Air Waves

A bulletin produced by Nebraska Department of Environmental Quality's Air Quality Division

Summer 2007

Welcome to the *AirWaves* Bulletin! *AirWaves* is produced and distributed semiannually by the Nebraska Department of Environmental Quality's (NDEQ) Air Quality Division. *Airwaves* are intended to help keep you up-to-date on current trends and issues regarding air quality in Nebraska.

In *AirWaves* we will cover a variety of issues including proposed regulations on the state or national level, recently enacted regulations, local air quality issues, new software, books, websites, upcoming courses and meetings, as well as other items of interest.

In This Edition

New Construction Project? Avoid Impacts to Threatened & Endangered Species!

Kristal Stoner, Nebraska Game and Parks Commission

Fish and wildlife, just like humans, depend on a healthy environment with fresh air, clear water and lush, green vegetation. It is often taken for granted that with these basic components of the environment, there will be healthy fish and wildlife populations. This is not always the case. Declines of wild species often alert scientists that there is something very wrong with the environment.

The bald eagle is a perfect example. This symbol of our nation was removed from the Endangered Species List on June 28, after decades of conservation efforts and the banning of DDT. Initially, it was believed that DDT did not affect humans, and was widely used. Declines of several raptors like the bald eagle and peregrine falcon alerted scientists that this pesticide was harmful to wildlife and humans. Now, many of these species are recovering and we are no longer using this harmful pesticide.

Unfortunately there are 28 other species that are still considered threatened or endangered in Nebraska. In addition to these species that have legal protection, Nebraska's Natural Legacy Project has identified a Tier 1 list that contains another 52 species that are globally at risk of extinction. Each of these species has a unique story to tell, and each is an indicator of something that has changed significantly in the environment. Sometimes their reason for decline alerts us of something in the environment that can be equally harmful to us, so it is important to protect the last locations in Nebraska where these species still exist.

The Nebraska Game and Parks Commission is charged with protecting threatened and endangered species. Species such as the swift fox (pictured at right) are found in the far western portion of the state, while the saltwort is found only in saline wetlands in the east. For the most part, these rare species are in rural areas where current land management coincides with their needs, so there is rarely conflict.

NEBRASKAland

Occasionally new construction activities have the potential to harm one of these animals or plants. The Nebraska Game and Parks Commission works with other state agencies, such as the Department of Environmental Quality, to ensure that facilities they permit will not harm any of these species or the habitats necessary for their survival.

The Nebraska Game and Parks Commission receives about 600 requests each year to determine if a project has potential to impact threatened or endangered species. These requests are primarily from state agencies, contractors and consultants, but we also receive informal requests from the general public. Often, permit processes can be expedited when the project proponent requests a review directly from the Nebraska Game and Parks Commission, and then submits their clearance letter with a state permit application. Each request is individually evaluated based on the specific location and the type of project. If there is potential for a project to negatively impact a state listed species, the Nebraska Game and Parks Commission works with the individuals or company to find a way for the project to move forward without impacting any threatened or endangered species.

If you would like more information regarding threatened and endangered species, or would like to learn more about having your project reviewed for potential impacts, please contact Kristal Stoner, Nebraska Game and Parks Commission, 2200 N. 33rd St., Lincoln, NE 68509 or 402-471-5444 or visit our website at www.outdoornebraska.org.

Air Quality Division to Host Annual Air Update Workshops

The NDEQ Air Quality Division is hosting four workshops throughout the state to provide industry and consultants information about Nebraska's air quality regulations. The workshops will offer an update of state and federal air quality regulations, and air permitting and compliance issues will be discussed.

Following are the workshop agenda topics and locations. Please contact Melissa Ellis at (402) 471-6624 or email Melissa.ellis@ndeq.state.ne.us to register for the workshop location you wish to attend.

The workshops in Norfolk, Lincoln, and Kearney will be held from 9:00 am until 3:30 pm with a one hour break for lunch. The Scottsbluff workshop will begin at 8:30 am and last until 3:00 pm with a one hour break for lunch. Sponsors will provide lunch to workshop attendees (free of charge), as well as door prizes and morning snacks at each meeting location.

Dates & Locations

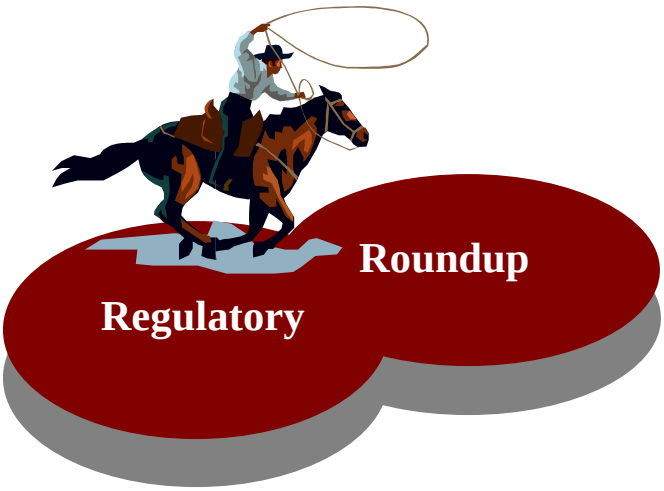
- August 21st – Skagway Banquet Center, 624 W. State St., Grand Island
- August 22nd – Harms Advanced Technology Center, Western NE Community College, 2620 College Park Scottsbluff
- August 29th - Lancaster County Extension Office, 444 Cherrycreek Road, Lincoln
- August 30th - Life Long Learning Center, Northeast Community College, 801 E. Benjamin Ave., Norfolk

Agenda Topics

Introductions
Air Regulations Update - Title 129 & Federal Regulations
Emissions Inventory Overview
New and Improved Air Resources
What to Expect during an Air Compliance Inspection – The Do's & Don'ts
Permit Program Updates – Modifications, commence construction, etc.
Air Quality Application Exercises
Compliance Program Updates – Reporting, testing, etc.

