NEBRASKA ADMINISTRATIVE CODE

Title 129 - Department of Environmental Quality

Chapter 1 - DEFINITIONS

Definitions included here apply to the state regulations in this Title and to the Appendices. Unless otherwise defined, or a different meaning is clearly required by context, the following words and phrases, as used in this Title, shall have the following meanings:

001 "Act" means the Clean Air Act, as amended (42 U.S.C. 7401 et seq.).

002 “Actual emissions” for purposes other than the Prevention of Significant Deterioration program, means the actual rate of emissions of a pollutant from an emissions unit as determined below:

002.01 In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during the preceding year and which is representative of normal source operation. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, existing control equipment, and types of materials processed, stored, or combusted during the selected time period.

002.02 The Director may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

002.03 For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

003 "Actual emissions", for purposes of the Prevention of Significant Deterioration program, means the actual rate of emissions of a regulated NSR pollutant from an emissions unit as determined in accordance with sections 003.01 through 003.03 except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a Plantwide Applicability Limitation (PAL) under Chapter 19, section 011. Instead, “baseline actual emissions” and “projected actual emissions” shall apply for those purposes.

003.01 In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, existing control equipment, and types of materials processed, stored, or combusted during the selected time period.

003.02 The Director may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

003.03 For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

004 “Actuals PAL” for a major stationary source means a Plantwide Applicability Limitation (PAL) based on the baseline actual emissions of all emissions units at the source~~,~~ that emit or have the potential to emit the PAL pollutant.

005 "Administrator" means the Administrator of the United States Environmental Protection Agency or his or her designee.

006 "Affected facility" means, with reference to a stationary source, any apparatus to which a standard of performance is specifically applicable.

007 "Affected source" means a source that includes one or more affected units.

008 "Affected States" means all States that:

008.01 Are one of the following contiguous States: Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming, and in the judgment of the Director may be affected by emissions from a facility seeking a Class I permit, modification, or renewal; or

008.02 Are a contiguous State within 50 miles of the permitted source.

009 "Affected unit" means a unit that is subject to emission reduction requirements or limitations under Chapter 26.

010 "Air contaminant" or "Air contamination" means the presence in the outdoor atmosphere of any dust, fumes, mist, smoke, vapor, gas, or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

011 “Air curtain incinerator” means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor.

012 "Air pollutant" or "air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration as are or may tend to be injurious to human, plant or animal life, property, or the conduct of business.

013 "Air pollution control agency" means any of the following:

013.01 The Department designated by statute as the official state air pollution control agency for purposes of Neb. Rev. Stat. Sections 81-1501 to 81-1532;

013.02 An agency established by two or more states and having substantial powers or duties pertaining to the prevention and control of air pollution;

013.03 A city, county, or other local government health authority; or in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

013.04 An agency of two or more municipalities located in the same state or in different states and having substantial powers or duties pertaining to the prevention and control of air pollution.

014 “Air Quality Control Region” means a region designated by the Governor, with the approval of the Administrator, for the purpose of assuring that national primary and secondary ambient air quality standards will be achieved and maintained. Within one year after the promulgation of a new or revised National Ambient Air Quality Standard, the Governor must designate each region as non-attainment, attainment, or unclassifiable. The Administrator must approve the designations.

015 "Allowable emissions" means

015.01 For a stationary source, the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

015.01A The applicable standards set forth in 40 CFR Parts 60 (Standards of Performance for New Stationary Sources) or Parts 61 or 63 (National Emission Standards for Hazardous Air Pollutants);

015.01B Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or

015.01C The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

015.02 For a Plantwide Applicability Limitation (PAL), the definition is the same as in section 015.01 except as this definition is modified according to sections 015.02A and 015.02B:

015.02A The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

015.02B An emissions unit's potential to emit shall be determined using the definition in section 113 except that the words "or enforceable as a practical matter" should be added after "federally enforceable".

016 "Ambient air" means the portion of the atmosphere, external to buildings, to which the general public has access.

017 "AP-42" refers to the *Compilation of Air Pollutant Emission Factors*, published by the EPA Office of Air Quality Planning and Standards. It contains emission factors and process information for more than 200 air pollution source categories.

018 "Applicable requirement" means all of the following as they apply to emissions units in a source required to obtain an operating permit, including requirements that have been promulgated and approved by the Council through rule-making at the time of issuance but have future-effective compliance dates:

018.01 Any standard or other requirement provided for in the applicable implementation plan that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR part 52;

018.02 Any term or condition of any construction permits;

018.03 Any standard or other requirement under Chapter 18 relating to standards of performance for new stationary sources;

018.04 Any standard or other requirement established pursuant to Section 113 of the Act and regulations adopted by the Council in Chapters 23, 27 and 28 relating to hazardous air pollutants listed in Appendix II or Appendix III;

018.05 Any standard or other requirement of the acid rain program under Chapter 26;

018.06 Any requirements established under Chapter 31 or pursuant to any permit or order issued by the Director under this Title;

