

INSTRUCTIONS:

Section 4.1-4.3: Applicable Requirements

IMPORTANT: Please type or print with black ink. Do NOT use pencil. If you have questions, please contact the Nebraska Department of Environment and Energy (NDEE), Air Quality Operating Permit Section, at (402) 471-2186 or NDEE.AirQuality@nebraska.gov.

SECTION 4.1: APPLICABLE TITLE 129 REQUIREMENTS

Identify all Title 129 requirements that are applicable to your source. In Table 1 of Section 4.1, identify which requirements MAY be applicable by placing an “X” in the box located to the left of the corresponding requirement. Authority for collecting this information comes from CFR Part 70.5(c)(1)-(c)(10). This section states that the application for a Class I source must provide specific information that may be necessary to determine applicability of requirements. In addition, CFR Part 70.5(c)(1) of this chapter states that the application for a Class II source must provide additional information that is necessary to define permit terms or conditions. Under these rules, NDEE requires all Class I and Class II sources to identify applicable Title 129 requirements in Form 4.0, Section 4.1.

In Table 2 of Section 4.1, identify any applicable requirements that MAY be applicable to your source that are not explicitly listed in Table 1 of this section. Provide the name of the requirement, the regulatory citation for the requirement, and your reason as to why the requirement may apply to your source. Specific NSPS or NESHAP requirements are not to be identified on this page; you will be given an opportunity to identify these potential requirements in Form 4.0, Sections 4.2 and 4.3. Again, authority for collecting this information comes from CFR Part 70.5(c)(1)-(c)(10). All Class I and Class II sources must complete Page 2 of this form.

In Table 3 of Section 4.1, list any applicable requirement(s) that you believe is NOT applicable to your source. Provide the name of the requirement, the requirement citation, and your reason as to why the requirement does not apply to the source. Specific NSPS or NESHAP requirements are not to be identified on this page; you will be given an opportunity to identify these potential requirements in Form 4.0, Sections 4.2 and 4.3. Authority to collect this information comes from [Title 129, Chapter 6, Section 002.05B7](#) and CFR Part 70.5(c)(1)-. These sections require Class I and Class II sources to explain any proposed exemption from an applicable requirement. Therefore, Class I and Class II applicants must complete Page 3 of this form.

On Page 5 of Section 4.1, identify each applicable requirement and the emission units that are subject to the requirement. Methods for demonstrating compliance for each requirement must also be identified. You must also indicate whether compliance with an applicable requirement has been achieved and whether the requirement will continue to apply to the source. Specific NSPS or NESHAP requirements are not to be identified on this page; you will be given an opportunity to identify these potential requirements in Form 4.0, Sections 4.2 and 4.3. Authority for collecting this information comes from CFR Part 70.5(c)(1)-(c)(10). This section requires a Class I applicant to provide a description of the compliance status of the source with respect to all applicable requirements. In addition, CFR Part 70.5(c)(1)-states that the application for a Class II source must provide additional information that is necessary to define permit terms or conditions. Therefore, Class I and Class II sources must provide the compliance status for requirements that are applicable to the source.

On Page 6 of Form 4.0, Section 4.1 must be completed only if your source is **NOT** in compliance with one or more applicable requirements. You must identify each requirement where compliance has not been achieved, provide a narrative explaining how compliance with each requirement will be achieved, and a detailed schedule for achieving compliance.

INSTRUCTIONS:

Section 4.1-4.3: Applicable Requirements

SECTION 4.1: APPLICABLE TITLE 129 REQUIREMENTS (CONTINUED)

Also, on page 6 of Section 4.1, you must provide the NDEE with the date that you will begin submitting Certified Progress Reports, as well as the frequency of the report submittal. Authority to collect this information comes from CFR Part 70.5(c)(1)-(c)(10). This section identifies requirements for compliance plans for Class I sources. Please note, this section requires all Class I sources to submit a Certified Progress Report to NDEE no less than every 6 months. In addition, CFR Part 70.5(c)(1) states that the application for a Class II source must provide additional information that is necessary to define permit terms or conditions. This section of Title 129 does not specify a minimum frequency for Certified Progress Report submission, so the NDEE will evaluate the Certified Progress Report submission frequency provided by a Class II applicant and decide on a case-by-case basis as to whether the proposed frequency is appropriate for the source.

SECTION 4.2: APPLICABLE NSPS REQUIREMENTS

Follow the instructions for Section 4.1. Instead of focusing on Title 129 requirements, however, please provide the requested information for New Source Performance Standards (NSPS) requirements.

SECTION 4.3: APPLICABLE NESHAP REQUIREMENTS

Follow the instructions for Section 4.1. Instead of focusing on Title 129 requirements, however, please provide the requested information for National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements.