

INSTRUCTIONS: SECTION 1.0

IMPORTANT: Please make sure you do NOT use pencil to fill out the application. Please type responses or use print using black ink. Make sure you sign and date the application as well. If you have any questions, feel free to contact the NDEE Air Quality Permitting Section by email at ndee.airquality@nebraska.gov or by phone at (402) 471-2186.

Part 1.1 – Permit By Rule Application

- 1) Enter the name of the company/facility as it is known in Nebraska. This is the name of the facility that is physically in Nebraska.
- 2-5) Enter the facility’s mailing address.
- 6) Enter if business is incorporated and in what state business is incorporated.
- 7) Enter name of Source
- 8) Give a brief description of the facility, i.e. what product or material is being processed.
- 9-10) Enter the Standard Industrial Classification (SIC) number and North American Industry Classification System (NAICS), if known. (obtain SIC codes here: <http://www.osha.gov/pls/imis/sicsearch.html>)
- 11-15) Enter the address of the facility at its physical location in Nebraska including the county and legal description of its location.
- 16) Give the name of the person you would like the Nebraska Department of Environmental Quality (NDEE) to contact in the event the NDEE has questions concerning the application.
- 17) Give the title or responsibility within the company of the contact person.
- 18-19) Provide the phone numbers and email address of the contact person.
- 20) Enter the projected date for when the construction will begin. Please refer to the Definitions section of these instructions for the definition of Begin actual Construction. If this is an existing source write N/A, which indicated not applicable.
- 21) Enter the projected date for when the source will begin operation. If this is an existing source write N/A, which indicated not applicable. Part 1.2 – Permit By Rule Application Fee

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All applicants applying for a PbR to meet their construction permit requirements need to submit a fee of \$250.00. Applicants applying to only meet their operating permit requirements need not submit a fee and should write N/A in the space indicated for Permit by Rule Application Fee.

Part 1.3 – Permit By Rule Notice of Intent: General Conditions

Read all of the questions and answer appropriately by marking the correct box. The numbers in the lower right hand corner of each question refer to the location in Title 129, Chapter 42 from which the question content came. The following are brief explanations for each question. General Provisions

- a) By agreeing to this condition, you may be required to take limits on your potential to emit. You will be required to follow the conditions set in the Permit-by-Rule which will keep the emissions below major source classification according to Title 129, Chapter 5. You may not be allowed to operate at full capacity.
- b) Answer YES if the facility does not have a potential to emit > 250 tons of pollutants per year or emits >100 tons/yr if the source is one of the 100-ton categories located in Title 129, Chapter 2, Section 002, or if the permit-by-rule causes the facility to be required to undergo PSD review (see Title 129, Chapter 19).

Existing Air Construction/Operating Permits

- c) If the facility has obtained any construction or operating permits in the past from the NDEE. Enter the type and date the permits were issued.

Temporary (Portable) Sources

- d) Temporary/Portable sources are required to inform the Department at least 20 days in advance of a location change. If the source is moving into Douglas or Lancaster County, the source must also notify the Omaha Air Quality Control Agency or Lincoln-Lancaster County Health Department at least 20 days in advance of the location change.

Certifications of Compliance

- e) If the Department requests additional information from the source, the source is required to provide it.
- f) All sources covered by a Permit-by-Rule must provide annual certifications of compliance to the Department by March 31. Forms will be provided by the Department for this use in most cases for facilities covered by a Permit-by-Rule.

Compliance

- g) Please read and understand all of the sections that are applicable to the source located in Title 129, Chapter 42.
- h) Title 129 states the regulations concerning air quality regulated by the Nebraska Department of Environmental

Quality. Other Regulations

- i) This requirement stems from Title 129, Chapter 8, Section 012 and requires the permitted facility to allow access to emission units and records by the Department or authorized official if the source has a Class I operating permit. Facilities covered by Permit-by-Rule are required to comply with all other applicable regulations of Title 129. A specific operating permit is not being issued to facilities covered under Permit-by-Rule and the Department needs access to inspect the facilities that it permits. Therefore this regulation is put into the Notice of Intent: General Conditions.

Part 1.4 – Permit By Rule Certification Statement

Each application must include a certification statement indicating that the information contained in the application is true, accurate, and complete, and must be **signed and dated in ink** by a Responsible Official of the organization that will operate the source, or by a Responsible Official that owns the source. The application will be considered incomplete without a proper signature. A Responsible Official can be:

- a) For a corporation:
 - i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function; or,
 - ii) Any other person who performs similar policy or decision-making functions for the corporation; or,
 - iii) 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:
 - a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or,
 - b. The delegation of authority to such representatives is approved in advance by the NDEE.
- b) For a partnership or sole proprietorship:
 - i) A general partner or the proprietor, respectively;

- c) For a municipality, State, Federal, or other public agency:
 - i) Either a principal executive officer or ranking elected official. For the purposes of this application, the principal executive officer of a Federal agency included 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,
- d) For affected sources:
 - i) The designated representative in so far as actions, standards, requirements, or prohibitions under Chapter 26, of Title 129, are concerned; and,
 - ii) The designated representative for any other purpose under the Title V program.

A complete Permit-by-Rule Application contains:

- a) Appropriate Cover Sheet
- b) One (1) completed Section 1.0 – Permit By Rule: General Information
- c) One (1) completed Section specific to the Permit-by-Rule the facility requests coverage under and all materials requested by that specific PbR section (Example Section 2.0 – Permit by Rule: Asphalt Plants if the facility wants to be covered by the Permit-by-Rule for Asphalt Plants)

DEFINITIONS (Abbreviated definitions, see Title 129 for full definitions)

- "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.
- CFR – Code of Federal Regulations.
- "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.
- "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 net emissions increase of any pollutant subject to regulation under the Act. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.
- "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.

APPROVAL PROCEDURES AND TIMELINE: From Title 129, Chapter 42

004 Approval Procedures.

004.01 Notice of Intent

004.01A New Sources. The owner or operator of a new source intending to be covered under a permit-by-rule shall submit a complete Notice of Intent Form provided by the Department to the Department at least 45 calendar days prior to the planned date of beginning actual construction, reconstruction or modification of a source that would otherwise be subject to permit requirements under Chapter 17 of this Title; or

004.01B Existing Sources with an Operating Permit. The owner or operator of a source in existence on the effective date of the permit-by-rule intending to be covered under provisions of this chapter in lieu of obtaining an operating permit under the provisions of Chapter 5 shall submit a complete Notice of

Intent Form to the Department no sooner than 18 and no later than 6 months prior to the expiration date of the existing operating permit issued pursuant to Chapter 5; or

004.01C Existing Sources without an Operating Permit. The owner or operator of a source in existence on the effective date of the permit-by-rule intending to be covered under provisions of this chapter in lieu of obtaining an operating permit under the provisions of Chapter 5 shall submit a complete Notice of Intent Form to the Department within 12 months of the date on which the source first becomes operational or otherwise subject to the requirement to obtain an operating permit; or

004.01D Existing Temporary (Portable) Sources. The owner or operator of a temporary source in existence on the effective date of the permit-by-rule intending to be covered under a permit-by-rule in lieu of obtaining an operating permit under the provisions of Chapter 5 shall submit a complete Notice of Intent Form to the Department at least 45 calendar days prior to relocation of the source. The Notice of Intent Form shall be accompanied by the information required in Chapter 10 sections 002.02A through 002.02G.

004.02 Department Review

004.02A If the Department fails to provide the source written notice of its decision to approve or disapprove the Notice of Intent Form or request additional information within 30 calendar days, the responsible official for the source may submit a written request to the Director to make a decision on the Notice of Intent request.

004.02B Written Request for Decision by Director. Upon receiving a written request for a decision on the Notice of Intent form, the Director shall, in a timely manner, determine whether to approve or disapprove the request. The Director will provide written notice of the decision to the responsible official for the source.

004.03 Department approval. Department approval of the Notice of Intent Form request shall be in writing. Upon approval, the source may begin construction and/or operation under the provisions of the applicable permit by rule.

004.04 Department disapproval. In the event the Department disapproves the Notice of Intent request, the owner or operator must either resolve the issues for disapproval or apply for a permit under the provisions of Chapters 5, 10 and/or 17.

004.05 At the Director's discretion, the source may be required to conduct an air quality impact analysis as a part of a permit-by-rule application. Such determination shall be consistent with the Nebraska Atmospheric Dispersion Modeling Guidance for Permits. Meteorological and operating conditions that may occur that will produce the greatest concentrations of the pollutants emitted shall be used in evaluating the effect of the source(s) on air quality.

004.06 The Department reserves the right to disapprove a request for coverage under the permit-by-rule if the Director believes the emissions from the source may adversely affect human health or the environment, the source is not in compliance with air quality rules or regulations, or the source does not meet the criteria in 001.

QUESTIONS

If you have any questions concerning any portion of the Permit-by-Rule Application packet, please feel free to contact the Air Program by email at ndee.airquality@nebraska.gov or by phone at (402) 471-2186.