018.07 Any standard or other requirement governing solid waste incineration under Chapter 18 or pursuant to Section 129(e) of the Act and regulations adopted by the Council;

018.08 Any standard or other requirement for consumer and commercial products established under Section 183(e) of the Act and regulations adopted by the Council;

018.09 Any standard or other requirement for tank vessels established under Section 183(f) and regulations adopted by the Council;

018.10 Any standard or other requirement to protect stratospheric ozone as promulgated pursuant to Title VI of the Act and regulations adopted by the Council; and

018.11 Any national ambient air quality standard or increment or visibility requirement under the Prevention of Significant Deterioration Program as defined in Chapter 1, but only as it would apply to temporary sources permitted pursuant to Chapter 10.

019 ~~018.12~~ “Applicable requirements under the Act” means federal regulations promulgated pursuant to the Clean Air Act, as amended, which have not been considered and adopted by the Council.

020 ~~019~~ "Area source" means:

020.01 ~~019.01~~ For the purposes of Class I permits under Chapter 5, 001.01C, any stationary source of hazardous air pollutants that is not a major source and as more particularly defined by National Emission Standards for Hazardous Air Pollutants promulgated under 40 CFR Part 63 and adopted by the Council.

020.02 ~~019.02~~ For all other purposes, any small residential, governmental, institutional, commercial, or industrial fuel combustion operation; on-site waste disposal facility, vessels, or other transportation facilities; or other miscellaneous sources, as identified through inventory techniques approved by the Director.

020.03 ~~019.03~~ Area source shall not include motor vehicles or nonroad vehicles.

021 ~~020~~ “Baseline actual emissions” has the definition given to it in Chapter 19, section 005.

022 ~~021~~ “Baseline area” means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1) (A)(ii) or (iii) of the Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: equal to or greater than one (1) microgram per cubic meter (annual average) for SO_2, NO_2, or PM_{10}; or equal to or greater than 0.3 micrograms per cubic meter (annual average) for $PM_{2.5}$.

023 ~~022~~ “Baseline concentration” means that ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date.

023.01 ~~022.01~~ A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

023.01A ~~022.01A~~ The actual emissions, as defined in section 002, representative of sources in existence on the applicable minor source baseline date, except as provided in section ~~022.02~~023.02; and

023.01B ~~022.01B~~ The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

023.02 ~~022.02~~ The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

023.02A ~~022.02A~~ Actual emissions from any major stationary source on which construction commenced after the major source baseline date; and

023.02B ~~022.02B~~ Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

024 ~~023~~ "Begin actual construction" means in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operating this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

025 ~~024~~ "Best Available Control Technology" or “BACT”~~,~~:

025.01 ~~for~~ For purposes of the Prevention of Significant Deterioration (PSD) program as defined in Chapter 1~~.~~ means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the Director, on a case-by-case

basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the Director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

~~018.12~~025.02 ~~"Best Available Control Technology" or "BACT", for~~ For purposes other than the PSD program, means an emission limitation or a design, equipment, work practice, operational standard or combination thereof, which results in the greatest degree of reduction of a pollutant, as determined by the Director to be achievable by a source, on a case-by-case basis, taking into account energy, public health, environmental and economic impacts and other costs.

026 ~~025~~ "Building, structure, or facility", for purposes other than the Prevention of Significant Deterioration program, means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e~~.,~~. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

027 ~~026~~ "Building, structure, facility, or installation", for purposes of the Prevention of Significant Deterioration program, means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e~~.,~~. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

028 ~~027~~ "Class I operating permit" means any permit or group of permits covering a Class I source that is issued, renewed, amended, or revised pursuant to this Title.

029 ~~028~~ "Class I source" means any source subject to the Class I permitting requirements of Chapter 5.

030 ~~029~~ "Class II operating permit" means any permit or group of permits covering a Class II source that is issued, renewed, amended, or revised pursuant to this Title.

031 ~~030~~ "Class II source" means any source subject to the Class II permitting requirements of Chapter 5.

032 ~~031~~ “Clean lumber” means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

033 ~~032~~ “CO_2 equivalent emissions (CO_2e)” shall represent an amount of greenhouse gases (GHGs) emitted, and shall be computed by the sum total of multiplying the mass amount of emissions, in tons per year (tpy), for each of the six greenhouse gases in the pollutant GHGs, by each of the gas’s associated global warming potential (see definition for “Global Warming Potential~~).”~~).

034 ~~033~~ "Commence" as applied to construction, reconstruction, or modification of a stationary source means that the owner or operator has all necessary preconstruction approvals and either has:

034.01 ~~033.01~~ Begun, or caused to begin, a continuous program of physical on-site construction of the source to be completed within a reasonable time; or

034.02 ~~033.01~~ Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

035 ~~034~~ “Complete” means, in reference to an application for a permit, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Department from requesting or accepting any additional information.

036 ~~035~~ "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions (a change in “emissions” for the Prevention of Significant Deterioration Program).

