CHAPTER 4:
Air Quality Division

The objective of the Air Quality Division is to maintain and protect the quality of the outdoor air in Nebraska. Thousands of tons of pollutants are emitted into the air in the state each year from industrial and other human activities. In high concentrations, these air pollutants could affect human health, cause property damage, harm the environment, and reduce visibility. The Division works to maintain Nebraska's air quality by implementing state and federal air quality regulations, through permitting and compliance activities, and by monitoring outdoor air for pollutants. Nebraska's air quality rules are set forth in *Title 129 – Nebraska Air Quality Regulations* (Title 129).

Nebraska enjoys good ambient air quality, with all parts of the state in compliance with federal and state ambient air quality standards.

The regulated air pollutants of most concern are particulate matter, ozone, nitrogen oxides, sulfur dioxide, carbon monoxide, and lead. These pollutants are subject to National Ambient Air Quality Standards (NAAQS). Nebraska is fortunate that all areas of the state currently have air cleaner than the federal limits for these pollutants. It is important to maintain attainment with these federal standards to protect the public health and to avoid significant economic costs to state government and to regulated facilities that would be brought about by nonattainment. NDEQ also regulates the emission of substances defined by the U.S. Environmental Protection Agency (EPA) as hazardous air pollutants, which are known to cause cancer and other serious health impacts.

The Air Quality Division consists of the Permitting Section, which issues construction permits, operating permits, and performs air dispersion modeling; and the Compliance Section, which maintains an ambient air monitoring network, compiles emission inventories, and conducts inspections and other compliance and enforcement activities. Staff assigned to the Environmental Assistance Division assist the Air Quality Division with planning and development activities. These planning activities include monitoring federal regulations, updating state regulations and Nebraska's state implementation plans for remaining in compliance with air quality standards, and informing the regulated community and the public about changes in air quality regulations.

Three local agencies – Lincoln-Lancaster County Health Department, Omaha Air Quality Control, and Douglas County Health Department – have accepted, through agreement with NDEQ and direct delegation from the U.S. Environmental Protection Agency (EPA),

responsibility for various facets of the air quality program in Nebraska. These responsibilities include air quality monitoring, permitting, and enforcement within their areas of jurisdiction.

Permitting Section

An air quality permit sets limits on the amounts of pollutants that a facility may emit, allowing facilities to operate or be constructed while protecting the quality of the surrounding air. NDEQ issues two main types of air quality permits: operating permits and construction permits. Operating permits are required for existing sources of certain air pollutants. A construction permit may be required before a facility may construct or modify an emission unit.

Title 129 provides owners and operators of air contaminant sources with a choice of three types of construction and operating permits: individual, permit-by-rule, and general. Some types of sources are not eligible for permit-by-rule and general permits.

Individual permits are available for all regulated sources and include all requirements applicable and specific to that source and location. Because it is "tailor made" for the source, developing an individual permit requires significant time and labor each time the permit is issued. Each individual permit must also go through a public notice (30-day comment period), which increases the time required to issue the permit.

A permit-by-rule and a general permit are similar in that the rule or permit has the same requirements for, and covers, all sources in a particular industrial category, provided that the source meets the applicability criteria and applies for and obtains coverage. The requirements for a permit-by-rule are established in Title 129, whereas the requirements for a general permit are established in the permit. Each permit-by-rule and general permit is issued only once (including the public notice period). Eligible applicants then apply for and obtain coverage without the need to develop a permit or to go through a public comment period each time coverage under that permit-by-rule or general permit is approved.

General construction permit coverage is currently available for eligible sources in nine categories (including time-sensitive construction activities), and general operating permit coverage is available for one category (small incinerators). Approval of general and permit-by-rule coverage takes much less time for the agency and for the facility than an individual permit. The permit-by-rule approval process usually takes less than 30 days. An online application process is used for general permit coverage, and approval may take only a few days or less.

