

Title 129 - Nebraska Air Quality Regulations

Chapter 38 - EMERGENCY EPISODES; OCCURRENCE AND CONTROL, CONTINGENCY PLANS

001 Whenever the Director finds that an emergency exists requiring immediate action to protect the public health and welfare, he shall issue an announcement to the general public. In addition, he is required to issue an order, showing the date of issuance, stating the existence of such an emergency and requiring such action be taken as deemed necessary to meet the emergency. The Director shall hold a hearing on the emergency order 10 days after its issuance if requested in accordance with Neb. Rev. Stat. §81-1507(4).

002 Regulations which shall be enforced in the event of an Air Pollution Emergency Episode are attached hereto as Appendix I and hereby incorporated in these regulations the same as if set out herein verbatim. Appendix I is designed to prevent the excessive buildup of air pollutants to concentrations which can result in an imminent and substantial danger to public health.

003 Episode Criteria.

003.01 Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Director determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Director will be guided by the following:

003.01A Air Pollution Forecast - An internal watch by the Department shall be actuated by National Weather Service Advisory that Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric conditions.

003.01B Alert - The "Alert" level is defined as that concentration of pollutants which require initiation of first stage emission control actions. An air pollution "Alert" will be declared when any one of the following levels is reached at any monitoring site:

SO₂ - 800 ug/m³ (0.3 ppm), 24 hour average

PM₁₀ - 350 ugs/m³, 24 hour average

CO - 17 mg/m³ (15 ppm), 8 hour average

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Ozone (O₃) - 400 ug/m³ - (0.2 ppm) 1 hour average

NO₂ - 1130 ug/m³ (0.6 p.p.m.), 1 hour average; 282 ug/m³ (0.15 ppm), 24 hour average.

and, that meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

003.01C Warning - The "Warning" level indicated that air quality is continuing to degrade - pollutant concentrations are increasing - and that additional control actions are necessary. An air pollution "Warning" will be declared when any one of the following levels is reached at any monitoring site:

SO₂ - 1600 ug/m³ (0.6 ppm), 24 hour average

PM₁₀ - 420 ug/m³, 24 hour average

CO - 34 mg/m³ (30 ppm), 8 hour average

Ozone (O₃) - 800 ug/m³ (0.4 ppm), 1 hour average

NO₂ - 2260 ug/m³ (1.2 ppm), 1 hour average, 565 ug/m³ (0.3 ppm), 24 hour average.

and, meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

003.01D Emergency - The "Emergency" level indicated that air quality is continuing to degrade to a level that should never be reached, totally unacceptable, and that the most stringent actions are necessary. An air pollution "Emergency" will be declared when any one of the following levels is reached at any monitoring sites:

SO₂ - 2100 ug/m³, (0.8 ppm), 24 hour average

PM₁₀ - 500 ugs/m³, 24 hour average

CO - 46 mg/m³ (40 ppm), 8 hour average

Ozone (O₃) - 1000 ug/m³ (0.5 ppm), 1 hour average

NO₂ - 3000 ug/m³ (1.6 ppm), 1 hour average; 750 ug/m³ (0.4 ppm), 24 hour average.

and, meteorological conditions are such that this condition can be expected to continue for 12 or more hours.

003.01E Termination - When any of the above three levels of air pollution has been declared (by virtue of pollutant concentrations meeting the defined criteria for the level) the declared level will remain in effect until the concentrations fall below the specified criteria. The new lower level(s) will be assumed until the pollutant concentrations decrease below the criteria defined for the "alert" level, at which time the episode will be declared "terminated". The concomitant "emission reduction actions" for any declared level cannot be relaxed until the declared level criteria are determined to be no longer met.

004 Emission Reduction Plans.

004.01 Air Pollution Alert - When the Director declares an Air Pollution Alert, any person responsible for the operation of a source of air pollutants as set forth in Appendix I, Paragraph 1.1 shall take all Air Pollution Alert actions as are required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Alert.

004.02 Air Pollution Warning - When the Director declares an Air Pollution Warning, any person responsible for the operation of a source of air pollutants as set forth in Appendix I, Paragraph 1.2 shall take all Air Pollution Emergency Actions as required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Warning.

004.03 Air Pollution Emergency - When the Director declares an Air Pollution Emergency, any person responsible for the operation of a source of air pollutants as described in Appendix I, Paragraph 1.3 shall take all Air Pollution Emergency Actions as required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Emergency.

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004.04 When the Director determines that a specified criteria level has been reached at one or more monitoring sites solely because of emissions from a limited number of sources, he shall notify such source(s), that the preplanned abatement strategies of Appendix I, Paragraph 1.2 and 1.3 or of the standby plans are required insofar as it applies to such source(s), and shall be put into effect until the criteria of the specified level are no longer met.

005 Preplanned Abatement Strategies.

005.01 Any person responsible for the operation of a source of air pollutants as set forth in Appendix I, Paragraph 1.4 shall prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth in Appendix I, Paragraph 1.1, 1.2, and 1.3 which are made a part of this section.

005.02 Any person responsible for the operation of a source of air pollutants not set forth under Appendix I, Paragraph 1.4 shall, when requested by the Director in writing, prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth as above.

005.03 Standby plans as required under sections 005.01 and 005.02 of this Chapter shall be in writing and identify the sources of air pollutants, the approximate amount of reduction of pollutants and a brief description of the manner in which the reduction will be achieved during an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency.

005.04 During a condition of Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency, standby plans as required by this section shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

005.05 Standby plans as required by this section shall be submitted to the Director upon request within 30 days of the receipt of such request; such standby plans shall be subject to review and approval by the Director. If, in the opinion of the Director, a standby plan does not effectively carry out the objectives as set forth in Appendix I, Paragraphs 1.1, 1.2 and 1.3, the Director may disapprove it, state his reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2);
81-1505(1)(12)(16); 81-1507(4)

Legal Citation: Title 129, Ch. 38, Nebraska Department of
Environmental Quality

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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: 9/16/93
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 23.

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 23 as part of an action to update the entire set of regulations in the Nebraska SIP. Included in this action were changes to the rule to incorporate the PM₁₀ requirements as well as other minor revisions.

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 22 pertaining to emergency episodes in the original SIP.

Difference Between the State and EPA-Approved Regulation

None.