037 ~~036~~ "Consumer Price Index" or "CPI" means the average of the Consumer Price Index for all urban consumers published by the United States Department of Labor at the close of the twelve-month period ending on August 31 of each year.

038 ~~037~~"Continuous emissions monitoring system (CEMS)" means all of the equipment that may be required to meet the data acquisition and availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

039 ~~038~~ "Continuous emissions rate monitoring system (CERMS)" means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

040 ~~039~~ "Continuous parameter monitoring system (CPMS)" means all of the equipment necessary to meet the data acquisition and availability requirements of the Prevention of Significant Deterioration program, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O_2 or CO_2 concentrations), and to record average operational parameter value(s) on a continuous basis.

041 ~~040~~ "Control" and "controlling" means prohibition of contaminants as related to air, land, or water pollution.

042 ~~041~~ "Control strategy" means a plan to attain National Ambient Air Quality Standards or to prevent exceeding those standards.

043 ~~042~~ "Council" means the Environmental Quality Council.

044 ~~043~~"Department" means the Department of Environmental Quality.

045 ~~044~~ "Designated representative" means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with Subpart B of 40 CFR part 72, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program. Whenever the term "responsible person" is used in this Title, it shall be deemed to refer to the "designated representative" with regard to all matters under the Acid Rain Program.

046 ~~045~~ "Deviation" means a departure from an indicator range or work practice for monitoring, consistent with any averaging period specified for averaging the results of the monitoring.

047 ~~046~~ "Director" means the Director of the Department of Environmental Quality or his or her designee.

048 ~~047~~ "Draft permit" means the version of a permit for which the permitting authority offers public participation and, in the case of a Class I draft operating permit, affected State review.

049 ~~048~~ “Electric utility steam generating unit” means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

050 ~~049~~ "Elevated terrain" means terrain, which may affect the calculation of good engineering practice stack height.

051 ~~050~~ "Emission data" means chemical analysis of process fuel and the manufacturing or production process, as well as operational procedures and actual nature and amounts of emissions.

052 ~~051~~ "Emission limitation" and "Emission standard" mean a requirement established pursuant to this Title, the State Act, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

053 ~~052~~ "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

054 ~~053~~ "Emissions unit" means any part or activity of a stationary source, which emits or would have the potential to emit any regulated air pollutant (“regulated NSR pollutant” for purposes of the Prevention of Significant Deterioration program) or any pollutant listed in Appendix II. This term includes electric steam generating units. This term is not meant to alter or affect the definition of the "unit" for purposes of Chapter 26.

For purposes of the Prevention of Significant Deterioration (PSD) program, there are two types of emissions units:

a) ~~(a)~~ A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated; and

b) ~~(b)~~ An existing emissions unit is any emissions unit that does not meet the requirements in (a) above.

055 ~~054~~ "Emissions" means releases or discharges into the outdoor atmosphere of any air contaminant or combination thereof.

056 ~~055~~ "Existing source" means equipment, machines, devices, articles, contrivances, or installations which are in being on the effective date of these regulations.

057 ~~056~~ "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

058 ~~057~~ "Federally enforceable" means all limitations, conditions, and requirements within any applicable State Implementation Plan, any permit requirements established in any permit issued pursuant to this Title, and any requirements in Chapters 18 and 23, 27, or 28 which are enforceable by the Administrator.

059 ~~058~~ "Final permit" means the version of a permit issued by the Department that has completed all review procedures required by Chapter 14, and for a Class I permit, Chapter 13.

060 ~~059~~ "Fixed capital cost" means the capital needed to provide all the depreciable components of a source.

061 ~~060~~ "Fuel burning equipment" means any furnace, boiler, apparatus, stack and all associated equipment, used in the process of burning fuel.

062 ~~061~~ "Fugitive dust" means solid airborne particulate matter emitted from any source other than a flue or stack.

063 ~~062~~ "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

064 ~~063~~ "General permit" means a Class I or Class II operating permit that meets the requirements of Chapter 9.

065 ~~064~~ "Global Warming Potential" means the ratio of the time-integrated radiative forcing from the instantaneous release of one kilogram of a trace substance relative to that of one kilogram- of a reference gas, i.e., CO_2. The pollutant greenhouse gases (GHGs) is adjusted to calculate CO_2 equivalence using "Table A-1 – Global Warming Potentials" at 40 CFR 98, Subpart A, as published at 74 Federal Register 56395 on October 30, 2009..

066 ~~065~~ "Greenhouse gases (GHGs)" means the air pollutant defined as the aggregate group of six gases: carbon dioxide (CO_2), nitrous oxide (N_20), methane (CH_4), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6).

067 ~~066~~ "Hazardous air pollutant" means any air pollutant:

067.01 ~~066.01~~ listed in Appendix II~~,~~; or

067.02 ~~066.02~~ to which no ambient air quality standard is applicable and which in the judgment of the Director may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

068 ~~067~~ “High terrain” means any area having an elevation 900 feet or more above the base of the stack of a source.

