

Title 129 - Nebraska Air Quality Regulations

Chapter 12 - OPERATING PERMIT RENEWAL AND EXPIRATION

001 Class I or Class II operating permits being renewed are subject to the same procedural requirements, including those for public participation, that apply to initial permit issuance.

002 Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with Chapter 7, sections 002 and 003.

003 The conditions of an expired permit shall continue until the effective date of a new permit provided the permittee has complied with Chapter 8, 003.03, or until the permit is denied. If the Director determines that any of the following are true, the application for permit renewal will be denied.

003.01 The permittee is not in substantial compliance with the terms and conditions of the expired permit or with a stipulation, agreement, or compliance schedule designed to bring the permittee into compliance with the permit;

003.02 The Department, as a result of an action or failure to act on the part of the permittee, has been unable to take final action on the application on or before the expiration date of the permit; or

003.03 The permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of the deficiencies.

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

Legal Citation: Title 129, Ch. 12, Nebraska Department of Environmental Quality

Chapter 12

EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c)(43)(i)(A)
FRM: 61 FR 4899 (2/9/96)
PRM: 61 FR 4949 (2/9/96)
State Submission: 6/14/95
State Proposal: 12/2/94
State Final: 5/29/95
APDB File: NE-33
Description: The EPA approved a revision which clarified and strengthened the Class II operating permit program for minor sources (those not subject to Title V).

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(l), 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 establishes the requirements for renewal of SIP-based operating permits. The EPA also approved the rule pursuant to section 112(l) 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.