

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Department of Environmental Quality

Chapter 20 - PARTICULATE EMISSIONS; LIMITATIONS AND STANDARDS

For exceptions due to breakdowns or scheduled maintenance: see Chapter 35 - COMPLIANCE; EXCEPTIONS DUE TO STARTUP, SHUTDOWN, OR MALFUNCTION

001 No person shall cause, suffer, allow or permit the emission of particulates from any processing machine, equipment, device or other articles, or combination thereof, except indirect heating equipment and incinerators, in excess of the amounts allowed in Table 20-1 during any one hour.

001.01 Interpolation of the data in Table 20-1 for process weight rates up to 60,000 Lb/Hr shall be accomplished by use of the equation $E = 4.10 p^{.67}$ and interpolation and extrapolation of the data for process weight rates in excess of 60,000 Lb/Hr shall be accomplished by use of the equation $E = 55.0 p^{.11-40}$, where E = rate of emission in Lb/Hr and P = process weight rate in Tons/Hr. If two or more units discharge into a single stack, the allowable emission rate will be determined by the sum of all process weights discharging into the single stack.

Table 20-1

Process Weight Rate		Rate of Emissions	Process Weight Rate		Rate of Emissions
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.000	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

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002 No person shall cause or allow particulate matter caused by the combustion of fuel to be emitted from any stack or chimney into the outdoor atmosphere in excess of the hourly rate set forth in Table 20-2:

Table 20-2

Total Heat Input in Million British Thermal Units Per Hour (MMBtu/Hr)	Maximum Allowable Emissions of Particulate Matter in Pounds per Million British Thermal Units (lb/MMBtu)
10 or less	0.60
Between 10 and 10,000	$\frac{1.026}{I^{0.233}}$ I = The total heat input in MMBtu/Hr
10,000 or more	0.12

003 For the purpose of these regulations, the total heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or chimney, or the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning units at a plant or on a premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

004 No person shall cause or allow emissions, from any source, which are of an opacity equal to or greater than twenty percent (20%), as evaluated by an EPA-approved method, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B except as provided for in section 005 of this chapter.

005 Exceptions:

005.01 No person shall cause or allow emissions from any existing teepee waste wood burner which are of an opacity equal to or greater than forty percent (40%).

005.02 No person shall cause or allow emissions from any existing alfalfa dehydration plant dryer which are of an opacity equal to or greater than thirty percent (30%).

005.03 Emission sources subject to monitoring requirements of Chapter 34, 005 of this Title are allowed to have one six minute period per hour of not more than 27 percent opacity.

005.04 Furnaces owned and operated by a law enforcement agency to dispose of ammunition, fireworks or similar flammable or explosive materials are exempt from the provisions of this Chapter solely while being used for this purpose.

006 All sources shall comply with section 004 of this Chapter unless an opacity standard applies as specified elsewhere in this Title.

007 Reserved.

008 Section 001 and Section 002 of this Chapter shall apply unless a more stringent particulate matter standard is specified in the underlying requirements of an applicable federal rule or is specified within a construction permit issued pursuant to this Title.

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

Legal Citation: Title 129, Ch. 20, Nebraska Department of Environmental Quality

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EPA Rulemakings

CFR: 40 C.F.R. 52.1420(c) and Part 70, Appendix A (p)
FRM: 84 FR 14878 (4/12/2019)
PRM: 84 FR 5032 (2/20/2019)
State Submission: 8/22/18 (effective 7/15/18)
State Final: 7/15/18
APDB File: NE 99; EPA-R07-OAR-2018-0852
Description: This revision amends 001; moves and renames table 20-1; adds subsection 001.01 and revises "this table"; 002 change to table name; 007 is "reserved" and text is moved to 001.01.