069 ~~068~~ "Incinerator" means any furnace used in the process of burning solid waste, except for a furnace owned and operated by law enforcement agencies solely to dispose of ammunition, fireworks or similar flammable or explosive materials.

070 ~~069~~ “Indian Governing Body” means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

071 ~~070~~ “Indian Reservation” means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

072 ~~071~~ “Innovative control technology” means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

073 ~~072~~ “Insignificant activities” refers to activities and emissions that may be excluded from reporting for operating permit applications and/or emissions inventories. Emissions exempted from reporting requirements must still be included in the determination of whether a source must obtain a Class I or Class II operating permit.

074 ~~073~~ "Installation" means an identifiable piece of process equipment~~.~~ (. (This definition does not apply to the Prevention of Significant Deterioration program. See “~~building~~Building, structure, facility, or installation”)

075 ~~074~~ "Interstate air pollution control agency" means:

075.01 ~~074.01~~ An air pollution control agency established by two or more states; or

075.02 ~~074.02~~ An air pollution control agency of two or more political subdivisions located in different states.

076 ~~075~~ “Local agency" means any air pollution control agency in this state, other than a state agency, which is charged with responsibility for carrying out part of a plan.

077 ~~076~~ "Low emitter" refers to a facility that has a potential to emit any regulated pollutant above the major source threshold (Class I operating permit level), but has actual emissions below the levels requiring a Class II operating permit.

078 ~~077~~ "Low terrain" means any area other than high terrain.

079 ~~078~~ "Lowest Achievable Emission Rate (LAER)" means, for any source, the more stringent emission rate from either:

079.01 ~~078.01~~ The most stringent emission limitation contained in the implementation plan of any state for such class or category of sources (as adopted by the Council) unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

079.02 ~~078.02~~ The most stringent emission limitation which is achieved in practice by such class or category of source and adopted by the Council. These limitations, when applied to a modification, mean~~s~~ the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

080 ~~079~~ "Major emissions unit" means:

080.01 ~~079.01~~ Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or

080.02 ~~079.02~~ Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Act for nonattainment areas.

081 ~~080~~ "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source.

081.01 ~~080.01~~ Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds or NO_x shall be considered significant for ozone.

081.02 ~~080.02~~ A physical change or change in the method of operation shall not include:

081.02A ~~080.02A~~ Routine maintenance, repair and replacement;

Text underlined and highlighted in green was approved at the March, 2012 EQC meeting and is pending final approval and incorporation into Title 129.

081.02B ~~080.02B~~ Use of an alternative fuel or raw material by reason of any order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

081.02C ~~080.02C~~ Use of an alternative fuel by reason of an order or rule under section 125 of the Act;

081.02D ~~080.02D~~ Use of an alternative fuel at a steam-generating unit to the extent that the fuel is generated from municipal solid waste;

081.02E ~~080.02E~~ Use of an alternative fuel or raw material by a stationary source which:

081.02E1 ~~080.02E1~~ The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition, which was established after December 21, 1976, pursuant to the Prevention of Significant Deterioration Program as defined in Chapter 1; or

081.02E2 ~~080.02E2~~ The source is approved to use under any permit issued under regulations approved pursuant to the Prevention of Significant Deterioration Program as defined in Chapter 1;

081.02F ~~080.02F~~ An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition, which was established after December 21, 1976, pursuant to the Prevention of Significant Deterioration Program as defined in Chapter 1; or

081.02G ~~080.02G~~ Any change in ownership at a stationary source.

081.02H ~~080.02H~~ The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

081.02H1 ~~080.02H1~~ The State implementation plan for the State in which the project is located; and

081.02H2 ~~080.02H2~~ Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

081.02I ~~080.02I~~ The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that

the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

081.02J ~~080.02J~~ The reactivation of a very clean coal-fired electric utility team generating unit.

081.03 ~~080.03~~ This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under Chapter 19 for a PAL for that pollutant. Instead, the definition of “PAL major modification” shall apply.

082 ~~081~~ “Major source baseline date” means, in the case of ~~-~~ PM_{10} and sulfur dioxide, January 6, 1975, in the case of nitrogen dioxide, February 8, 1988, and, in the case of $PM_{2.5}$, October 20, 2010.

083 ~~082~~ "Major stationary source" or "major source" means any source identified in Chapter 2.

084 ~~083~~ “Maximum achievable control technology” or (MACT)” means:

084.01 ~~083.01~~ For new sources, the emission limitation reflecting the maximum degree of reduction in hazardous air pollutant emissions that is deemed achievable, which is no less stringent than the emission limitation achieved in practice by the best controlled similar source.

084.02 ~~083.02~~ For existing sources, the emission limitation reflecting the maximum degree of reduction in hazardous air pollutant emissions that the Director, taking into consideration the cost of achieving such emission reductions, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory, which is no less stringent than the average emission limitation achieved by the best performing 12 percent of the existing sources, as determined pursuant to section 112(d)(3) of the Act.