Air Q Haiku:

Walk to work or bike
Ride the bus to save our air
Breathe in the savings
--Christie Caudillo



On August 17, the Nebraska Environmental Quality Council (EQC) will hold public hearings on two packages of revisions to Nebraska's air quality regulations, known at Title 129. The Air Quality Division will once again be trying to complete rulemaking on New Source Review (NSR/PSD) reform which began in September 2005. It will also request adoption of rules related to four other areas: changes to the definition of "chemical process plant" for NSR/PSD purposes; Regional Haze and Best Available Retrofit Technology (BART); the Clean Air Mercury Rule; and Other Solid Waste Incinerators (OSWI). These packages may be viewed on the Department's web site at www.deq.state.ne.us.

The rules related to NSR/PSD reform were originally adopted in September 2005. A number of additional minor changes were subsequently negotiated with the EPA in order to obtain EPA's approval of Nebraska's State Implementation Plan revisions related to NSR/PSD. These were proposed to and adopted by the EQC in September 2006. In December 2006, the Nebraska Attorney General ruled that certain amendments adopted at the September 2006 meeting did not receive adequate public notice. Therefore, the Attorney General rejected the entire package of regulatory changes.

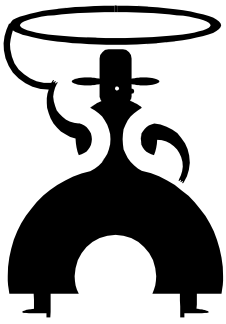
The September 2006 package, revised in accordance with amendments adopted at the September 2006 meeting, was re-proposed for adoption by the EQC in June 2007, along with the other categories of rules mentioned in the first paragraph. The June meeting was rescheduled to August 17, due to lack of a quorum.

On May 1, 2007, the EPA issued revisions to the NSR/PSD rules that redefine the term "chemical process plant" to exclude ethanol plants. The result of this change is that ethanol plants will not be subject to PSD review unless they emit 250 tons or more per year of a regulated NSR pollutant. Currently, as "chemical process plants," they are subject if they emit 100 tons or more per year. NDEQ will ask the EQC to adopt this change into Title 129 at the August meeting. The change will also exempt ethanol plants from counting fugitive emissions when measuring total emissions for PSD, operating or construction permit purposes.

In addition to the minor revisions proposed to the NSR/PSD rules, a revision to Chapter 15 will allow changes in a facility's equipment configuration without a permit revision under certain circumstances. Another revision, to Chapter 17, will require a source to pay a construction permit application fee when requesting a significant permit revision. A change in Chapter 34 will clarify NDEQ's authority to order facilities to conduct testing when the Department deems it necessary.

The package of proposed rules that includes the NSR/PSD proposals also includes a proposed new chapter in Title 129, titled "Visibility Improvement". It will provide the authority for the Department to comply with the federal Regional Haze Rule. The goal of the Regional Haze Rule is to improve visibility in Class I federal areas such as national parks. Although there are no Class I federal areas in Nebraska, it is possible that pollutants emitted by certain facilities in Nebraska contribute to visibility impairment in another state. If a facility is found, through modeling, to be contributing in this way, the facility may be required to install Best Available Retrofit Technology (BART) to control its visibility impairing emissions. All facilities needing to model were identified and notified in 2006.

The second package of proposed rules for the August 17 meeting includes the New Source Performance Standard for mercury emissions in Subpart Da, "Electric Utility Steam Generator Units for which Construction was Commenced after September 18, 1978." It also adopts, by reference, the federal Clean Air Mercury Rule, including the mercury budget cap and trade program. The Clean Air Mercury Rule applies to large, coal-fired power plants. It is designed to reduce mercury emissions nationwide from 48 tons per year to 15 tons per year by 2018, but does not impose individual state emission caps.



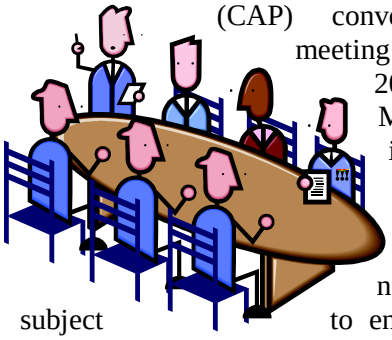
Under the cap and trade program, the EPA will issue a certain number of allowances to each state every year. In Nebraska, the NDEQ will distribute the allowances to the coal-fired power plants in the state. The power plants must measure their mercury emissions and hold one allowance per ounce of mercury emitted

annually. If a facility has more allowances than needed, it may sell its excess allowances or bank them to use in future years. If it has fewer allowances than needed, it must buy additional allowances to cover its emissions. The trading program begins in 2010.

Finally, the second package of proposed rules will include New Source Performance Standards, Subparts EEEE and FFFF, relating to Other Solid Waster Incinerators (OSWI). The final OSWI rules regulate two subcategories of incinerators: (1) very small municipal waste combustion units and (2) institutional waste incineration units. The only known Nebraska sources subject to these standards are located in Lancaster and Douglas counties. Subpart IIII, "Standards of Performance for Stationary Compression Ignition Internal Combustion Engines" and Subpart KKKK, "Standards of Performance for Stationary Combustion Turbines," will also be proposed for adoption by reference.

Notice of the August 17 EQC meeting will be published in mid-July. Anyone wishing to submit written comments on these proposals may do so between the time the notice is published and the close of the public hearing on August 17. Also, anyone wishing to testify orally may do so at the public hearing which will be at 9:00 a.m. at the Cornhusker Hotel in Lincoln.

NDEQ Meeting with Nebraska Small Business Compliance Advisory Panel



Nebraska's Small Business Compliance Advisory Panel (CAP) convened its semi-annual meeting in Kearney on April 26, 2007. NDEQ Director Mike Linder participated in the meeting. The purpose of the CAP is to provide input to the NDEQ regarding the needs of small businesses subject to environmental regulations. The CAP also serves as an informational 'bridge' between the NDEQ and the small business community. This panel is comprised of seven members, four of which are small business owners, two who represent the public at large, and one chosen by the NDEQ Director. The main thrust of the April meeting was to determine how the CAP could be used more effectively as a liaison between the NDEQ and the small business community, and also how NDEQ can increase the effectiveness of its compliance assistance program.

