

Title 129 - Nebraska Air Quality Regulations

Chapter 18 - NEW PERFORMANCE STANDARDS

004.01 Municipal solid waste (MSW) landfills. The designated facility to which these limits apply is each existing MSW landfill for which construction, reconstruction or modification was commenced before May 30, 1991, which has accepted waste at any time since November 8, 1987, or has additional capacity available for future waste deposition.

004.01A Each designated facility shall submit an initial design capacity report 90 days after adoption of this section on forms provided by the Department. The final determination of design capacity shall be subject to review and approval by the Department. Any change in the physical boundaries, operation or waste deposition practices which increase or decrease the design capacity of the landfill shall require the submittal of an amended design capacity report.

004.01B Each designated facility having an aggregate design capacity of 2.5 million megagrams or 2.5 million cubic meters or more shall calculate and report nonmethane organic compound (NMOC) emissions as provided for new MSW landfills under section 001.065 of this chapter beginning 90 days after adoption of this section.

004.01C Each designated facility having an NMOC emission rate of 50 megagrams per year or more shall design, install and operate a landfill gas collection and control system (LGCCS) as provided for new MSW landfills under section 001.065 of this chapter.

004.01D Each designated facility subject to the control provisions of 004.01C above shall submit the LGCCS design for Department review within 1 year of the first report in which NMOC emissions equal or exceed 50 megagrams per year, and shall install the approved LGCCS within 30 months of that report, except as provided under section 001.065 of this chapter.

004.01E Each designated facility subject to the control provisions of 004.01C above shall conduct testing, monitoring, recordkeeping and reporting for the LGCCS as provided for new MSW landfills under section 001.065 of this chapter.

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004.02 Hospital/medical/infectious waste incinerators. The designated facility to which these limits apply is each individual hospital/medical/infectious waste incinerator for which construction, reconstruction or modification was commenced on or before June 20, 1996. The emission limits under this section apply at all times except during startup, shutdown or malfunction, provided that no hospital waste or medical/infectious waste is charged to the designated facility during startup, shutdown, or malfunction. For purposes of this section, the definitions in 40 CFR Part 60, §60.31e (62 FR 48379, September 15, 1997), and the exceptions and exemptions from the definition of designated facility in 40 CFR Part 60, §§60.32e(b) through (h) (62 FR 48379, September 15, 1997), are adopted by reference and incorporated herein.

004.02A Beginning September 15, 2000, each designated facility subject to this section shall be operated pursuant to a Class I operating permit.

004.02B For purposes of this section, the size classifications and emission limits provided in Tables 1 and 2 of 40 CFR Part 60, Subpart Ce (62 FR 48379, September 15, 1997) are adopted by reference and incorporated herein. On or after the date on which the initial compliance test is required, no designated facility shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits for its size, as provided in either Table 1 or 2, as applicable, or exhibit greater than 10 percent opacity, as evaluated by Method 9 in Appendix A of 40 CFR Part 60.

004.02C Each designated facility subject to the provisions of this section shall comply with the requirements for operator training and qualification, waste management plans, and recordkeeping and reporting, except for requirements relating to siting and fugitive emissions, as provided for new sources in section 001.67 of this chapter.

004.02D Each designated facility subject to the provisions of Table 1 as adopted in 004.02B shall comply with the requirements for compliance and performance testing and monitoring, except for fugitive emissions testing, as provided for new sources in 001.67 of this chapter.

004.02E Each designated facility subject to the provisions of Table 2 as adopted in 004.02B shall undergo an initial equipment inspection within 1 year of the effective date of this section, and subsequent equipment inspections no more than 12 months following each previous equipment inspection. For purposes of this paragraph, the inspection requirements in 40 CFR Part 60 §§60.36e(a)(1) and (2) (62 FR 48379, September 15, 1997) are adopted by reference.

004.02F Each designated facility subject to the provisions of Table 2 as adopted in 004.02B shall comply with the following:

004.02F1 Requirements for compliance and performance testing as provided in 40 CFR Part 63, §§60.37e(b)(1) through (5) (62 FR 48379, September 15, 1997);

004.02F2 Requirements for monitoring as provided in 40 CFR Part 63, §§60.37e(d)(1) through (3); (62 FR 48379, September 15, 1997), and

004.02F3 Requirements for reporting and recordkeeping as provided in 40 CFR Part 60, §§60.38e(b)(1) and (2) (62 FR 48379, September 15, 1997).

004.02G Except as provided in 004.02H below, each designated facility subject to the provisions of this section shall comply with all provisions of this section no later than 1 year after the EPA approval of the state plan for existing hospital/medical/infectious waste incinerators.

004.02H Subject to the approval of the Director, up to an additional 2 years may be granted for achieving compliance with this section, (but no later than September 16, 2002) provided that the designated facility file a petition for such extension with the Department within 6 months after EPA approval of the state plan. The petition must include the following:

004.02H1 Information regarding basis for delay; including documentation of the analyses undertaken to support the need for an extension;

004.02H2 An evaluation of the option to transport waste off-site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and

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004.02H3 A schedule of measurable incremental steps of progress to be taken towards compliance, including dates for submittal of control device design plans, ordering control devices, site preparation, installation and initial performance testing which will result in full compliance on or before the date which the petition was requested.

004.02I The Department shall review petitions for extension of the compliance deadline as expeditiously as possible, however, the compliance date for any given source shall remain unchanged unless and until the Department grants the petition.

EPA Rulemakings

CFR: 40 C.F.R. 62.6913(a)(b)(c)  
 FRM: 63 FR 20100 (04/23/98)  
 PRM: 63 FR 20158 (04/23/98)  
 State Submission: 1/6/98  
 State Proposal 6/4/97  
 State Final Published 10/30/97  
 APDB File: NE-42  
 Description: This rule establishes Nebraska's section 111(d) plan for control of landfill gas from existing MSW landfills, except those located in Indian Country.

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CFR: 40 C.F.R. 62.6914(a)(b)(c)  
 FRM: 64 FR 62117 (11/16/99)  
 PRM: 64 FR 62144 (11/16/99)  
 State Submission: 7/30/99  
 State Proposal: 3/27/98  
 State Final: 12/15/98  
 APDB File: NE-44  
 Description: This revision adds Nebraska's section 111(d) plan for control of emissions from hospital/medical/infectious waste incinerators for which construction, reconstruction, or modification was commenced on or before June 20, 1996.

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Difference Between the State and EPA-Approved Regulation

The EPA has approved only Section 004 of Chapter 18.