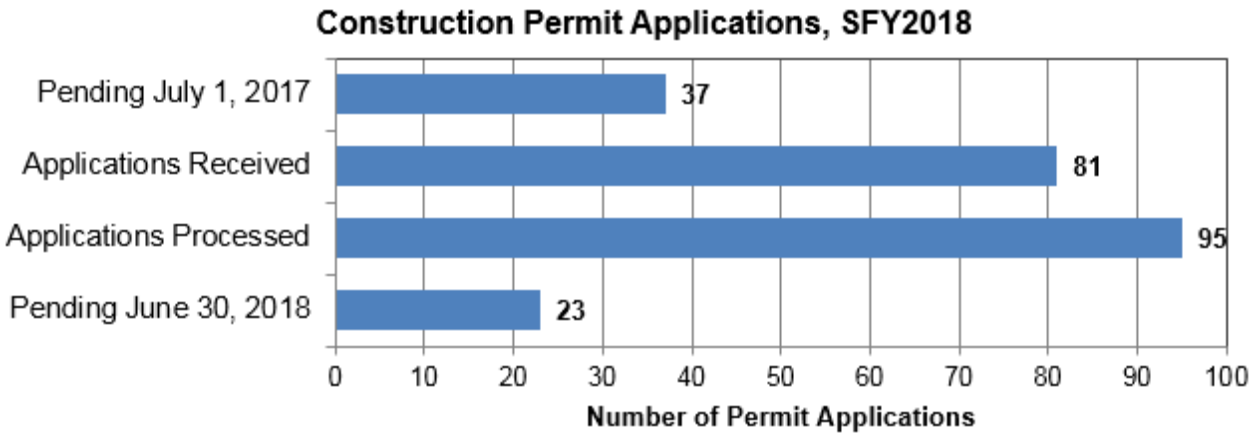
Construction Permit Program

The Department has maintained a construction permit program for air contaminant sources since the 1970s. Facilities are required to obtain a construction permit before they construct, reconstruct, or modify any air contaminant source or emission unit where there is a net increase in the potential to emit above thresholds specified in Title 129 for particular pollutants. Only sources with potential emissions at or above these thresholds are required to obtain a construction permit. A construction permit is valid for the life of the covered emission units.

Nebraska's program also implements the federal construction permit program, called Prevention of Significant Deterioration (PSD). The PSD program applies to construction of new major sources or major modifications to existing sources that emit significant levels of certain types of pollutants. The purpose of the PSD program is to protect air quality in areas where the

air is cleaner than the ambient air quality standards while still allowing industrial and economic growth.

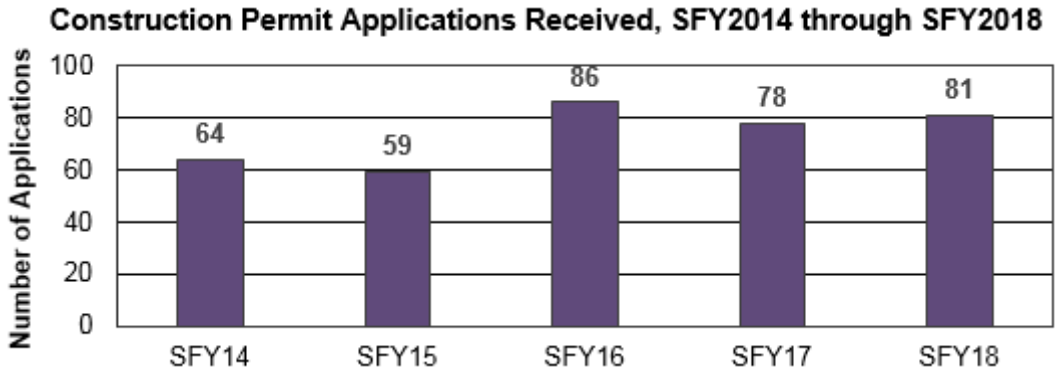
The chart below summarizes construction permit applications received, processed, and pending during the 2018 state fiscal year (SFY2018). (Note: the *Processed* category includes permits issued, withdrawn, denied, and determinations of no permit required).



For sources regulated under the construction permit program that emit levels of certain types of air pollutants sufficient to trigger PSD requirements, Division staff conduct additional, more rigorous reviews of the construction permit application to ensure that best available control technology will be used in order to minimize impacts on the environment. NDEQ must also assure that the source will not cause or contribute significantly to any deterioration of air quality that could make the area potentially vulnerable to violations of the ambient air quality standards. Five PSD construction permits were issued in SFY2018.

The PSD program also ensures that visibility in nearby national parks and wilderness areas is protected. NDEQ notifies federal land managers and nearby States and Tribes of pending PSD decisions so those authorities can express relevant concerns for potential impacts in their areas.

The number of air quality construction permit applications received each year varies depending on the state of the economy and business activity in the state. The graph below shows the number of construction permits received annually from SFY2014 through SFY2018.



Air Dispersion Modeling

Air dispersion computer models are used to predict how air pollutants emitted by a facility spread and disperse and provide estimates of ground-level concentrations of the pollutants. These models use expected emissions, meteorological and geographical data, and other factors to estimate potential air pollutant impacts at a large array of surrounding locations. A model, in a relatively short amount of time, can predict in a standardized and cost-effective manner the ground-level impact of facility emissions.

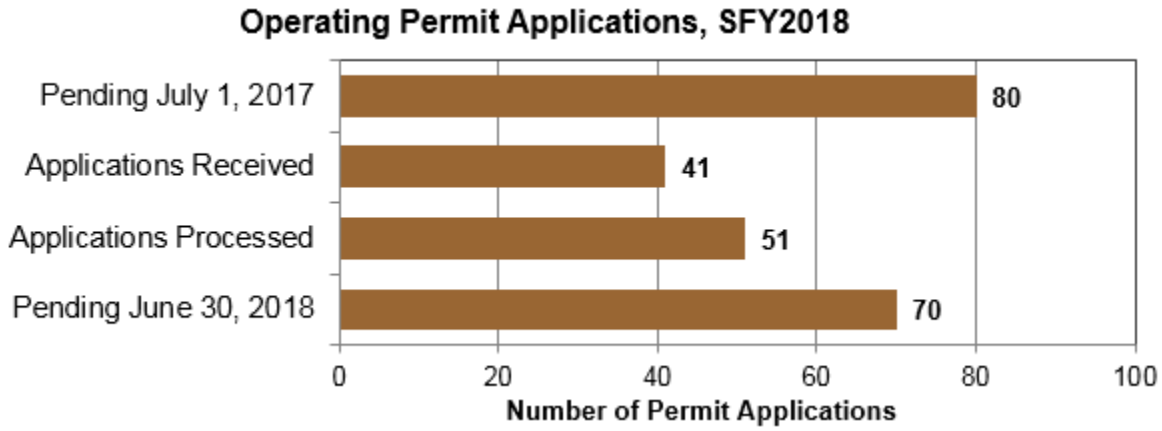
Modeling is required in conjunction with an air quality construction permit application when the expected increase in emissions of any regulated pollutant by a facility is greater than the emission rate specified in state or federal regulations. An air dispersion model is the primary tool used to determine if the predicted impacts from a new facility or modification will be in attainment with current air quality standards. Models are also used as a design tool to analyze the effects of different pollution control strategies.