085 ~~084~~ “Method 9” refers to a visual determination of the opacity of emissions from a stationary source as defined in 40 CFR 60, Appendix A-4.

086 ~~085~~ “Method 22” refers to a visual determination of fugitive emissions from material sources and smoke emissions from flares as defined in 40 CFR 60, Appendix A-7.

087 ~~086~~ "Minor source" means any source which is not defined as a major source in Chapter 2.

088 ~~087~~ “Minor source baseline date” means the earliest date after the trigger date on which a major stationary source or a major modification subject to the Prevention of Significant Deterioration Program, as defined in Chapter 1, submits a complete permit application. The trigger date is, in the case of PM_{10} and sulfur dioxide, August 7, 1977, in the case of nitrogen dioxide, February 8, 1988, and in the case of $PM_{2.5}$, October 20, 2011. Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that the Department may rescind any such minor source baseline date where it can be shown, to the satisfaction of the Department, that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM_{10} emissions.

The baseline date is established for each pollutant for which increments or other equivalent measures have been established if the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(i) (A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or to regulations approved pursuant to 40 CFR 51.166 or to Chapter 19; and, in the case of a major stationary source, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.

089 ~~088~~ “Mobile source” means a motor vehicle, nonroad engine, or nonroad vehicle. A motor vehicle is a self-propelled vehicle designed for transporting persons or property on a street or highway. A nonroad vehicle is a vehicle powered by a nonroad engine. A nonroad engine is an internal combustion engine that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 111 or section 202 of the Act.

090 ~~089~~ "Modification" means any physical change in, or change in method of operation of, an affected facility which increases the amount of any air pollutant, except that:

090.01 ~~089.01~~ Routine maintenance, repair, and replacement (except as defined as reconstruction) shall not be considered physical changes; and

090.02 ~~089.02~~ An increase in the production rate or hours of operation shall not be considered a change in the method of operation, unless such change would violate a permit condition.

091 ~~090~~ "National standard" means either a primary or a secondary standard established pursuant to the Act.

092 ~~091~~ "Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations and those air

quality control laws and regulations which are part of the applicable State Implementation Plan.

093 ~~092~~ "Net emissions increase" means the following~~:, ~~:

093.01 ~~092.01~~ With respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

093.01A ~~092.01A~~ The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to the Prevention of Significant Deterioration Program as defined in Chapter 1; and

093.01B ~~092.01B~~ Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases shall be determined as provided in Chapter 19, section 005 except that sections 005.05 and 005.06 shall not apply.

093.01C ~~092.01C~~ An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before the source begins actual construction of the project and the date that the increase from the project occurs.

093.02 ~~092.02~~ An increase or decrease in actual emissions is creditable only if:

093.02A ~~092.02A~~ It occurs within the contemporaneous period as defined in section ~~092.01C~~094.01C; and

093.02B ~~092.02B~~ The Director has not relied on it in issuing a permit for the source under regulations approved pursuant to 40 CFR 51.165, which permit is in effect when the increase in actual emissions from the particular change occurs~~; and~~.

093.03 ~~092.03~~ An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

093.04 ~~092.04~~ An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

093.05 ~~092.05~~ A decrease in actual emissions is creditable only to the extent that:

093.05A ~~092.05A~~ The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

093.05B ~~092.05B~~ It is enforceable as a practical matter at and after the time that actual construction on the particular change begins;

093.05C ~~092.05C~~ The Director has not relied on it in issuing any permit under regulations in the State Implementation Plan approved pursuant to 40 CFR Part 51, Subpart I or in demonstrating attainment or reasonable further progress; and

093.05D ~~092.05D~~ It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

093.06 ~~092.06~~ An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

093.07 ~~092.07~~ Section 002.01 shall not apply for determining creditable increases and decreases.

094 ~~093~~ "New source" means any stationary source the construction, modification, or reconstruction of which is commenced after the publication of regulations by the State of Nebraska or the federal government prescribing a standard of performance which will be applicable to such source.

095 ~~094~~ "Non-attainment area" means any area designated by the Department or the United States Environmental Protection Agency pursuant to Section 107 (d) of the Act as an area exceeding any National Ambient Air Quality Standard.

096 ~~095~~ "Opacity" means a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

097 ~~096~~ "Open fires" means the burning of any matter in such a manner that the products of combustion resulting from such fires are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

098 ~~097~~ "Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

099 ~~098~~ “PAL effective date” generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased Plantwide Applicability

Limitation (PAL) is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

100 ~~099~~ “PAL effective period” means the period beginning with the PAL effective date and ending 10 years later.

101 ~~100~~ “PAL major modification” means, notwithstanding the definitions of “major stationary source” and “major modification”, any physical change in or change in the method of operation of the Plantwide Applicability Limitation (PAL) source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

102 ~~101~~ “PAL permit” means the construction permit issued by the Department that establishes a Plantwide Applicability Limitation (PAL) for a major stationary source.