Some of the other issues discussed at the April meeting included: providing the panel a copy of the NDEQ small business annual report concerning outreach assistance efforts to small businesses; increasing coordination between the NDEQ field offices and the CAP; developing a brochure for dissemination to all small businesses explaining the CAP's purpose and how it can assist in achieving environmental compliance; developing a link on the NDEQ web site through which a business can set up a compliance assistance visit from the NDEQ assistance team; and involving the CAP early in the environmental regulation development process to receive their suggestions and recommendations.

There are currently two vacancies on the CAP. The CAP and NDEQ are trying to identify two small business owners to fill these vacancies as quickly as possible. The next CAP meeting is tentatively scheduled for September 2007.

The Small Business Compliance Advisory Panel is valuable and important to Nebraska's small business community. The Panel provides a liaison between NDEQ and businesses, advice on changing regulations, and help to ensure and maintain compliance. Please contact the NDEQ Small Business and Public Assistance Coordinator Hugh Stirts at 402-471-8697 for the name of the Panel member nearest you.

Get connected and put your name on the Air Quality email list to receive timely updates on air quality regulation changes, upcoming events, and other air quality information. Email Melissa Ellis at Melissa.ellis@ndeq.state.ne.us to join now!

Harnessing Solar Energy to Power Air Quality Monitors

Harnessing photovoltaic (solar) energy to power an air quality monitoring station can be a viable alternative to grid power. Monitors that do not require grid power allow environmental agencies much greater freedom when siting air monitors. Reducing energy consumption and utilizing renewable sources of energy set a good example for others to follow.

Problem Addressed

Air monitoring programs are sometimes bound by circular restrictions. For example, a site must be near a suitable power source, but that power source may be too near an obstruction or if the monitor is moved away from the obstruction it may no longer be near the power source. Installing a new power source can be costly, especially in a remote location. The NDEQ was seeking a power source that was efficient, affordable and provided flexibility when siting an air monitoring station.

Description

NDEQ expanded its monitoring network in an area with a history of particulate matter concerns. Due to the siting requirements, (close to an area considered vulnerable to particulate emissions, close to a power source, unobstructed landscape for 300 feet in all directions) none of the sites considered were 100% suitable.

The search for a desirable location to place a new air quality monitor eventually led to the farm of a local landowner and farmer. NDEQ's plan to tap into a nearby electrical substation was found to be unworkable, and the alternative plan to run power from the farmhouse was too expensive. NDEQ decided to explore the possibility of using alternative power sources. Following extensive research, program staff settled on using photovoltaic (solar) power to operate the new monitoring station.

Wind power was considered because it is less expensive than solar power: it costs less than a solar array that can generate the same amount of power. However, in this case, the average annual wind speed was too low to power the site. Solar power is workable anywhere the sun shines if the system is properly designed. The system must have a large enough array of solar panels and enough batteries to run through the night and on cloudy days. Reducing power consumption to only the essential monitoring operations was key to the project's success.

Staff designed the station to utilize passive heating and cooling systems, thereby eliminating the need for heating and air conditioning. The energy demand was reduced, while still maintaining the trailer's temperature within the proper operational range. Greatly reduced power consumption meant that solar would be a viable alternative to grid power.

NDEQ began operating the solar powered monitoring station in April 2005. The station consists of:

- A 6' by 10' enclosed trailer containing the particulate air quality monitor and a bank of batteries used to store the electricity for up to four days;
- A 30' meteorological tower used to collect wind data; and
- An array of 40 solar panels.

Since it began operation, the site has performed well, delivering a steady stream of quality data. The system has shut down just once, for three days, when snow covered the solar panels and NDEQ staff were unable to reach the site and clear the panels. The NDEQ air program has plans to utilize wind power in the design of other monitoring stations in the future.

Technical information about the solar powered station is available in: "Design and Deployment of Ambient Air Monitors That Utilize a Photovoltaic Power Source" at: http://www.epa.gov/airnow//2006conference/posters/NDEQ_PVDeploy.pdf

This article was published in The Journal of Environmental Council of the States – Annual Innovations Edition – Spring 2007.

Powered By The Sun -- Solar panels are used at the NDEQ's air quality monitoring station in Weeping Water.

Emissions Inventory Update

The Department is currently reviewing the information submitted in the 2006 air emission inventory reports which were due March 31, 2007. This review process takes several months and is typically completed late in the year. Specific questions or comments noted on the report forms will be addressed as they are processed. Class I major sources owing emission fees should have submitted payment to the Department by July 1, 2007. Payments not received by this due date are subject to a late payment fee which increases monthly.

During this inventory review period, errors are occasionally discovered and the Department may request further information to help clarify or resolve data reporting issues. If errors are discovered by facilities themselves, which require corrections or amended reports, changes should be submitted as soon as possible so that they may be incorporated into the review of the plant's emissions information. Corrected information can be submitted to the Department by supplying another complete report with revisions or by providing just the pages that have changed after updating. Please note that in either case it is important to indicate what corrections were made and to provide any supporting documentation if necessary.

All emissions inventory reports are subject to being audited by the Department. Every year a random sample of facilities are selected and audits are performed to ensure accurate reporting. Typically, these audits include a plant tour and review of production and purchasing information to verify emission totals.

Throughout the year, as facilities collect emissions data for inclusion in the annual emissions report, periods of start-up, shutdown or malfunction should be noted. These events must be recorded in accordance with requirements in Chapter 35 of the Nebraska Air Quality Regulations – Title 129. The result of these conditions may provide excess air emissions at the facility. The totals of these excess emissions must be accounted for on the annual inventory report. The 2007 emissions inventory will have a separate form for sources to report any excess emissions they had during the year.

The 2007 annual air emission inventory report forms will be mailed out January 1, 2008. A listing of all sources required to submit the inventory report is maintained on the Department's website at www.deq.state.ne.us. This list is updated every year in January when the new report forms are mailed. Class I major and Class II sources must report each year. Smaller Low Emitter and No Permit Required Sources must report once every three years according to the federal EPA Consolidated Emissions Reporting Rule.