The NDEQ air dispersion modeler reviews all aspects of the models that facilities provide as part of their construction permit applications. These reviews include facility emissions and meteorological data, background concentrations, the modeling protocol, and the final modeling results. NDEQ also informs the regulated community in Nebraska of any changes to EPA regulations concerning air dispersion modeling.

Operating Permit Program

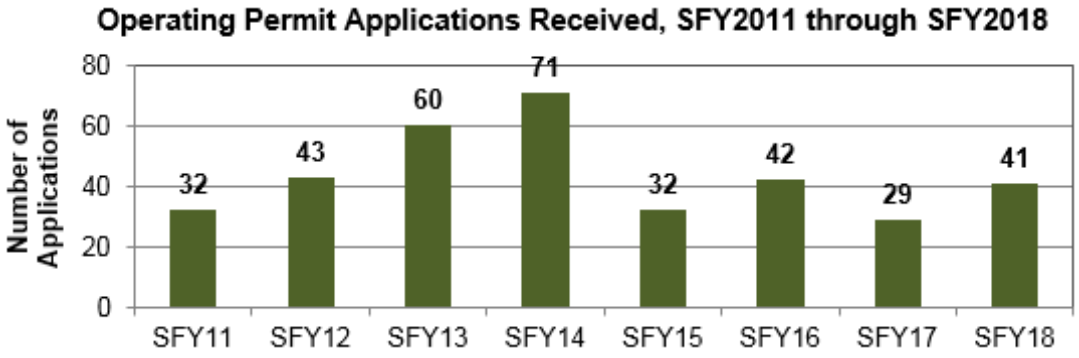
As required by Title V of the Federal Clean Air Act Amendments of 1990, Nebraska issues operating permits for major, or Class I, sources of certain air pollutants. NDEQ also regulates certain minor sources using Class II operating permits as required under Nebraska law. (The terms *major* and *minor* are defined in Title 129.) An operating permit must be applied for within 12 months of startup of a regulated air contaminant source, is valid up to five years, and must be renewed. An operating permit contains all applicable requirements for all emission points at a facility.

The chart below provides statistics on the number of operating permit applications received, processed, and pending during the 2018 state fiscal year. These statistics include general permit and permit-by-rule approvals.



The Nebraska operating permit program also offers an innovative alternative for sources that have taken measures to keep their emissions very low, called the Low Emitter Rule. To be eligible, a source must document five years of actual emissions at or below the threshold levels, meet other requirements established in the regulations, and not otherwise be required to obtain an operating permit. Since its inception in 1997, the Low Emitter Rule has significantly reduced the number of sources that need to obtain an operating permit, with no identifiable degradation of air quality in Nebraska.

The five-year renewal cycle, past delays in issuing renewals, and other factors have resulted in wide variations over time in the numbers of operating permits up for renewal each year. The following chart summarizes air quality operating permit applications received from SFY2011 through SFY2018 (applications for all application types, including applications for permit revisions, general operating permits, permit-by-rule, etc.).



Permit Program Process Improvements

Individual construction and operating permits are complex, highly technical documents that must address all emission points for various pollutants at a facility. Consideration of a permit application thus requires a complex analysis process involving multiple steps and personnel. Beginning in late 2016 and continuing into SFY2018, staff of the Construction Permit unit undertook a process improvement project intended to reduce the lead time required to issue an individual air quality construction permit. By focusing on efficiency and eliminating redundant actions, the team reduced the number of expected process steps from 110 to 22 and reduced the average time required to reach a decision on a construction permit application from 188 days to 111 days.

Each construction and operating permit includes a fact sheet, which provides a technical description of the facility, each regulatory requirement an applicant must meet, and a statement of basis for each permit condition. Historically, fact sheet length has ranged from 10 to over 70 pages depending on the complexity of the facility, and preparation time has been as much as 192 hours. This year, Division staff analyzed the content of permit fact sheets to identify the most essential elements and analyzed the preparation process to pinpoint opportunities for streamlining. After these efforts, permit fact sheet length has been reduced by over 60% and process steps were reduced by 35% to 50%. In addition to significant time savings for both construction and operating permit writers, these more concise fact sheets should be easier for facility staff and agency compliance inspectors to understand, leading to increased compliance by facilities and more efficient inspections.