CFR: 40 C.F.R. 52.1420(c)
FRM: 83 FR 42594 (08/23/2018) effective 9/24/18
PRM: 83 FR 25975 (06/5/2018)
State Submission: 07/17/2014
State Final: 05/08/2014
APDB File: NE-92a; EPA-R07-OAR-2018-0188
Description: The chapter title was revised. This revision also clarifies that section *001* and *002* of chapter 20 applies unless a more stringent particulate matter standard is specified.

CFR: 40 C.F.R. 52.1420(c)
FRM: 70 FR 16426 (03/31/2005)
PRM: 70 FR 16471 (03/31/2005)
State Submission: 06/01/2004
State Final: 02/07/2004
APDB File: NE-60; e-docket No. R07-OAR-2005-NE-0001
Description: This revision consolidated the process weight rates into one table.

CFR: 40 C.F.R. 52.1420(c)
FRM: 68 FR 40528 (07/08/2003)
PRM: 68 FR 40617 (07/08/2003)
State Submission: 05/10/2002 and 11/05/2002
State Final: 04/01/2002 and 07/10/2002
APDB File: NE-54 and NE-57
Description: This revision added an exception to allow law enforcement personnel to dispose of dangerous material in a furnace (006.04). Paragraph 007 was revised to clarify the applicability of the rule.

CFR: 40 C.F.R. 52.1420(c)
FRM: 67 FR 37325 (05/29/2002)
PRM: 67 FR 37370 (05/29/2002)
State Submission: 06/29/2001
State Final: 08/22/2000
APDB File: NE-46
Description: Section 005 was revised to allow for evaluation of opacity using an EPA-approved method.

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: The EPA approved the integration of Chapters 8, 10, and 16 and Appendix II of the rules into this new Chapter 20 as part of the overall recodification of the Nebraska rules. Minor changes were made to the rules including the integration of the test method for opacity (previously found in Appendix II) by direct adoption of Test Method 9.

Note: All previous versions of these rules 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 to Chapter 10 as part of an update of a number of regulations. The revision deleted an incorrect unit in the formula. The EPA also approved a revision to Chapter 16 which deleted references to Ringlemann Chart. Other minor changes were made.

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 Rules 12, 13, and 20 as Chapter 8, 10, and 16, respectively, as part of an action to update the entire set of regulations in the Nebraska SIP. The revision included the addition of Test Method 9 (Appendix II) and the effective deletion of language that had been approved as Rule 19 in the original SIP.

CFR: 40 C.F.R. 52.1420(c) (25)
 FRM: 48 FR 12715 (3/28/83)
 PRM: 46 FR 11312 (2/6/81)
 State Submission: 8/9/82
 State Proposal: Unknown
 State Final: 8/11/82
 APDB File: NE-01
 Description: The EPA approved a more stringent rule for fuel burning equipment having a heat input of 10,000 Btu/hour or more and deleted the illustrative chart.

CFR: 40 C.F.R. 52.1420(c) (22)
 FRM: 47 FR 3113 (1/22/82)
 PRM: 43 FR 14972 (4/10/76)
 State Submission: 12/29/77
 State Proposal: 11/18/77
 State Final: 12/7/77
 APDB File: NE-06
 Description: This revision changed the visible emission limitations for tepee waste burners and alfalfa dehydrators. The regulation was known as "Rule 13" at the time.

CFR: 40 C.F.R. 52.1420(c) (8)
 FRM: 40 FR 11778 (9/9/75); 41 FR 8956 (3/2/76)
 PRM: 39 FR 24921 (7/8/74)
 State Submission: 2/27/74
 State Proposal: 12/14/73
 State Final: 2/26/74
 APDB File: NE-00
 Description: This revision deleted a provision in Rule 13 for determining allowable emissions depending on the number of stacks.

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 revisions submitted by the states, the EPA reapproved Rule 12 and 13. 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 Rule 12, pertaining to particulate emission limitations for process-operations; Rule 13, pertaining to particulate emission limitations for existing fuel burning equipment; Rule 19, pertaining to responsibility; and Rule 20, pertaining to visible emissions, in the original SIP.

Difference Between the State and EPA-Approved Regulation

None.