

Title 129 - Nebraska Air Quality Regulations

Chapter 40 - GENERAL CONFORMITY

001 Notwithstanding any other provisions of these regulations, Subpart B of Title 40 Code of Federal Regulations (CFR) Part 93, pertaining to Determining Conformity of General Federal Actions to State or Federal Implementation Plans, as published in the FEDERAL REGISTER on November 30, 1993, is hereby adopted and incorporated herein with exceptions as noted in 002 through 005.

002 The provisions of 001 apply only within the area of Douglas County designated nonattainment for lead in 40 CFR 81.328 (November 6, 1991).

003 Section 93.151 is not included in this incorporation by reference.

004 Subsection 93.160(f) shall be modified as follows:

(f) Written commitments to mitigation measures must be obtained prior to a positive conformity determination and such commitment must be fulfilled.

005 Subsection 93.160(g) shall be modified as follows:

(g) After the effective date of this incorporation by reference and EPA's approval, any agreements, including mitigation measures, necessary for a conformity determination will be both State and federally enforceable. Enforceability through the Nebraska State Implementation Plan will apply to all persons who agree to mitigate direct and indirect emissions associated with a Federal action for a conformity determination.

Enabling Legislation: Neb. Rev. Stat. §81-1504

Legal Citation: Title 129, Ch. 40, Nebraska Department of Environmental Quality

## Chapter 40

### EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c)(42)(i)(A)  
FRM: 61 FR 5297 (2/12/96)  
PRM: 61 FR 5360 (2/12/96)  
State Submission: 6/14/95  
State Proposal: 12/2/94  
State Final: 5/29/95  
APDB File: NE-39  
Description: EPA approved a new rule which gives full approval to the Nebraska State Implementation Plan (SIP) for the purpose of fulfilling the requirements set forth in the EPA's General Conformity Rule.

Compliance provisions previously contained in Chapter 40 are now contained in Chapter 41 "General Provisions."

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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: EPA approved the renumbering of this rule as part of the overall recodification of the Nebraska rules. The rule was previously Chapter 25.

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

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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: EPA reapproved this rule as Chapter 25 as part of an action to update the entire set of regulations in the Nebraska SIP. The state made a minor wording change pertaining to penalties.

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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: EPA approved this as Rule 24 pertaining to failure to comply in the original SIP.

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### Difference Between the State and EPA-Approved Regulation

None.