Compliance Section

Ambient Air Quality Monitoring Program

The Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment, which are called "criteria pollutants". The Act established two types of national air quality standards: primary standards, which are intended to protect public health, and secondary standards, intended to protect the environment. National standards have been established for the following six pollutants:

- Particulate Matter
  - With a diameter of 10 micrometers or less (PM_{10})
  - With a diameter of 2.5 micrometers or less ($PM_{2.5}$)
- Sulfur Dioxide (SO_2)
- Nitrogen Dioxide (NO_2)
- Carbon Monoxide (CO)
- Ozone (O_3)
- Lead (Pb)

Nebraska has an additional ambient air quality standard for Total Reduced Sulfur (TRS). The TRS standard was adopted by the Environmental Quality Council in 1997 and is a public health-based standard.

Nebraska Ambient Air Monitoring Network

The State of Nebraska operates an ambient air-monitoring network to determine compliance with the NAAQS and with state air quality standards. In addition, the Nebraska network includes a site for monitoring regional haze impacts that is part of a national program to help protect visibility in our National Parks and Monuments.

Three agencies are involved in the day-to-day operation of the network: NDEQ, Lincoln-Lancaster County Health Department, and Douglas County Health Department. Omaha Air Quality Control (part of the Omaha Public Works Department) also provides technical support for network-related activities.

The Nebraska monitoring network includes sites at which air quality is monitored to evaluate attainment with the standards and other health- and welfare-associated priorities. NDEQ evaluates the adequacy of its monitoring network in accordance with federal regulations each year. Changes may be made to the network due to changes in monitoring regulations, updates to the ambient standards, perceived changes in pollution trends, and/or funding issues. Loss of site access is another consideration that occasionally affects the network.

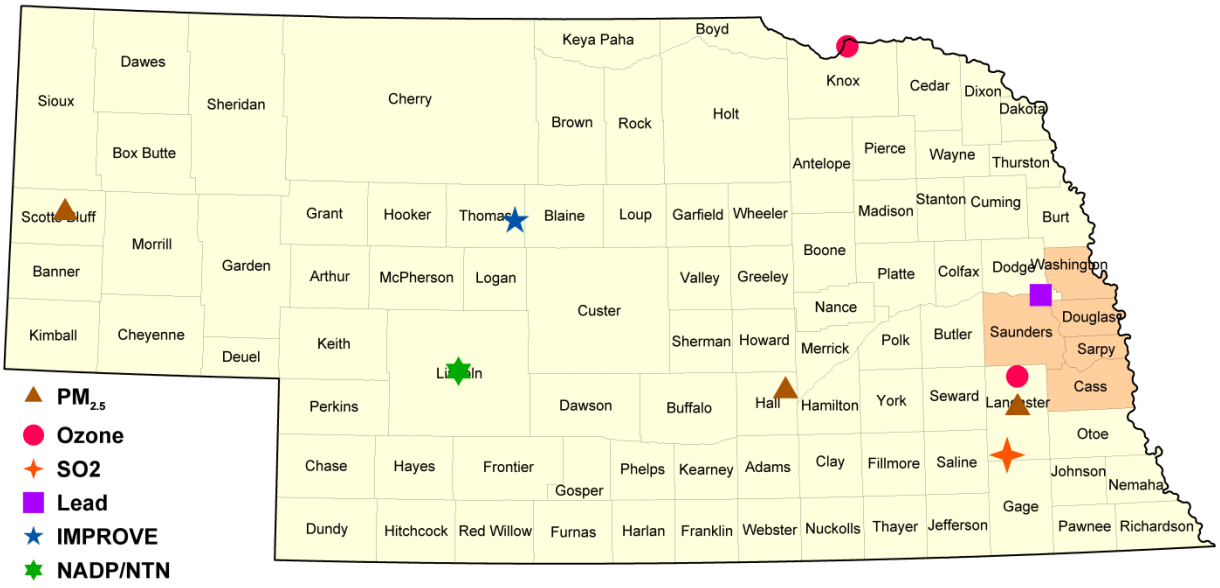
Most of the sites in the monitoring network evaluate pollutants for which standards are established *(i.e.*, $PM_{2.5}$, PM_{10}, CO, SO_2, Lead, or Ozone). Some sites monitor for more than one pollutant. The NCore site in Omaha is part of a National Core Network that monitors for nine pollutant parameters. There are two additional types of sites in the network: Interagency Monitoring of Protected Visual Environments (IMPROVE) and National

Atmospheric Deposition Program/National Trends Network (NADP/NTN) sites. (See maps below and on the following page for locations.)

IMPROVE monitors provide information for studying regional haze that may impact the visibility in listed federal Class I National Park and Wilderness Areas. There is one IMPROVE monitoring site at Nebraska National Forest at Halsey, Nebraska. This site provides data on pollution trends and transport.

The National Trends Network (NTN) of the National Atmospheric Deposition Program (NADP) is a nationwide network of sites that monitor for pollutants deposited by precipitation. The deposition constituents examined include acidity, sulfates, nitrates, ammonium chloride, and base-cations (e.g., calcium, magnesium, potassium, and sodium). There are two NADP/NTN sites in Nebraska: one near Mead and one near North Platte. Both have been operational for over 20 years. These sites are operated by the University of Nebraska, with analytical and data development support from the NADP. The Mead site was upgraded to include mercury (Hg) deposition monitoring and is part of the NADP/Mercury Deposition Network (MDN). Both sites maintain the NADP monitoring. Additional information about the NADP/NTN can be found at: http://nadp.sws.uiuc.edu/NADP/.

