## II. GENERAL OPERATING PERMIT CONDITIONS

The following General Conditions apply to this permit unless otherwise provided for in the Specific Conditions of this permit. Terms and conditions of this permit are in accordance with the requirements of Title 129, Chapter 8.

 (A) Submittals/Reporting:

All submittals, including reports, required by Condition II.(A) and Condition I.(M)(1)(g) shall contain a certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and the belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete (Title 129, Chapter 1, Section 135; Chapter 7, Section 008; and Chapter 8, Sections 012.01 and 015).

The source shall submit reports to the NDEE as follows:

1. The source shall submit a report of all instances of deviations from permit requirements including monitoring requirements stated in the permit every twelve (12) calendar months to the NDEE. The report shall be submitted by March 31 of the following year (Title 129, Chapter 8, Sections 004.03A and 015).

(a) The report of deviations may be combined with the certification of compliance report required in Condition II.(A)(4). The submittal must clearly state that it is for both and must meet the requirements for the report of deviations and certification of compliance.

(2) The source shall report all deviations from permit requirements, including those attributable to start-ups, shutdowns or malfunctions, the probable cause of such deviations, and any corrective actions or preventive measures taken. All reports of deviations must be submitted within the time frame as per Conditions II.(A)(2)(a), (b), and (c) below (Title 129, Chapter 11, Chapter 8, Sections 004.03, 004.04, 015 and Chapter 35, Sections 004 and 005).

(a) Any deviation resulting from emergency or upset conditions shall be reported within two (2) working days of the date on which the source first becomes aware of the deviation if the source wishes to assert the affirmative defense authorized under Chapter 11 of Title 129. The report may be submitted initially without a certification by the responsible official, as required by Condition II.(A) above, if an appropriate certification is provided within ten (10) days thereafter, together with the information required under Condition II.(A)(2) and any corrected or supplemental information required concerning the deviation.

(b) Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported as soon as is practicable. The report may be submitted initially without a certification by a responsible official in accordance with Condition II.(A) above, if an appropriate certification is provided within ten (10) days thereafter, together with any corrected or supplemental information required concerning the deviation.

(c) All other deviations shall be reported as per Condition II.(A)(1).

(3) The source shall submit completed emission inventories electronically utilizing the State and Local Emissions Inventory System (SLEIS) for the preceding calendar year to the NDEE by March 31 of each year (Title 129, Chapter 6).

(4) Certification of compliance with the terms and conditions of this permit, including emission limitations, standards, or work practices, for the preceding calendar year, shall be submitted to the NDEE by March 31 of each year. The report shall be certified by a responsible official in accordance with Condition II.(A) and shall include the following (Title 129, Chapter 8, Sections 012.05 and 015.03).

(a) The identification of each term or condition of the permit that is the basis of the certification;

(b) The compliance status;

(c) A determination of whether compliance was continuous or intermittent; and

(d) The methods used for determining the compliance status of the source, currently and over the reporting period.

(5) Any emissions due to malfunctions, unplanned shutdowns, and ensuing start-ups that are, or may be in excess of applicable emission limitations shall be reported to the NDEE in accordance with Condition II.(A)(2)(a).

(6)  If a source is or becomes subject to any NSPS or NESHAP, the source shall complete a Federal Rule Applicability Review (FRAR) for each applicable NSPS and NESHAP as follows (Title 129, Chapter 8, Section 013):

(a) Unless otherwise specified by NDEE, the source shall provide a complete FRAR to NDEE within 90 days upon any of the following:

 (i) Beginning of operation or becoming subject to a NSPS or NESHAP.

(ii) EPA’s promulgation of any modification to any relevant NSPS or NESHAP.

(iii) Any changes in the source’s applicability to the NSPS or NESHAP.

(iv) Unless a current FRAR has been provided, existing sources subject to a NSPS or NESHAP shall provide a complete FRAR for each applicable NSPS or NESHAP.

(b) The FRAR shall include the following at a minimum:

(i) Facility name, physical address and FID number.

(ii) Company Name, mailing address and the name of the facility contact person.

(iii) The date the source became subject to the NSPS or NESHAP.

(iv) A written copy of the portions of the NSPS and NESHAP that apply with the source’s clearly identified selection of operation, monitoring and recordkeeping methods the source has and will use to demonstrate compliance.

(7) The source shall notify NDEE in writing prior to changing a NSPS or NESHAP demonstration of compliance option, and shall include an updated FRAR in its entirety in the notification.(B) This permit is issued for a fixed term of five (5) years. A timely renewal application is one that is submitted to the NDEE a minimum of six (6) months and a maximum of eighteen (18) months before permit expiration. Provided a timely and complete renewal application has been submitted, the conditions of this permit shall continue until the effective date of a new permit. (Title 129, Chapter 8, Section 003 and Chapter 7, Section 002.06)

(C) The source shall comply with all conditions of this permit. Any permit noncompliance shall constitute a violation of the Nebraska Environmental Protection Act and/or the Federal Clean Air Act, and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application (Title 129, Chapter 8, Sections 007.01 and 015).

(D) It shall not be a defense for a source in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit (Title 129, Chapter 8, Sections 007.02 and 015).

(E) This permit may be modified; revoked, reopened, and reissued; or terminated for cause in accordance with Title 129 and Title 115 - Rules of Practice and Procedure. The filing of a request by the source for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not supersede any permit condition (Title 129, Chapter 8, Sections 007.03 and 015).