The emission fee rates for 2007 will not be determined until the report forms have been completed and returned to the Department in 2008. For information regarding how the fee rate is determined, key fee assessment assumptions, and projected rates please visit the Department's website at http://www.deq.state.ne.us/AirDivis.nsf/Pages/2006EIFA. If you have any questions or need assistance with emission inventory issues please contact David Brown at (402) 471-3389.

EPA Finalizes Ethanol Rule Raising PSD Thresholds

On May 1, 2007 the Environmental Protection Agency (EPA) finalized its rule titled *Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NSR), and Title V: Treatment of Certain Ethanol Production Facilities Under the 'Major Emitting Facility' Definition*. In the final rule EPA increased the major source threshold of emissions from 100 to 250 tons per year (tpy) for determination of PSD applicability for ethanol fuel production facilities. EPA also eliminated the requirement that fugitive emissions be included when determining whether a source is "major" under the PSD, nonattainment NSR and Title V programs for ethanol fuel producers.

The 250 tpy PSD emissions threshold has been expanded to apply to "all facilities that produce ethanol through a natural fermentation process that involves the use of such things as corn, sugar beets, sugar cane or cellulosic biomass as a feedstock regardless of whether the ethanol is produced for human consumption, fuel or for an industrial purpose." EPA states that continuing to regulate the ethanol fuel industry under the 100-tons-

per-year PSD major source threshold could "stymie the growth of the industry and hamper our nation's efforts toward energy independence."

Implementation in Nebraska

NDEQ will propose adoption of the PSD rule change to the Environmental Quality Council in August. If approved by the council, it will also be reviewed by the Attorney General's office, the Governor's office, and the Secretary of State's office before it is finalized in the Nebraska regulations. Therefore, it will take some time for the rule to be applicable in Nebraska

Even with the PSD threshold change, boilers at these ethanol plants may be subject to PSD review at the 100 tpy threshold. Under the PSD rules, "fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour (MMBtu/hr) heat input" are still subject to the 100 tpy threshold. Ethanol plants emitting greater than 100 tpy of a criteria pollutant will generally require greater than 250 MMBtu/hr boiler heat input. Therefore, while there may be some room for expansion on the ethanol side (for criteria pollutants), the 100 tpy threshold for fossil fuel boilers may be a limiting factor if new sources still elect to remain minor under the PSD program.

As a result of the PSD threshold change, existing ethanol plants may be able to increase production without triggering PSD review. However, any relaxation of the boiler limitations taken to be considered a minor source for purposes of PSD will trigger the 52.21(r)(4) provisions (please see Title 129, Chapter 19, Section 024, Subsection 024.02). As a result, the boiler may be subject to PSD review.

Additionally, an ethanol plant of the size contemplated by this rule will likely be a major source of hazardous air pollutants. As such, they would be subject to all of the applicable State and Federal air toxics standards. If you have any questions related to applicability of the PSD rule, contact the Air Quality Division at (402) 471-2189.

Mark Your Calendars!

AUGUST 2007

	17th	Environmental Quality Council Meeting		Lincoln
⏲	21st	Air Update Workshop	9:00 am – 3:30 pm	Skagway Banquet Center, Grand Island
⏲	22nd	Air Update Workshop	8:30 am – 3:00 pm	Harms Technology Center, Scottsbluff
⏲	28th	Virtual Paint Press Event	2:00 pm	Stephenson's Truck Repair, Lincoln
⏲	29th	Air Update Workshop	9:00 am – 3:30 pm	Lancaster County Extension, Lincoln
⏲	30th	Air Update Workshop	9:00 am – 3:30 pm	Life Long Learning Center, Norfolk

SEPTEMBER 2007

	3rd	NDEQ office closed	
⏲	13th	Nebraska Ethanol Summit	Life Long Learning Center, Norfolk
	16th-22nd	National Pollution Prevention Week	
	30th	Class I Semi-Annual Deviation Reports due	

OCTOBER 2007

	8th	NDEQ office closed
⏲	30th-31st	Method 9 Opacity Certification Training (Smoke School). For Lincoln registration information, go to www.eta-is-opacity.com/schedule.htm.

NOVEMBER 2007

⏲	1st	Method 9 Opacity Certification Training (Smoke School). For Lincoln registration information, go to www.eta-is-opacity.com/schedule.htm
	12th	NDEQ office closed
	24th-25th	NDEQ office closed

DECEMBER 2007

7th Environmental Quality Council Meeting Lincoln (tentative)
25th NDEQ office closed

JANUARY 2008

1st NDEQ office closed
21st NDEQ office closed

FEBRUARY 2008

18th NDEQ office closed

EPA Proposes Revisions to 8-Hour Ozone Standard

On July 11, 2007, the Environmental Protection Agency (EPA) proposed to strengthen the 8-hour ozone standard, recommending a range for the primary standard between 0.070 and 0.075 parts per million. At the same time, the agency announced it is requesting comments on two "alternative levels" of the standard, including retention of the current standard (0.084 ppm). The Clean Air Scientific Advisory Committee's Ozone Panel unanimously recommended that the level be lowered to between 0.060 and 0.070 ppm, concluding that there is "no scientific justification" for retaining the current standard.

EPA is proposing two options for the secondary standard. One option sets the secondary standard at a level identical to the primary standard. The other option establishes a cumulative standard adding daily concentrations across a three-month period. EPA is proposing that the level of the standard fall in the range of 7-21 ppm-hours.

Based upon a March 12, 2008 issuance of final standards, EPA sets out an implementation schedule for achieving the new standard. By June 2009, states are required to submit to EPA their recommendations for designations. EPA is expected to make final designations a year later, or June, 2010. Three years after the final designations are approved, states must submit SIPs. States will be required to meet the new standard between 2013 and 2030, depending upon the severity of an area's air pollution problem.