Nebraska Monitoring Sites Outside of the Omaha Metropolitan Statistical Area



$PM_{2.5}$
Lincoln (Lancaster County)
Grand Island (Hall County)
Scottsbluff (Scottsbluff County)

Ozone
Davey (Lancaster County)
Santee (Knox County)

Lead
Fremont (Dodge County)

Sulfur Dioxide (SO_2)
Sheldon Station (Lancaster County)

NADP/NTN
Maxwell (Lincoln County)

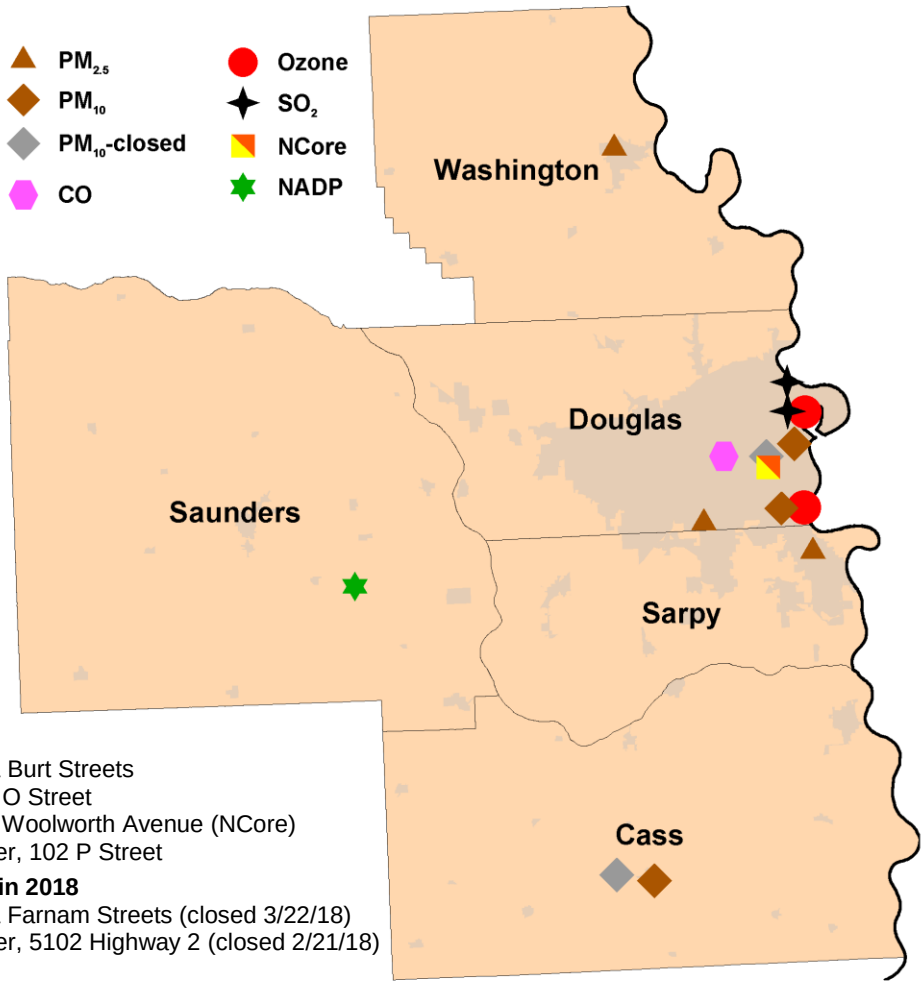
IMPROVE
Nebraska National Forest (Thomas County)

The Nebraska counties in the Omaha-Council Bluffs Metropolitan Statistical Area are indicated by the orange gray shading.

The state map above shows the nine monitoring sites that are located outside of the Omaha-Council Bluffs Metropolitan Statistical Area (counties shown in orange). Three of these sites are operated by NDEQ, either directly or under contract. The three sites in Lancaster County are

operated by the Lincoln-Lancaster County Health Department with NDEQ oversight. The National Atmospheric Deposition Program site near North Platte is operated by the University of Nebraska. An additional ozone site near Santee in northeast Nebraska is operated by the U.S. EPA. A total reduced sulfur monitor previously operated by NDEQ in Dakota City was decommissioned in July 2016.

