

LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM

ARTICLE 2. REGULATIONS AND STANDARDS

SECTION 14. PERMITS - PUBLIC PARTICIPATION

(A) Scope. Except for modifications qualifying for minor permit modification procedures in Chapter 15, all Class I and Class II operating permit proceedings, including initial permit issuance, significant modifications, and renewals, and unless otherwise provided, all construction permits, shall provide for public notice, an opportunity for comment, and a hearing, if requested, on the draft permit in accordance with the procedures of these Regulations and Standards.

(B) Notice shall be given by publication in a newspaper of general circulation in the area where the source is located and by mailing to EPA and persons on a mailing list developed by the Department, including those persons who request in writing to be on the mailing list; and by other means, if necessary, to assure adequate notice to the affected public.

(C) The notice shall contain the following:

- (1) The identity of the affected facility;
- (2) The name and address of the permittee;
- (3) The name, address, and telephone number of the Department;
- (4) The activity or activities involved in the permit action;
- (5) The emissions change involved in any permit modification;
- (6) The name, address, and telephone number of the person from whom interested person may obtain additional information;
- (7) Location where copies of the draft permit, the application, draft permit revision, and other materials deemed relevant by the Department to the permit decision, may be reviewed; and
- (8) A brief description of the comment procedures and the time and place of any hearing that may be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled.

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(D) Persons or groups shall have 30 days from issuance of public notice to provide the Director with any written comments concerning the proposed permit action for which the public notice has been issued and/or request a public hearing in writing in accordance with paragraph (E) below. Such 30 day comment period may be extended by the Director.

(E) Public Hearings.

(1) The applicant, any Affected State, any interstate agency, the Administrator, or any interested agency, person, or group, may request or petition the Director, in writing, within the 30 day comment period of the public notice, for a public hearing, and state the nature of the issues to be raised and all arguments and factual grounds supporting their position.

(2) The Director may hold a public hearing if the comments, requests, or petitions raise legal, policy or discretionary questions of general application not pertaining solely to a particular party and significant public interest exists with respect to the application.

(F) Public notice of hearing. In addition to the public notice described in paragraph (C) above, the public notice of a hearing under paragraph (E) shall be published at least 30 days prior to the hearing in accordance with paragraph (B) and shall contain the following information:

(1) Reference to the date of the previous notices relating to the permit;

(2) Date, time, and place of hearing;

(3) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and

(4) A concise statement of the issues raised.

(G) Adjudicative Hearing

Any interested person may petition the Director for an adjudicative hearing in accordance with procedures established by the Lincoln City Council and the Lancaster County Board of Commissioners.

(H) At the time that any final permit decision is issued, the Department shall issue a response to significant comments received during the comment period and public hearing. The response to comments shall be made available to the public.

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(I) The Department shall make and keep a record of the commenters and of the issues raised during the public participation process. This record shall be made available to the Administrator in fulfillment of his or her obligation under Section 505(b)(2) of the Act to determine whether a citizen petition may be granted. Such record shall also be available to the public.

Ref: Title 129, Chapter 14, Nebraska Department of Environmental Quality

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EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c)(44)(i)(A)
FRM: 61 FR 5701 (2/14/96)
PRM: 61 FR 5725 (2/14/96)
State Submission: 5/31/95
State Proposal: 2/28/95
State Final: 5/16/95 (effective date locally)
APDB File: NE-37
Description: EPA approved a revision to the SIP that updated the local ordinances of the Lincoln-Lancaster County Health Department and created a Federally enforceable Class II operating permit program. The Lincoln-Lancaster County Air Pollution Control Program rules replaced Chapter 8.64 regulations of the city of Lincoln and Resolution No. 3155 of Lancaster County in their entirety.

CFR: 40 C.F.R. 70, Appendix A, Lincoln-Lancaster County (c)
FRM: 60 FR 53872 (10/18/95), Correction Notice 61 FR 7073 (2/26/96)
PRM: 60 FR 5883 (1/31/95)
State Submission: 11/12/93
State Proposal: 2/28/95
State Final: 5/16/95 (effective date locally)
APDB File: NE-32b
Description: EPA fully approved the operating permits program submitted by Lincoln-Lancaster County for the purpose of complying with Federal requirements for an approvable program to issue operating permits to all major stationary sources and certain other sources. The EPA also approved, under 112(1), the county's program for accepting delegation of section 112 standards to enforce air toxics regulations.

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)(24)
FRM: 47 FR 22954 (5/26/82)
PRM: 42 FR 46371 (9/15/77)
State Submission: 12/27/76
State Proposal: 12/10/76
State Final: 3/16/76; 6/21/76 (effective dates locally)
APDB File: NE-08
Description: EPA approved the revised ordinance and regulations for the city of Lincoln. The state withdrew Section 051 of the ordinance and Sections 4, 15, and 17 of the regulations.

CFR: 40 C.F.R. 52.1420(c)(23)
FRM: 47 FR 22954 (5/26/82)
PRM: 42 FR 46371
State Submission: 4/4/77; 2/18/82
State Proposal: 3/18/77
State Final: 2/4/77 (effective date locally)
APDB File: NE-08
Description: EPA approved the Lancaster County regulations into the SIP. Sections 6, 9, and 23 were withdrawn by the state prior to final rulemaking by the EPA.

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: 2/28/67 (effective date locally)
APDB File: NE-00
Description: EPA approved the city of Lincoln's ordinance for air pollution control as part of the original SIP.

Difference Between the State and EPA-Approved Regulation

None.