The comment period will close 90 days following publication in the *Federal Register*. The agency will conduct four public hearings on EPA's recent proposal in: Los Angeles and Philadelphia on August 30, and Chicago and Houston on September 5. [For further information: www.epa.gov/groundlevelozone]

How will the revised standard affect Nebraska?
If the standard is lowered to be within the proposed 0.070 to 0.075 range, it appears that the Omaha-Council Bluffs Metropolitan Statistical Area (MSA) could have issues complying with the standard. If a non-attainment status is determined, a State Implementation Plan (SIP) would need to be developed. The SIP would set forth the additional pollution control measures needed to achieve attainment with the standard. Pollution transport would be evaluated in the development of the SIP. Thus, the SIP may require the implementation of controls in areas both inside and outside the Omaha-Council Bluffs MSA. Figure 1 below shows the Metropolitan areas in eastern Nebraska (areas defined by the U.S. Census Bureau) and how they relate geographically to the Omaha-Council Bluffs MSA.

To attain the ozone standard, the three-year average of the 4th highest daily maximum 8-hour average ozone concentration measured at each monitor within an area over each year must not be exceeded.. There are currently four ozone monitors located in the Omaha-Council Bluffs MSA, and one located in the Lincoln MSA. Tables 1 and 2 below provide a summary of the ozone data from the last five years as it relates to ozone compliance.

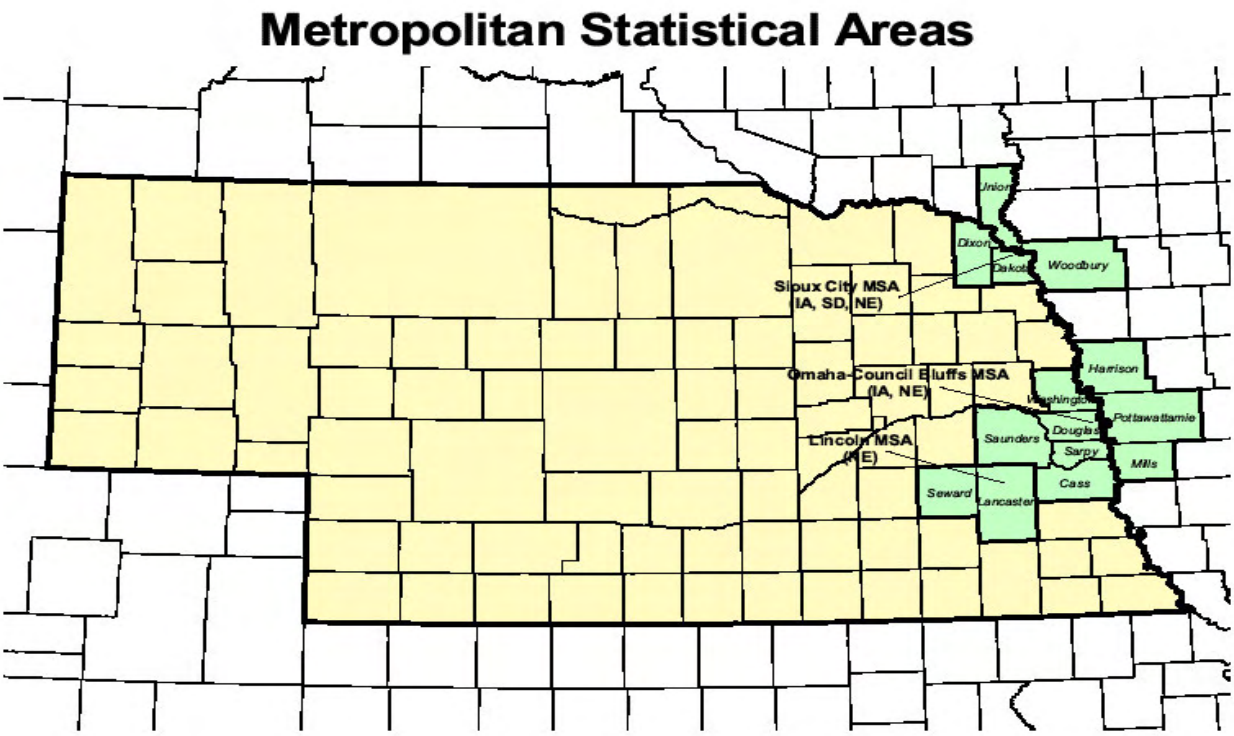


Figure 1: The Location of MSAs in Eastern Nebraska

Table 1: Three-Year Averages of the Fourth Highest 8-hr Averages [a] [b]

Monitoring Site	2002-04	2003-05	2004-06
Omaha – Council Bluffs MSA			
2411 O St., Omaha, NE	0.068	0.067	0.070
11414 N 72nd St., Omaha, NE	0.068	0.067	0.065
30th & Fort Sts., Omaha, NE	0.060	0.066	0.068
Pisgah (Harrison County), IA	**0.074**	**0.075**	**0.075**
Lincoln MSA			
Davey, NE	0.057	0.057	0.056

Footnotes:
(a) The 3 –year averages shown above are used to evaluated compliance with the 8-hour ozone standard. The current standard is 0.084 ppm. EPA is proposing to lower this standard to be in the range of 0.070 to 0.075 ppm.
(b) All concentrations expressed in units of parts per million (ppm).
Yellow background designates levels exceeding 0.070 ppm.

Table 2: Fourth Highest 8-hr Averages per Year (parts per million - ppm)

Monitoring Site	2002	2003	2004	2005	2006
Omaha – Council Bluffs MSA					
2411 O St., Omaha, NE	0.070	0.064	0.069	0.069	0.072
11414 N 72nd St., Omaha, NE	0.070	0.070	0.063	0.067	0.066
30th & Fort Sts., Omaha, NE	0.053	0.059	0.068	0.070	0.067
Harrison County, IA	0.078	0.074	0.071	0.080	0.074
Lincoln MSA					
Davey, NE	0.054	0.060	0.056	0.056	0.056

For more information about NDEQ's ambient air monitoring network, view the latest "Air Quality Report" on the NDEQ website.

Hot Off The Presses! New and Improved Air Quality Guidance Documents

The Air Quality Division is continuing its efforts to keep you informed and educated about the air quality regulations. Following is a listing of new and revised guidance documents. Most of the documents are currently available on NDEQ's web site at www.deq.state.ne.us under Air Quality Publications. All of the documents will be available on the web site in the near future or you can obtain them by calling (402) 471-6624.

