

Title 129 - Nebraska Air Quality Regulations

Chapter 22 - INCINERATORS; EMISSION STANDARDS

001 The provisions of this chapter shall apply to all new and existing incinerators except incinerators located on residential premises containing five or less dwelling units and used exclusively for the disposal of waste originating on said premises, incinerators used solely for space heating, and those subject to Nebraska Title 128, Chapter 7, section 008.

002 No person shall cause or permit emissions of particulate matter from any incinerator to be discharged into the outdoor atmosphere to exceed 0.10 grains per dry standard cubic foot (gr./dscf) of exhaust gas, corrected to 7% oxygen.

003 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practice.

004 Waste burned during performance testing required by Chapter 34 shall be representative of the waste normally generated by the affected facility and shall be charged at a rate equal to the burning capacity of the incinerator. Copies of any additional operational data recorded during the test shall be submitted to the Department together with the completed test report forms.

005 Instructions for proper operation of each incinerator shall be posted on site and written certification that each operator has read these instructions, understands them and intends to comply, shall be kept on record by the owner.

006 Except as provided in 006.01 and 006.02 below, each incinerator shall consist of (a) refractory lined combustion furnace(s) employing adequate design parameters necessary for maximum combustion of the materials to be burned, and shall be designed to vent the products of combustion through an adequate stack, duct, or chimney.

006.01 An alternate design for a new unit may be permitted provided it can be shown that the alternative design is at least as effective in controlling pollutant emissions as the design criteria of this section.

006.02 An operating permit can be issued to an existing unit not meeting the design criteria set forth in 006 above, provided compliance with both 002 of this chapter and the visible emission standard in 005 of Chapter 20 can be demonstrated.

Chapter 22

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

Legal Citation: Title 129, Ch. 22, Nebraska Department of
Environmental Quality

EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c)
 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 clarify exempt incinerator provisions. Subsection 002 was revised to correct the emission measurement method for particulate matter. Subsection 006 was added to incorporate the incinerator design specifications formerly contained in 001.

CFR: 40 C.F.R. 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: The EPA approved the renumbering of this rule as part of the overall recodification of the Nebraska rules. The rule was previously Chapter 11.

Note: All previous versions of the rule are obsolete; the record of prior rulemakings is shown below for historical purposes only.

CFR: 40 C.F.R. 52.1420(c)(39)
 FRM: 56 FR 50515 (10/7/91)
 PRM: None
 State Submission: 3/8/91
 State Proposal: 12/7/90
 State Final: 2/20/91
 APDB File: NE-30
 Description: The EPA approved a revision as part of an update of a number of regulations. This revision tightened the particulate emission limit for incinerators and added a requirement for operating instructions.

CFR: 40 C.F.R. 52.1420(c)(37)
 FRM: 54 FR 21059 (5/16/89)
 PRM: None
 State Submission: 6/15/88
 State Proposal: 2/5/88
 State Final: 6/5/88
 APDB File: NE-21
 Description: The EPA reapproved this rule as Chapter 11 as part of an action to update the entire set of regulations in the Nebraska SIP.

CFR: 40 C.F.R. 52.1420(c)(31)
 FRM: 50 FR 23003 (5/30/85)
 PRM: 49 FR 37427 (9/24/84)
 State Submission: 10/6/83
 State Proposal: 6/17/83
 State Final: 9/30/83
 APDB File: NE-18
 Description: The EPA approved a change to the regulation revising the format for reporting incinerator emission compliance.

CFR: 40 C.F.R. 52.1420(c)(4)
 FRM: 41 FR 8962 (3/2/76)
 PRM: None
 State Submission: 6/9/72
 State Proposal: Unknown
 State Final: 6/6/72
 APDB File: NE-00
 Description: As part of an action to clarify the list of SIP submissions submitted by the state, the EPA reapproved the rule. There were no apparent changes.

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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: 6/6/72
APDB File: NE-00
Description: The EPA approved this as Rule 14 pertaining to incinerator emissions, in the original SIP.

Difference Between the State and EPA-Approved Regulation

None.