(F) Conditions under which this permit will be reopened, revoked and reissued or terminated during its term for cause, include but are not limited to (Title 129, Chapter 15, Section 006 and Chapter 8, Sections 010 and 015):

(1) Additional applicable requirements under the Nebraska Environmental Protection Act or the Federal Clean Air Act, which become applicable to this source with a remaining permit term of three (3) or more years. No such reopening will occur if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended;

(2) Additional requirements, including excess emissions requirements, that become applicable to an affected source under the acid rain program under Chapter 26.

 (G)This permit does not convey any property rights of any sort, or any exclusive privilege (Title 129, Chapter 8, Sections 007.04 and 015).

(H) The source shall furnish to the NDEE, within the time specified by the NDEE, any information requested by the NDEE in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the source shall also furnish to the NDEE copies of records required to be kept in accordance with the permit or, for information claimed to be confidential, the source may furnish such records along with a claim of confidentiality pursuant to Title 115 - Rules of Practice and Procedure (Title 129, Chapter 8, Sections 007.05 and 015).

(I) The provisions of this operating permit incorporate all applicable requirements contained in all previously issued active construction permits.  Although the previously issued construction permits are still active, this operating permit will be the compliance and enforcement instrument for all applicable requirements incorporated into the operating permit (Title 129, Chapter 8, Section 015; 40 CFR 70.2 – Applicable Requirements (2)).

(J) In the event of a challenge to any portions of thispermit, the unchallenged permit requirements shall remain valid (Title 129, Chapter 8, Section 006).

(K) Changes allowed without an operating permit revision (Title 129, Chapter 15, Section 007):

(1) The source may make the changes identified in Condition II.(K)(1)(a) within a permitted facility without a permit revision if the change is not a modification under Title 129, Chapters 18, 23, 27, or 28; the change does not require a construction permit under Chapters 17 or 19; and the change does not result in the emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions) being exceeded (Title 129, Chapter 15, Section 007.01).

(a) Changes in the configuration of the facility’s equipment, defined as “Section 502(b)(10) changes”, as defined in Title 129, Chapter 1, Section 139 (Title 129, Chapter 15, Section 007.01A). Written notification of these changes shall be sent to the NDEE as follows:

(i) Non-Emergencies (Title 129, Chapter 1, Section 139; Chapter 15, Section 007.01):

1. Written notification shall be received by the NDEE a minimum of seven (7) days in advance of the proposed changes;

(ii) Emergencies (Title 129, Chapter 1, Section 139; Chapter 15, Section 007.01):

1. Initial notification shall be made within two working days of the date on which the source first becomes aware of the need for the change;

2. A follow-up written notification shall be submitted as soon as practicable; and,

3. The notifications shall include an explanation of the nature of the emergency.

(iii) Required information (Title 129, Chapter 15, Section 007.01.A):

1. A brief description of the change within the permitted source (Chapter 15, Section 007.01A1);

2. The date on which the change will occur (Chapter 15, Section 007.01A2);

3. Any change in emissions (Chapter 15, Section 007.01A3); and,

4. Any permit term or condition that is no longer applicable as a result of the change (Chapter 15, Section 007.01A4).

(iv) A copy of the notification shall be attached to the source’s copy of the operating permit (Chapter 8, Section 013).

(2) The source may make changes that are not defined as “Section 502(b)(10) changes” within a permitted facility without a permit revision if the change is not a modification under Title 129, Chapters 18, 23, 27, or 28; and the change is not a change which would require a construction permit under Chapters 17 or 19 (Title 129, Chapter 15, Section 007.02).

(a) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition (Title 129, Chapter 15, Section 007.02A).

(b) The source shall provide contemporaneous written notice to the Director, except for changes that qualify as insignificant activities under the provisions of Title 129, Chapter 7, Sections 006.03 and 006.04. Such written notice shall include (Title 129, Chapter 15, Section 007.02B):

(i) A description of each change;

(ii) The date the change will be made;

(iii) A description of any change in emissions;

(iv) A list of the pollutants emitted; and,

(v) A list of any applicable requirements that would apply as a result of the change, including terms and conditions established in in the relevant operating permit for synthetic minor purposes.

(c) A copy of the notification in Condition II.(K)(2)(b) shall be attached to the source’s copy of the operating permit.

(d) The source shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and emissions resulting from those changes (Title 129, Chapter 15, Section 007.02D).

(e) Upon review of a notice submitted in accordance with Condition II.(K)(2)(b), the NDEE may require a source to apply for an operating permit if the change does not meet the requirements of Condition II.(K)(2) (Title 129, Chapter 15, Section 007.02E).

(3) Testing requirements:

(a) Testing may be required if a change reported under Condition II.(K)(1) or II.(K)(2) involves an emissions unit that was previously tested (Title 129, Chapter 8, Sections 004.01B and 015; Chapter 34).

(L) When applicable, the source shall comply with the requirements of 40 CFR Part 68, Chemical Accident Prevention Provisions, Risk Management Plan (RMP), as part of the compliance certification submitted under Condition II.(A)(4). The source shall submit a certification statement that the source is in compliance with all requirements of Part 68, including the registration and submission of the RMP (40 CFR 68.215(a); Title 129, Chapter 8, Section 011).