

Title 129 - Nebraska Air Quality Regulations

Chapter 33 - COMPLIANCE; TIME SCHEDULE FOR

001 Except as otherwise noted in specific emission control regulations, compliance with these regulations shall be according to the following schedule:

001.01 All new or modified installations that required approval under the provisions of Chapter 17 shall be in compliance with all applicable emission control regulations at start-up after the effective date of the applicable emission control regulation. Provided, however, such installation may, at the request of the operator and under conditions approved by the Department, be operated for such specified time periods as are required to make necessary adjustments on the equipment. Compliance must be demonstrated in conformance with Chapter 34.

001.02 All existing installations and open burning operations subject to Chapter 5, 001.01 and 001.02 shall be in compliance with these regulations within 180 days after the effective date of these regulations and shall certify compliance and state the method used to determine compliance, unless the person responsible for the operation of such installation or open burning operation has submitted a request to, and received a variance from, the Department to continue such operation in nonconformance with the regulations for a specified period of time beyond the 180 day period provided for compliance.

001.03 All requests for variance as provided for in Neb. Rev. Stat. §81-1513 shall be submitted in writing to the Department and, in addition to statutory requirements, shall contain the following information:

001.03A A description of the particular operation or installation affected.

001.03B The reason for being unable to meet the requirements for these regulations.

001.03C A specific time schedule showing increments of progress toward compliance, including:

001.03C1. Date of submittal of the source's final control plan to the appropriate air pollution control agency;

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001.03C2. Date by which contracts for emission control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

001.03C3. Date of initiation of on site construction or installation of emission control equipment or process change;

001.03C4. Date by which on site construction or installation of emission control equipment or process modification is to be completed; and

001.03C5. Date by which final compliance is to be achieved.

001.03D The notarized signature of the person responsible for the operation or installation.

001.03E Any other supporting documentation specifically requested by the Department and deemed pertinent to consideration of the individual request.

002 Compliance schedules requiring more than 12 months to conform with applicable rules and regulations to meet National Primary and Secondary Ambient Air Quality Standards will be accomplished in progressive steps. A report will be made in writing to the Director within 5 days after each step is completed.

003 Failure to meet time schedules approved in accordance with Sections 001.02 and 001.03 of this Chapter of this regulation shall constitute a violation of these regulations unless a request to amend the time schedule is received at least 30 days before the end of any specified period approved for a particular activity. Such a request to amend the schedule shall contain the same type of information as required for the initial request for variance as described in Section 001.03 of this Chapter.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2)(4)(11)(25); 81-1505(12); 81-1513(1) to (7)

Legal Citation: Title 129, Ch. 33, Nebraska Department of Environmental Quality

EPA Rulemakings

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: 12/17/93
 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 18. Minor language changes to references were also made.

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)(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 18 as part of an action to update the entire set of regulations in the Nebraska SIP. The state's revision deleted outdated compliance schedules and changed references to Chapter 68 of Title 115, Rules of Practice and Procedure.

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: The EPA approved a revision which added a final date for compliance to the list of incremental dates required for compliance schedules. The provision requiring that a source must be notified to report its compliance status to the state was deleted.

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 this rule. There were no apparent changes.

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 7 pertaining to compliance schedules in the original SIP.

Difference Between the State and EPA-Approved Regulation

None.