fuel supply, non-working location, and routine operating practices, and establishes notification procedures for such activities.

004.02 The owners or operators of temporary power generation units which are maintained outside the state must notify the Department prior to bringing them into the state according to the following schedule:

004.02A In the case of a power loss or threat of imminent power loss, within 24 hours of dispatch;

004.02B In the case of maintenance activities, 20 days prior to dispatch, unless another notification schedule is established with the Department.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 10, 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: 9/7/97
 APDB File: NE-41

Description: Subsection 001 was revised to reference new subsection 004 that was added to provide special provisions for emergency utility generators.

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: 9/16/93
 State Final: 6/26/94
 APDB File: NE-31

Description: As part of the overall recodification of the Nebraska rules, the EPA approved a new rule which allows the Director to issue a single SIP-based operating permit for similar operations at multiple temporary locations. The EPA also approved the rule pursuant to section 112(1) of the Clean Air Act so that it would be enforceable with respect to hazardous air pollutants.

Difference Between the State and EPA-Approved Regulation

None.