

NEBRASKA ADMINISTRATIVE CODE

Title 129 - DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 9 - GENERAL PERMITS

001 If the Director determines that numerous similar sources are subject to identical regulatory requirements, the Director may issue a general permit following the procedures specified in this Chapter and the applicable procedures of Chapters 13 and 14. The Director shall not issue general permits for affected sources under the acid rain program.

002 If the Director, in his or her discretion, determines a general permit is appropriate, he or she shall initiate issuance of a general permit by publication of a notice which identifies the criteria for sources that qualify for the general permit. The notice shall be published in a newspaper with statewide circulation and shall announce the availability of a draft general permit for public review and comment for 30 days.

003 The public notice of the draft general permit shall contain:

003.01 Name, address, and telephone number of the Department;

003.02 A brief description of the activities and/or operations addressed by the permit;

003.03 A statement of the criteria for sources that qualify for the permit;

003.04 A brief description of the comment procedures and the time and place of any hearing if already scheduled, including the procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final general permit decision; and

003.05 The name, address, and telephone number of the person from whom interested persons may obtain further information, and inspect and copy forms and related documents.

004 Any interested person shall have 30 days from issuance of the public notice within which to provide the Director with any written comments concerning the draft general permit and/or request a public hearing in writing. Such 30 day period may be extended by the Director.

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005 If any information or public comment is received during the comment period which appears to raise substantial issues concerning the draft general permit, the Director may formulate a new draft general permit which supersedes the original draft general permit and may, if necessary, republish the public notice.

006 Following the close of the public comment period and any public hearing, the Director shall issue a general permit. The Director shall include in the general permit all requirements applicable to other Class I or Class II operating permits, if the source category includes Class I sources, and all other requirements applicable to Class II permits, if the source category includes Class II sources.

007 Sources that qualify for a general permit must apply to the Department for coverage under the terms of the general permit by submitting an application in accordance with Chapter 7, that includes all information necessary to determine qualification for, and to assure compliance with, the general permit.

008 The Director shall notify a source of the final determination that the source qualifies and is covered under the general permit. If the Director denies coverage of the source under the general permit, the source may request an adjudicative hearing in accordance with the procedures established in Title 115, Rules of Practice and Procedure.

009 The Director may issue a general permit to an individual source without repeating the notice and comment procedures required under sections 001 through 006 of this Chapter. The Department shall maintain a list of all sources covered by general permits, which list shall be available for public review.

010 A source that obtains a general permit shall be subject to enforcement action for operation without a Class I or Class II operating permit if the source is later determined not to qualify for the terms and conditions of the general permit.

011 If some, but not all of a source's operations, activities, and emissions are eligible for coverage under one or more general permits, the owner may apply for coverage under one or more general permits for the operations, activities, and emissions that are so eligible. If a permit is required under Chapter 5 or Chapter 17 to address the remainder of operations, activities, and emissions at a source, the owner may apply for a permit, or register for coverage under a permit-by-rule for any facilities for which such permit-by-rule is available and approvable, that addresses those items not

covered by general permits. In such a case, the permit applicant must identify all operations, activities, and emissions that are subject to general permits or permits-by-rule. The Class I or Class II operating permit or construction permit shall identify any general permits or permits-by-rule which have been issued or approved.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 9, Nebraska Department of Environmental Quality

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EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c); Part 70, Appendix A, Nebraska; City of Omaha; Lincoln-Lancaster County Health Department (m)
FRM: 81 FR 69693 (10/7/2016)
PRM: 81 FR 69752 (10/7/2016)
State Submission: 5/1/03
State Final: 11/8/11? Adopted 12/7/07? effective 11/20/02
APDB File: NE-84A; EPA-R07-OAR-2016-0555 effective 12/6/16
Description: This revision to 011 allows for the issuance of multiple operating permits to major sources; establishes requirements regarding opacity for air curtain incinerators; allows burning in an air curtain incinerator with a general or community open fire permit; and clarifies NDEQ's authority to order emission sources to make or have tests made to determine the rate of contaminant emissions from the source. Portions of the submittal had already been acted on previously.

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(1), 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 allows the Director to issue general SIP-based operating permits for numerous similar sources. The EPA also approved the rule pursuant to section 112(1) 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.