- ***Revised* – Hazardous Air Pollutant Lists** – These lists contain the hazardous air pollutants regulated by NDEQ. One table is sorted by chemical abstract service (CAS) number and one is sorted alphabetically by chemical name. The lists also indicate if the pollutants are also volatile organic compounds.

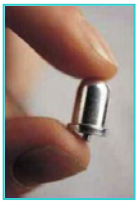
- ***New* – Best Available Control Technology (BACT) Guidance Document** - This document's purpose is not to explain the 'top-down' BACT process, which has already been done by numerous publications, including the October 1990 Draft New Source Review Workshop Manual published by EPA, but to emphasize some of the NDEQ's expectations regarding specific aspects of the BACT process that have caused previous delays in BACT decisions.

- ***New* – Air Quality Biodiesel CD –** This zipped file contains the information on the Air Quality Biodiesel CD. The CD is intended to assist the owners and operators of Nebraska biodiesel production plants with meeting the air quality regulations and requirements. The Table of Contents lists the information included in the zipped file. Contents include permit application forms, guidance documents, and publications.

- ***New* – Construction Permit Application – Sample Forms & Checklists -** These are example application forms to assist owners and operators with submitting a complete air quality construction permit application to the NDEQ.

If there are guidance documents you would like developed or if you think we could improve existing documents, contact Melissa Ellis at (402) 471-6624.

Mercury Switch Removal Program Working Together to Protect our Natural Resources



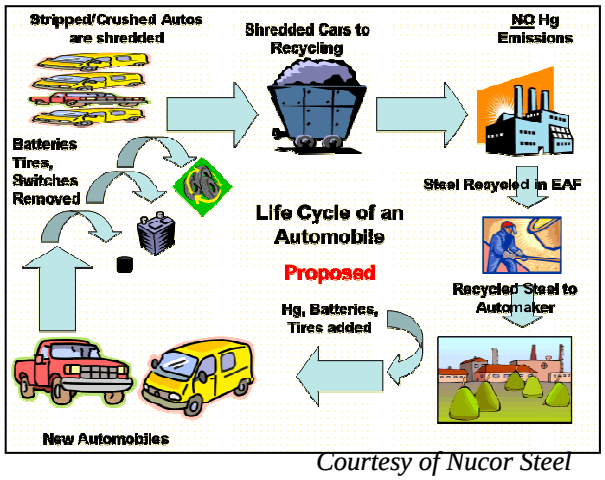
John Kinter, Nucor Steel

In August 2006, agreement was reached on a voluntary national vehicle mercury switch removal program. This program was developed to encourage the recovery of mercury switches from scrap vehicles before they are shredded for recycling. The agreement was between the U.S. Environmental Protection Agency, American Iron & Steel Institute, Automotive Recycler's Association, Ecology Center, Environmental Council of States, Environmental Defense, End of Life Vehicle Solutions, Institute of Scrap Recycling Industries, and the Steel Manufacturers Association. In April 2007, the State of Nebraska joined the program.

As part of the agreement, the auto industry will provide education, and the collection and recycling of automotive mercury switches will be carried out by the End of Life Vehicles Solutions Corporation (ELVS). One of the program goals is to maximize switch collection nationally. A $4 million fund has been established to reward dismantlers/recyclers on a first-come, first-served basis for their efforts by paying $1 per mercury switch received.

In cooperation with the Nebraska Department for Environmental Quality and Nucor Steel, ELVS will provide vehicle recyclers in Nebraska with collection buckets and will pay the costs of transportation, retorting/recycling or disposal of elemental mercury from the automotive switches. ELVS also will provide educational materials to promote vehicle recycling and proper management of mercury switches. Letters have gone out to over 250 possible participants in Nebraska. It is the goal of the program to have 100% participation.

For more information about the Mercury Switch Removal Program, contact ELVS at 877-225-3857 or visit www.elvsolutions.org.



Courtesy of Nucor Steel

Little known facts about mercury in recycled steel:

- Comes from recycled automobiles made in the United States by Ford, GM and Chrysler prior to 2002.
- Other vehicle manufacturers stopped using the switches in the early 1990s.
- These vehicles may have hood and trunk switches containing mercury that turn on convenience lights.
- When the vehicle is shredded the mercury in the switch is released into the scrap metal and the environment.
- The steel is recycled and the mercury is vaporized into the atmosphere.
- In order to prevent the release of mercury the switch must be removed before the vehicle is shredded or crushed.
- Active participation in the ELVS program prevents the mercury from getting in to our environment.

Pollution Prevention Corner
Energy Saving Tips

What are the best and quickest ways for a business to save? Taking a few proactive steps to reduce energy usage can conserve natural resources, lower energy costs, and save money. Here are some ways that businesses can reduce energy consumption while continuing to provide a comfortable environment for employees and customers. Doing a few of these things could lower your energy costs.

Building, Maintenance, & Equipment

- **Install thermal or storm windows.** These will reduce wasted energy and improve comfort.
- **Install ENERGY STAR® windows and doors**. ENERGY STAR-qualified windows, doors, and skylights save you energy and money, increase the comfort of your home, and protect your valuable possessions from sun damage.
- **Be sure your building is properly insulated.** Insulation increases efficiency and lowers costs.
- **Be sure to check caulking and weather-stripping.** Air leaks are a costly waste of energy.
- **Lower the thermostat on your water heater**. 120° F is sufficient for many common uses. A 10° F reduction can save up to 5 percent on water heating costs.
- **Check your refrigerators and freezers.** When upgrading or adding new equipment, look for the ENERGY STAR® symbol, which indicates the equipment meets federal standards for energy efficiency and will save you more money on your energy bills.