103 ~~102~~ “PAL pollutant” means the pollutant for which a Plantwide Applicability Limitation (PAL) is established at a major stationary source.

104 ~~103~~ "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

105 ~~104~~ "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method, specified by the United States Environmental Protection Agency, or by a test method specified in an approved State Implementation Plan.

106 ~~105~~ "Performance test" means measurements of emissions or other procedures used for the purpose of determining compliance with a standard of performance conducted in accordance with approved test procedures.

107 ~~106~~ "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer an air operating permit program, as set forth in Neb. Rev. Stat. §81-1505.04.

108 ~~107~~ "Permit revision" means a revision to an operating or construction permit that meets the requirements of Chapter 15.

109 ~~108~~ "Permitting authority" means the Department of Environmental Quality.

110 ~~109~~ "Person" means any individual partnership; limited liability company; association; public or private corporation; trustee; receiver; assignee; agent; municipality or other governmental subdivision; public agency; other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.

111 ~~110~~ "Plan" means an implementation plan adopted by the State pursuant to Section 110 of the Act, to attain and maintain a national standard.

112 ~~111~~ “Plantwide applicability limitation (PAL)” means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with Chapter 19, section 011.

113 ~~112~~ "PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J at 40 CFR Part 50 or equivalent methods.

114 ~~113~~ "PM_{10} emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified by the United States Environmental Protection Agency or by a test method specified in an approved State Implementation Plan.

~~114 Reserved.~~

115 “Pollution prevention” means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain “in-process recycling” practices), energy recovery, treatment, or disposal.

116 "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Chapter 26.

117 “Predictive emissions monitoring system (PEMS)” means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O_2 or CO_2 concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

118 “Prevention of Significant Deterioration Program (PSD) program” means a major source preconstruction permit program that has been approved by the Administrator

and incorporated into the plan to implement the requirements of 40 CFR 51.166 or 40 CFR 52.21. Any permit issued under such a program is a major NSR permit.

119 "Primary standard" means a national primary ambient air quality standard identified in Chapter 4.

120 "Process" means any action, operation or treatment, and all methods and forms of manufacturing or processing, that may emit smoke, particulate matter, gaseous matter, or other air contaminant.

121 "Process weight" means the total weight of all materials introduced into any source operation. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

122 "Process weight rate" means, for continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof. For a cyclical or batch source operation, the total process weight for a period that covers a complete operation or an integral number of cycles~~,~~ divided by the number of hours of actual process operation during such a period. Where the nature of any process or operation, or the design of any equipment, is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

123 “Project” means a physical change in, or change in method of operation of, an existing major stationary source.

124 “Projected actual emissions” has the definition given to it in Chapter 19, section 006.

125 "Proposed Class I operating permit" means the version of a permit that the Department proposes to issue and forwards to the Administrator for review.

126 "Reasonable further progress" means such annual incremental reductions in emissions of the relevant air pollutant as are required by the applicable implementation plan or may reasonably be required by the Director for the purpose of ensuring attainment of the applicable ambient air quality standard by the applicable date.

127 "Reconstruction" means a situation where the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new facility or source. However, any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions of 40 CFR 60.15(f)(1)-(3). A reconstructed source will be treated as a new stationary source. In determining best available control technology or lowest achievable emission rate for a reconstructed source, the provisions of 40 CFR 60.15(f)(4) shall be taken into account in assessing whether a standard of performance under 40 CFR Part 60 is applicable to such source.

128 "Region" means:

128.01 An air quality control region designated by the Administrator; or

128.02 Any area designated by the State as an air quality control region.

129 "Regional administrator" means the Regional designee appointed by the Administrator.

130 "Regulated air pollutant" means the following:

130.01 Nitrogen oxides or any volatile organic compounds as defined in this Chapter;

130.02 Any pollutant for which a national ambient air quality standard has been promulgated;

130.03 Any pollutant that is subject to any standard in Chapter 18; and

130.04 Any pollutant subject to a standard or other requirements established in Chapters 27 or 28 relating to hazardous air pollutants, including the following:

130.04A Any pollutant subject to requirements under Chapter 27, 005; and

130.04B Any pollutant for which the requirements relating to construction, reconstruction, and modification in Chapter 27, 003, have been met, but only with respect to the individual source subject to these requirements.

0130.05 Greenhouse gases (GHGs) as follows:

0130.05A Beginning July 1, 2011, the GHGs emissions are at a stationary source emitting or having the potential to emit 100,000 tons CO_2e or more.

131 “Regulated NSR pollutant” means the following:

131.01 Any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator. Precursors for the purpose of NSR are the following:

131.01A Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and nonclassifiable areas.

131.01B Sulfur dioxide and nitrogen oxides are precursors to $PM_{2.5}$ in all attainment and unclassifiable areas.