Monitor Locations in the Nebraska Portion of the Omaha-Council Bluffs Metropolitan Area



PM_{10}
Omaha, 19th & Burt Streets
Omaha, 2411 O Street
Omaha, 4102 Woolworth Avenue (NCore)
Weeping Water, 102 P Street

PM_{10} Closed in 2018
Omaha, 46th & Farnam Streets (closed 3/22/18)
Weeping Water, 5102 Highway 2 (closed 2/21/18)

$PM_{2.5}$
Omaha, 4102 Woolworth Avenue (NCore)
Omaha, 9225 Berry Street
Bellevue, 2912 Coffey Avenue
Blair, 2242 Wright Street

Ozone
Omaha, 4102 Woolworth Avenue (NCore)
Omaha, 1616 Whitmore Street
Omaha, 2411 O Street

NCore
4102 Woolworth Avenue

Carbon Monoxide
Omaha, 4102 Woolworth Avenue (NCore Trace Monitor)
Omaha, 7747 Dodge Street

Sulfur Dioxide (SO_2)
Omaha, 4102 Woolworth Avenue (NCore Trace Monitor)
Omaha, 1616 Whitmore Street
Omaha, OPPD North Omaha Station

NADP/NTN
Mead, Saunders County

The map above shows the location of the monitoring sites located in the Nebraska portion of the Omaha-Council Bluffs Metropolitan Statistical Area (two sites monitor two pollutants and are represented by overlapping pairs of symbols). Nine of these sites, located in Douglas, Sarpy,

and Washington Counties, are operated by the Douglas County Health Department with NDEQ oversight. A PM_{10} site in Weeping Water in Cass County is operated by NDEQ. The National Atmospheric Deposition Program site at Mead is operated by the University of Nebraska.

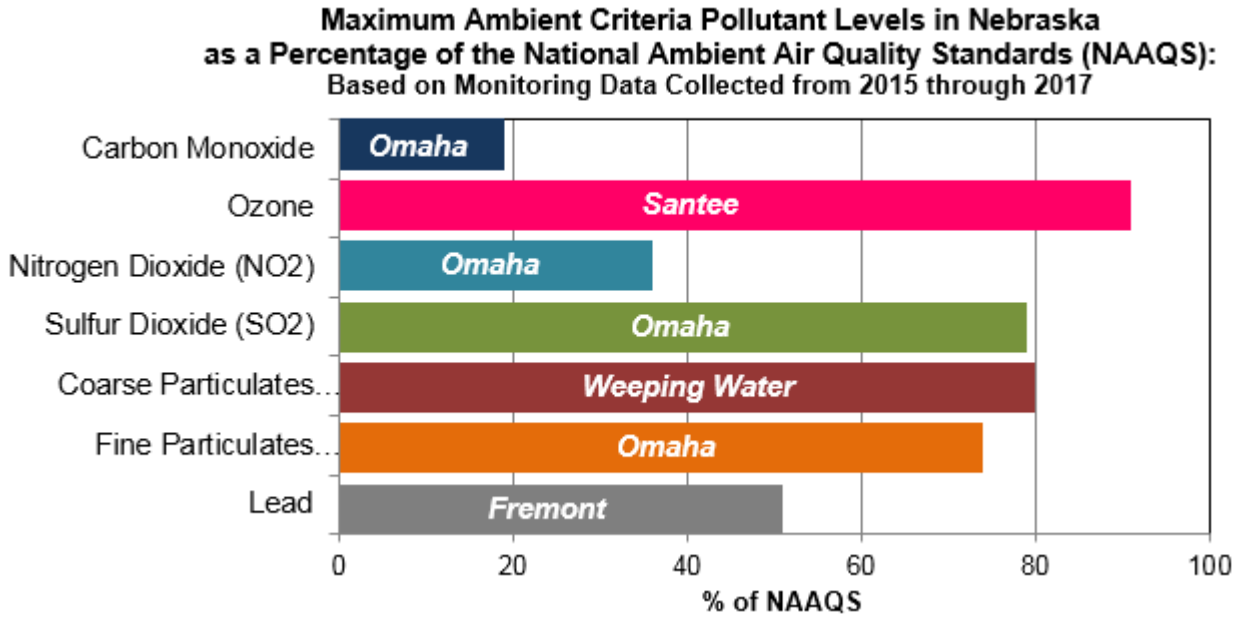
Two coarse particulate (PM_{10}) monitoring sites were closed in 2018: one at 46th and Farnam Streets in Omaha (due to equipment failure) and one in a rural area near Weeping Water (due to a decision by the landowner not to renew the site lease).

Monitoring Information On-Line

Data from continuous ozone and $PM_{2.5}$ monitors in Lincoln and Omaha are reported hourly to the EPA AirNow system, which makes current air quality information available to the public on the web at http://www.airnow.gov/. EPA uses the data to calculate an hourly Air Quality Index (AQI) for each monitor location. The AQI is a numeric rating of the current air quality that provides the public with a quick and simple means to evaluate current air quality in each metro area. The Douglas County Health Department and Lincoln-Lancaster County Health Department websites provide links to current AQI values for their cities. The Douglas County Health Department also participates in the ENVIROFLASH program that allows members of the public to sign up to receive air quality alerts via email.

Compliance with National Ambient Air Standards (NAAQS)

Current air quality monitoring data shows that all areas of Nebraska are in attainment (in compliance) with the NAAQS. The chart below shows where the highest air pollutant levels are being detected in Nebraska for each criteria pollutant and how their levels compare to the NAAQS. (A reading of greater than 100% would mean that the NAAQS standard was exceeded, but the highest readings for all criteria pollutants are well below 100%.)