Lighting

- **Upgrade lighting with high-efficiency fluorescent ballasts and lamps.** New generation high-efficiency fluorescent lighting can significantly reduce electricity use, increase lamp life and keep dollars in your pocket.
- **Reduce lighting where possible and take advantage of natural daylight.** Turning lights off or dimming them during the day allows for lower energy costs and a more comfortable environment. Also, remove excess lighting, and turn off signage and other lights not necessary for security and safety. Don't use more light than needed. You can do this without losing quality.
- **Install occupancy sensors.** These inexpensive devices can reduce lighting costs by up to 40 percent by turning off lights in unoccupied areas.
- **Replace incandescent bulbs with compact fluorescent lamps (CFLs),** which can last up to ten times longer. CFLs provide the same amount of (light) lumens as standard incandescent bulbs, but use up to 75 percent less energy.
- **Replace incandescent lights in exit signs with LED fixtures**, which can reduce costs of these signs by up to 95 percent.

Heating & Cooling

- **Keep thermostats at 78 degrees Fahrenheit or higher for cooling and at 68 degrees or lower for heating.** A 7 degree change can save you 15 percent.
- **Install programmable thermostats** or time clocks to automatically control temperature settings on heating and air conditioning

equipment.

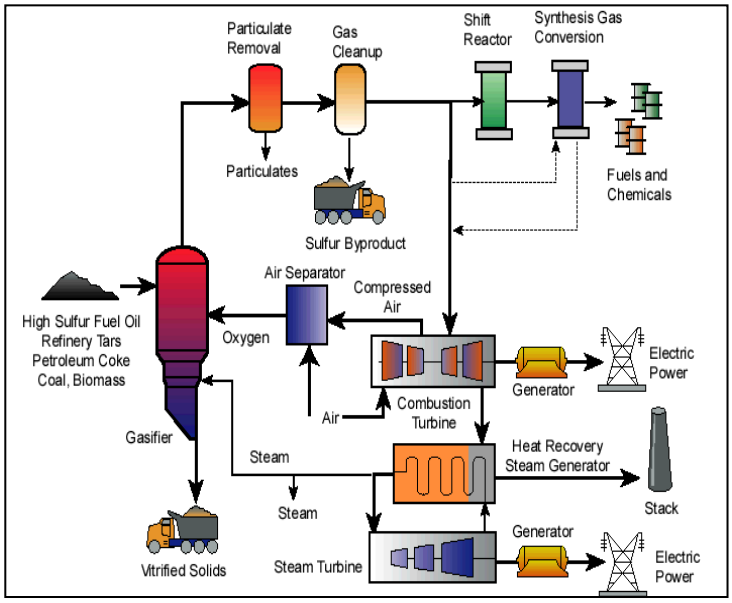
- **Turn off or set office equipment to power down when not in use**. Turning off one computer and monitor nightly and on weekends can save up to $80 a year. And setting PCs, monitors and copiers to use sleep mode when not in use can help cut energy costs by up to 50 percent.
- **Install a heat pump.** It's the most efficient way to heat your facility and quickly pays for itself.
- **Always check and maintain your heating and air conditioning equipment.** Cut costs by repairing, rather than replacing.

For more money and energy saving tips, visit the ENERGY STAR® website at *http://www.energystar.gov*. Also, contact your local energy office and ask about energy efficiency audits and available rebates.

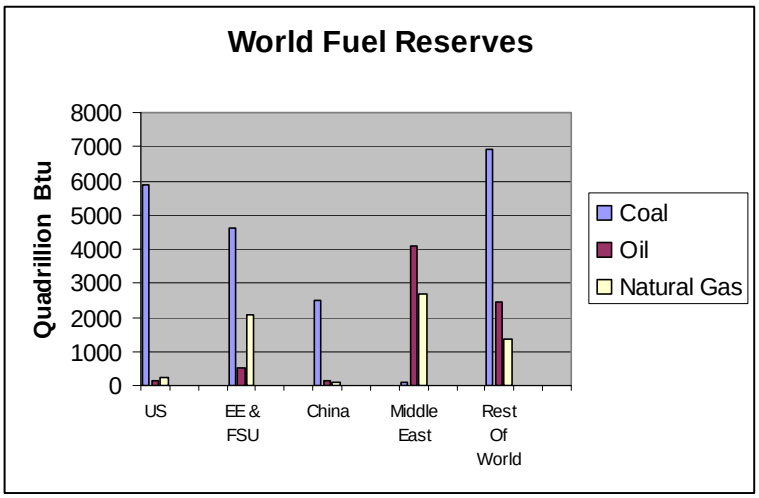
Gasification Technology Provides Unique Opportunities

As the nation feels the pain (by way of our wallets) of relying on energy that comes to us from the oil reserves controlled by other nations, another hydrocarbon technology is gaining momentum. This technology can be supported by a fuel source that is both abundant in the United States and inexpensive. What is it you ask? Gasification.

Gasification is a term that describes a chemical process by which carbonaceous (hydrocarbon) materials (coal, petroleum coke, biomass, etc.) are converted to a synthesis gas (syngas) by means of partial oxidation with air, oxygen, and/or steam. Another definition describes the process as converting any carbon-containing material into a synthesis gas composed primarily of carbon monoxide and hydrogen, which can be used as a fuel to generate electricity or steam, or can be used as a basic chemical building block for a large number of uses in the petrochemical or refining industries.



Gasification Technologies Council 2007



Gasification Technologies Council 2007

Modern gasification technologies generally operate as follows:

- A hydrocarbon feedstock is fed into a high-pressure, high-temperature chemical reactor (gasifier) containing steam and a limited amount of oxygen.
- Under these "reducing" conditions, the chemical bonds in the feedstock are severed by the extreme heat and pressure and a syngas is formed. This syngas is primarily a mixture of hydrogen and carbon monoxide.

- The syngas is then cleansed using commercially available and proven systems that remove particulates, sulfur, and trace metals (e.g. mercury).

As the nation develops long-range energy plans, gasification projects will have a place at the table not only due to the abundance of coal but also because of other benefits the gasification process provides. Gasification can use fuels such as high sulfur coal, crude oil, petroleum coke and materials that would be disposed of as waste.

These materials have limited potential as a fuel because they are low or negative value feedstocks. The air emissions from the syngas can be cleaned with further processing; for example, sulfur is recovered in its elemental form or as sulfuric acid and both are marketable commodities. Carbon dioxide (CO_2) can be captured and sold or claimed, greatly reducing CO_2 emissions common with typical coal combustion.