131.02 Any pollutant that is subject to any standard promulgated under section 111 of the Act;

131.03 Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act; or

131.04 Any pollutant that otherwise is subject to regulation under the Act; except that any or all hazardous air pollutants either listed in section 112 of the Act or added to the list pursuant to section 112(b)(2) of the Act, which have not been delisted pursuant to section 112 (b)(3) of the Act, are not regulated NSR pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

131.05 Greenhouse gases (GHGs) as follows:

131.05A Beginning January 2, 2011:

131.05A1 The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tons per year CO_2e or more; or

131.05A2 The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tons per year CO_2e or more; and

131.05B Beginning July 1, 2011, in addition to the provisions in section 131.05A:

131.05B1 The stationary source is a new stationary source that will emit or have the potential to emit 100,000 tons per year CO_2e or more; or

131.05B2 The stationary source is an existing stationary source that emits or has the potential to emit 100,000 tons per year CO_2e or more, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tons per year CO_2e or more.

131.05C The term emissions increase as used in 131.05A and 131.05B shall mean that both a significant emissions increase (as calculated in Chapter 19, section 008) and a significant net emissions increase (as defined in Chapter 1, section ~~092~~093 and Chapter 19, section 010) occur. For the pollutant GHGs, an emissions increase shall be based on tons per year CO_2e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and “significant” is defined as 75,000 tons per year CO_2e instead of applying the value in Chapter 19, section 010.18.

132 "Regulated pollutant for fee purposes" means any regulated air pollutant identified in this chapter, except for the following:

132.01 Carbon monoxide;

132.02 Particulate matter, excluding PM_{10};

132.03 Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act and regulations adopted by the Council; or

132.04 Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation promulgated under Section 112(r) of the Act and regulations adopted by the Council.

132.05 Greenhouse gases (GHGs)

133 "Renewal" means the process by which a permit is reissued at the end of its term.

134 “Replacement unit” means an emissions unit for which all the criteria listed in this definition are met. No creditable emission reductions shall be generated from shutting down the existing unit that is replaced.

134.01 The emissions unit is a reconstructed unit within the meaning of “reconstruction” as defined in Chapter 1, or the emissions unit completely takes the place of an existing emissions unit.

134.02 The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

134.03 The replacement does not change the basic design parameter(s) of the process unit.

134.04 The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced unit is brought back into operation, it shall constitute a new emissions unit.

135 "Responsible official" means one of the following:

135.01 For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

135.01A The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

135.01B The delegation of authority to such representatives is approved in advance by the permitting authority;

135.02 For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

135.03 For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

135.04 For affected sources:

135.04A The designated representative in so far as actions, standards, requirements, or prohibitions under Chapter 26 are concerned; and

135.04B The designated representative for any other purposes under the Title V program.

136 "Rule or regulation" means any rule or regulation of the Council.

137 "Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification~~,~~ but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification~~,~~ which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

138 "Secondary standard" means a national secondary ambient air quality standard identified in Chapter 4.

139 "Section 502(b)(10) changes" are changes provided for in section 502 (b)(10) of the Act. These are changes allowed within a permitted facility without requiring a permit revision if the changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emissions allowable under the permit. The facility must provide the Department with written notification ~~in advance~~ of the proposed changes at

least 30 days in advance unless the Director determines a different timeframe due to an emergency.

140 "Significant" means, as pertains to a modification in a non-attainment area, a net increase in actual emissions by a rate that would equal or exceed the following rates (“Significant” for purposes of the Prevention of Significant Deterioration Program is defined in Chapter 19):

Pollutant and Emission Rate

Carbon monoxide: 100 tons per year (tpy)

Nitrogen oxides: 40 tpy

Sulfur dioxide: 40 tpy

Particulate matter: 25 tpy

PM_{10}: 15 tpy

$PM_{2.5}$: 10 tpy

Ozone: 40 tpy of volatile organic compounds or nitrogen oxides

Lead: 0.6 tpy

Fluorides: 3 tpy

Sulfuric acid mist: 7 tpy

Hydrogen sulfide (H_2S): 10 tpy

Total reduced sulfur (including H_2S): 10 tpy

Reduced sulfur compounds (including H_2S): 10 tpy

Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2x10-6 megagrams per year (3.5x10-6 tons per year)

Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year)

Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year)

Municipal solid waste landfill emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year)

141 “Significant emissions increase” has the definition given to it in Chapter 19, section 008.

142 “Significant emissions unit” means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in section 140 or in the Act, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit as defined in section ~~079~~080.

143 “Small emissions unit” means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in section 140 or in the Act, whichever is lower.

144 "Solid waste" means any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial and mining operations, and from community activities.

145 "Source" means any property, real or personal, or person contributing to air pollution.

146 “Speciation” is the process of classifying and separating objects by common characteristics including, but not limited to, chemical mass balance, factor analysis, optical microscopy, and automated scanning electron microscopy. It is the process used to find the relative proportions or mix of air source categories which best accounts for the composition of a pollutant sample.