The U.S. EPA has designated all of Nebraska as "Attainment/Unclassifiable" with respect to the NAAQS for sulfur dioxide except for Lancaster County, which was designated "Unclassifiable" in 2016 (due to the need for additional characterization), and Douglas County,

which will be designated by the end of 2020. The latter two counties include coal-fired power plants in North Omaha and near Hallam, respectively. Two additional sulfur dioxide monitoring sites were established at the end of 2016 to provide data on the air quality at these sites. Initial monitoring data indicates that sulfur dioxide levels at these locations are in attainment/compliance with the NAAQS.

The Division compiles an annual Ambient Air Monitoring Network Plan that provides a more detailed analysis of ambient air monitoring data, pollutant trends through time, and NAAQS compliance. These reports are available on the agency website: http://deq.ne.gov/Publica.nsf/Pubs_Air_Amb.xsp.

Inspections and Facility Compliance

The Compliance Program is responsible for conducting compliance inspections of air pollution sources, responding to citizen complaints, observing and evaluating emission tests, and the acid rain program.

Consistent with the Nebraska Environmental Protection Act, the Air Quality Division attempts to obtain compliance with environmental regulations first through voluntary efforts. Voluntary compliance has helped bring about a better working relationship with the regulated community without sacrificing environmental quality. However, enforcement actions are pursued by the Agency when compliance issues are serious, chronic, or cannot otherwise be resolved. In certain instances an enforcement settlement may include a Supplemental Environmental Project to further the Department's goals to protect and enhance public health and the environment.

SFY2018 Compliance Activity Summary

Compliance Activity	NDEQ	LLCHD*	OAQC*
On-site Inspections	141	120	27
Facility Stack Tests Conducted On-site Observations Conducted	98 20	11 0	3 3
Continuous Emission Monitoring Audits Conducted On-site Observations Conducted	47 17	2 0	0 0
Complaints Received	93	75	99
Burn Permits Issued Burn Permits Denied Burn Permits Withdrawn	38 0 0	56 3 0	46 2 0

*LLCHD – Lincoln Lancaster County Health Department; OAQC – Omaha Air Quality Control

Emission Inventory and Emission Fees

Each year, the Department conducts an inventory of emissions from major industrial sources and a representative sample of lower-emitting minor industrial sources. Every three years, the Department assists the EPA in preparing a comprehensive national inventory of emissions. The next national inventory compiled will include emissions reported by our sources for the 2017 calendar year. The emissions inventory is used to support the planning efforts for national rulemaking and to assess trends in emissions through time. Emission inventories are due on March 31st each year.

NDEQ also uses the emission inventories to determine the assessment of annual emission fees. Major sources of air pollution are required to pay emission fees for each ton of pollutant actually emitted during the calendar year. The maximum emission for which a fee is assessed is 4,000 tons per pollutant. For electrical generating facilities with a capacity between 75 and 115 megawatts, the maximum emission for which a fee is assessed is 400 tons per pollutant. The Department attempts to set the fee rate at the minimum level needed to pay reasonable direct and indirect costs of developing and administering the air quality permit program. An analysis detailing how the Department arrived at the fee rate is made available to fee payers and is on the NDEQ website. The rate for emissions in 2017 and 2016 was $78 per ton.

Planning and Development

The Air Quality Division is responsible for maintaining state air quality regulations and the National Ambient Air Quality Standards (NAAQS), and for providing expert information on the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS). The Division also provides support and training resources to the regulated community and the general public. Brief information updates about important happenings in the air quality regulatory world are provided to interested parties via email through the AirNews listserv.

Planning for Air Quality Issues in Nebraska

NAAQS are reviewed periodically based on the most recent scientific information available and revised or retained as appropriate. When a new or revised standard is issued (even if the standards are retained), states must determine if they are in attainment with the standard and, if they are not, take the necessary corrective action. States are required to submit to EPA their recommendations for attainment/nonattainment designations and State Implementation Plans (SIPs) for each standard. The Division also administers local agreements with Lincoln-Lancaster County Health Department, the City of Omaha Air Quality Control division, and the Douglas County Health Department for their delegated functions in air quality permitting, compliance, and planning.

Nebraska is currently considered in attainment with all of the National Ambient Air Quality Standards. Recent planning activity is addressing regulatory issues concerning sulfur dioxide, ozone, and lead, as well as the Regional Haze Rule.

Sulfur dioxide (SO_2)

The 2010 sulfur dioxide (SO_2) standard requires that states demonstrate attainment in the areas surrounding large sources of this pollutant. NDEQ submitted Nebraska's designation recommendation of attainment for the areas surrounding three major sources to EPA in 2015.

EPA designated two of these sources as in attainment in early 2016; the third (Sheldon Station in Lancaster County) was designated unclassifiable, and would require further characterization.

To supplement the 2010 SO_2 standard, the EPA finalized the Data Requirements Rule (DRR) in 2015 to assist in implementation of the 2010 standard. This rule requires air quality agencies to characterize the air quality near sources that emit 2,000 tons per year or more of SO_2 by the use of air quality monitoring or pollutant dispersion modeling, or adopt enforceable SO_2 emission limits not to exceed 2,000 tons per year for the affected sources. Sources in the state subject to this rule are coal-fired power plants and include Whelan Energy Center (Adams County), Sheldon Station (Lancaster County), North Omaha Station (Douglas County), Gerald Gentleman Station (Lincoln County), and Nebraska City Station (Otoe County).

Areas surrounding Gerald Gentleman Station and Nebraska City Station were characterized by modeling, and EPA designated them as "unclassifiable/attainment" in 2016. The area around Whelan Energy Center was characterized by modeling that demonstrated attainment with the standard. This area was designated as "attainment/unclassifiable" by EPA on April 9, 2018. Air quality monitors were installed in 2016 near Sheldon Station and North Omaha Station and began operation in January 2017. Monitoring will continue through 2020 and a designation recommendation for these areas will be submitted to EPA in early 2021.

The DRR requires annual reporting (termed "ongoing requirements") on areas that were characterized by modeling, and this year's report was submitted in June 2018. The three facilities subject to these ongoing requirements include Whelan Energy Center, Gerald Gentleman Station, and Nebraska City Station. Emissions data from these facilities were evaluated in June 2018 and indicated that all areas continue to demonstrate attainment with the federal standard.

Ozone

EPA issued revised ozone standards in 2015, lowering the standard from 0.075 parts per million (ppm) to 0.070 ppm. In September 2016 NDEQ submitted its designation recommendation to EPA, which designated the entire state as "unclassifiable/attainment" with respect to the 2015 ground-level ozone standard. The revised State Implementation Plan for ozone is due to EPA in October 2018.

Lead

EPA issued lead standards in October 2016, retaining the level of the previous primary and secondary standard of 15 micrograms per square meter (3-month rolling average) issued in 2008. NDEQ's designation recommendation of attainment for Nebraska was submitted to EPA in October 2017. Nebraska's updated State Implementation Plan is due to EPA in October 2019.

Regional Haze

Introduction of particulates and industrial gases into the atmosphere can result in haze that reduces visibility. EPA implemented the Regional Haze Rule in 1999 to improve visibility in national parks and wilderness areas. The rule directs state and federal agencies to work together to achieve this goal. Numerous amendments to the Rule have been issued, most recently addressing Best Available Retrofit Technology (BART) determinations for particular pollutant sources.

NDEQ submitted the Regional Haze State Implementation Plan (SIP) for the first implementation period (2008-2018) in July 2011; in 2012, EPA issued a partial approval/partial disapproval of the SIP. The disapproved portions include the BART determination for sulfur dioxide for Gerald Gentleman Station and the state's long-term strategy for regional haze insofar as it relied on the BART determination. This source participates in the Cross State Air Pollution Rule (CSAPR) program, which allots each source an emissions budget for SO_2 and allows trading of allotments. Emissions to date from this source have been below the allotted SO_2 budget under CSAPR, and no additional control measures have been required.

The Department submitted the Regional Haze Five-Year Progress Report in April 2017 and provided additional clarification to EPA to demonstrate progress toward visibility goals. At present, NDEQ is awaiting final approval from EPA, which will effectively finalize Nebraska's obligations under the first implementation period of the Regional Haze Rule, ending in 2018. EPA is currently preparing to undertake review of portions of the Regional Haze Rule update published in January 2017.

The second implementation period of the Rule began in 2018, and Nebraska's Revised SIP will be due to EPA in July 2021.

Clean Power Plan

The Clean Power Plan, which was issued by EPA in 2015, would have regulated greenhouse gas emissions from fossil-fuel power plants. Nebraska was among 24 states to join a lawsuit against the Clean Power Plan in 2015, and this court action culminated in February 2016 when the plan was stayed by the U.S. Supreme Court. This action cancelled the September 2016 deadline for states' initial submittals under the Plan. The Department halted work on the planning process following the stay in 2016, and the court actions concerning the Clean Power Plan remained in abeyance at the close of SFY2018.

In March 2017, President Trump signed the Executive Order on Energy Independence, which directed EPA to review the Clean Power Plan and revise or repeal the plan if EPA determined that it causes unnecessary, costly burdens on coal-fired electric utilities, coal miners, and oil and gas producers. In December 2017, EPA issued an Advance Notice of Proposed Rulemaking, soliciting information from the public about potential future rulemaking to limit greenhouse gas emissions from power plants. In August 2018, EPA proposed the Affordable Clean Energy (ACE) Rule as a replacement for the Clean Power Plan. This rule would establish emission guidelines for states to use when developing plans to limit greenhouse gas emissions at power plants. NDEQ will begin planning for implementation of the ACE Rule after the final rule is issued.

Air Toxics Program

EPA currently lists 187 substances as hazardous air pollutants, or air toxics, which are air pollutants known to cause cancer and other serious health impacts. The Division developed the Air Toxics Notebook on the NDEQ website as a reference on the air toxics program and NESHAP standards that have been issued by EPA and that are applicable to facilities in Nebraska. The Notebook, located at NDEQ's web site at http://deq.ne.gov/NDEQProg.nsf/OnWeb/ATNB, is intended to help the regulated community and the public understand the air toxic regulations. For each standard, the Notebook has a page that provides applicability information, regulatory citations, amendment dates, guidance documents, forms, and a listing of sources in NDEQ's

jurisdiction that are subject to each NESHAP. During SFY2018 the Air Toxics coordinator brought the Notebook page for each of the 139 applicable standards up-to-date with current NESHAP regulations.