147 "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

148 "Stack in existence" means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

149 "Stack height" means the distance from the ground level elevation of a stack to the elevation of the stack outlet.

150 "Standard of performance" means a standard for emission of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Director determines has been adequately demonstrated.

151 "Startup of operation" means the beginning of routine operation of an affected facility.

152 "State" means any non-Federal permitting authority, including any local agency, interstate association, or statewide program.

153 "State Act" means the Nebraska Environmental Protection Act, Neb. Rev. Stat. §81-1501 through §81-~~1533~~1532, as amended.

154 "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under this Title.

155 “Synthetic minor” refers to a facility that has a potential to emit any regulated pollutant above the major source threshold (Class I operating permit level), but has taken federally enforceable limits to keep potential emissions below the major source threshold, but above the minor source threshold.

156 "Title V program" or "State program" means a program approved by the Administrator for purposes of Title V of the Act.

157 "Total reduced sulfur" means total sulfur from the following compounds: hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

158 "Total Suspended Particulates" means particulate matter as measured by the method described in Appendix B of 40 CFR Part 50.

159 “UTM coordinates” refer to the Universal Transverse Mercator Coordinate (UTM) system, which provides coordinates on a world wide flat grid. The UTM coordinate system divides the world into 60 zones, each being six degrees longitude wide and extending from 80 degrees south latitude to 84 degrees north latitude. The first zone starts at the International Date Line and proceeds eastward.

160 "Volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. VOC includes any such organic compound other than the ~~following~~ compounds listed in 40 CFR 51.100(s)(1), effective July 1, 2012, which have been determined to have negligible photochemical reactivity.~~:~~

~~acetone;~~

~~1-chloro-1,1-difluoroethane (HCFC-142b);~~

~~Chlorodifluoromethane (CFC-22);~~

~~1-chloro-1-fluoroethane (HCFC-151a);~~

~~chlorofluoromethane (HCFC-31);~~

~~Chloropentafluoroethane (CFC-115);~~

~~2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);~~

~~1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethylpentane (HFE-7300)~~

~~1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee)~~

~~Dichlorodifluoromethane (CFC-12);~~

~~1,1-dichloro-1-fluoroethane (HCFC-141b);~~

~~1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)~~

~~3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)~~

~~1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);~~

~~1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);~~

~~1,1-difluoroethane (HFC-152a);~~

~~difluoromethane (HFC-32);~~

~~2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane [$(CF_3)_2CFCF_2OCH_3$];~~

~~dimethyl carbonate~~

~~Ethane;~~

~~2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane [$(CF_3)_2CFCF_2OC_2H_5$];~~

~~1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$) or HFE-7200;~~

~~3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trefluoromethyl) hexane (known as HFE-7500, HFE-s702, T-7145, and L-15381);~~

~~ethylfluoride (HFC-161);~~

~~1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$) (known as HFE-7000);~~

~~1,1,1,2,3,3,3-heptafluoropropane (known as HFC-227ea);~~

~~1,1,1,2,3,3-hexafluoropropane (HFC-236ea);~~

~~1,1,1,3,3,3-hexafluoropropane (HFC-236fa);~~

~~Methane;~~

~~Methyl acetate;~~

~~methyl formate ($HCOOCH_3$);~~

~~Methylene chloride (dichloromethane);~~

~~1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$);~~

~~parachlorobenzotrifluoride (PCBTF);~~

~~1,1,1,3,3-pentafluorobutane (HFC-365mfc);~~

~~Pentafluoroethane (HCFC-125);~~

~~1,1,1,2,3-pentafluoropropane (HFC-245eb);~~

~~1,1,2,2,3-pentafluoropropane (HFC-245ca);~~

~~1,1,2,3,3-pentafluoropropane (HFC-245ea);~~

~~1,1,1,3,3-pentafluoropropane (HFC-245fa);~~

~~propylene carbonate~~

~~t-butyl acetate (known at tertiary butyl acetate or TBAC);~~

~~tetrachloroethylene (perchloroethylene or (PERC);~~

~~1,1,1,2-tetrafluoroethane (HFC-134a);~~

~~1,1,2,2-tetrafluoroethane (HFC-134);~~

~~1,1,1-trichloroethane (methyl chloroform);~~

~~Trichlorofluoromethane (CFC-11);~~

~~1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);~~

~~1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);~~

~~1,1,1-trifluoroethane (HFC-143a);~~

~~Trifluoromethane (FC-23); HFC-23~~

~~volatile methyl siloxanes (VMS);~~

~~and perfluorocarbon compounds which fall into the following classes:~~

~~a. a. Cyclic, branched, or linear, completely fluorinated alkanes;~~

~~b. b. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;~~

~~c. c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and~~

~~d. d. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.~~

~~19~~161 "Wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings.

~~20~~162 "Yard waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. They come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

Legal Citation: Title 129, Ch. 1, Nebraska Department of Environmental Quality