If you are interested in learning more about gasification the following web sites have an abundance of information: http://www.clean-energy.us/facts/gasification.htm and http://www.gasification.org/.

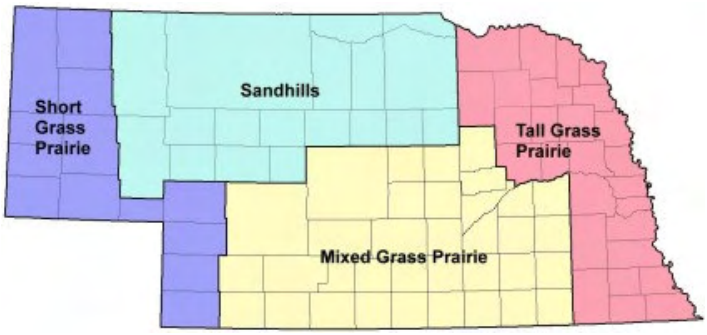
NDEQ Revamps Website

The Nebraska Department of Environmental Quality's (NDEQ) web page has a new look, and several new features intended to provide users greater access to information about the agency and the state's environment. Among the new features:

Your Environment

The *Your Environment* link, located in the center box of NDEQ's main page, brings you to a new area of the web site designed to give an overview of Nebraska's environment. *Your Environment* contains an interactive map that divides the state into four regions, based generally on the ecology of the area. Clicking on any region in the map will link the viewer to a page that describes the region, and provides statistical information about water quality, air quality and waste management in that region.

Your Environment also gives statewide perspectives on these environmental issues. The site provides statistical information about such issues as: air emissions; nitrate levels in groundwater; rivers and lakes that are considered impaired; contaminated sites; and volumes of wastes being sent to landfills.



The site also contains a number of articles that focus on regional and statewide environmental topics, as well as links to agency reports regarding groundwater, surface water and air quality.

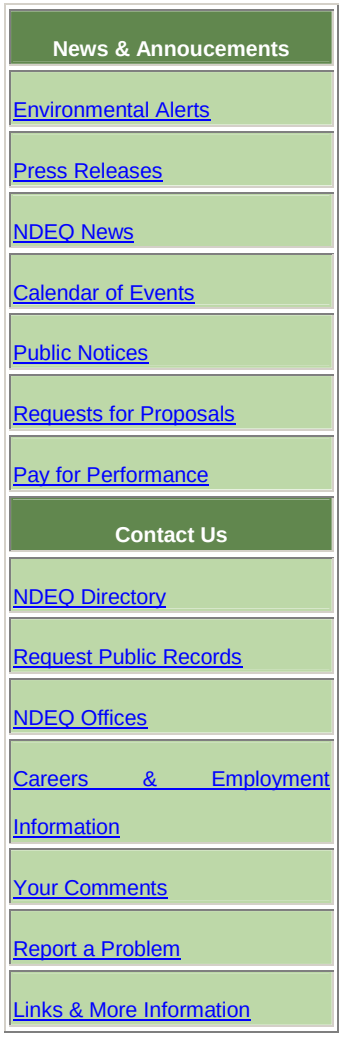
Contact Us

On the right side of NDEQ's main page is a series of links, under the heading *Contact Us*, that are designed to enhance the public's communication with the agency. New features include:

- **NDEQ Directory** provides the main telephone numbers for the agency and hotline numbers, contacts to report problems, and an agency organizational chart.
- **Request Public Records** explains the procedures for requesting records and photocopying charges. It also provides a new e-mail address to request

records

- **Your Comments** provides a new e-mail address to convey your comments related to the web site or other agency activities.
- **Report a Problem** provides contact names and numbers to report issues such as emergency spills, fish kills, and non-emergency environmental pollution problems or complaints. It also features a new e-mail address to report non-emergency problems or complaints.
- **Employment Information** is a feature that existed on our previous web page and has been relocated under the *Contact Us* heading. This link provides current job openings at NDEQ.



News and Announcements

The *News and Announcements* heading, also located on the right column of NDEQ's main page, contains two new features and several familiar features that provide the public with relevant information about the environment, including:

- **Environmental Alerts** will be posted whenever there is an important announcement regarding the environment, such as a health alert relating to toxic algae, or a significant release that warrants the public's attention. These alerts will be posted in the top center portion of the web site, and also under the right column Environmental Alerts link.
- **NDEQ News** is a new area of the web site that provides a variety of timely information, such as announcements of training and workshops, stories about specific programs or environmental issues in the state, and other announcements.
- **Other features** within *News and Announcements* that existed on our previous web page include: Press Releases, Calendar of Events, Public Notices and Requests for Proposals.

New and reorganized options in the left column

The items in the left column have also been reorganized, and new features have been added. The links are organized under the following headings:

The links titled *Focus on Air*, *Focus on Water* and *Focus on Land & Waste* organize the web information under those three environmental topics.

Work is still under way in many of these new areas, and other new features are going to be added later this year.

Your reactions?

As we continue to develop this site, we'd like to find out whether these new features are achieving the intended goal of providing the public greater access to information about the agency and the state's environment. To that end, we invite your comments and reactions regarding our web site, and the changes listed above.

If you have comments or suggestions on how we can improve this site, please send them to us through NDEQ's new comment e-mail address: NDEQ_comments@ndeq.state.ne.us

Federal Air Quality Regulatory Actions January 2007 – June 2007

The following table lists the actions the U.S. Environmental Protection Agency (EPA) has taken on air quality regulations from January 2007 – June 2007. The tables are sorted according to 40 Code of Federal Regulations Part. Each table is then sorted by date. You can find more detailed information related to these actions on EPA's website at http://www.epa.gov/fedrgstr/EPA-AIR/.

40 CFR Part 51 - Preparation, Adoption, & Submittal of State Implementation Plans

Subpart Letter & Name	Date	Type & Summary of Action
F - Procedural Requirements	1/18/07	Final Rule - Revising definition of volatile organic compounds to exclude HFE-7300 or 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane.
Appendix S - Non-attainment New Source Review	3/8/07	Final Rule - Revisions implement changes to preconstruction review requirements for major stationary sources in nonattainment areas in interim periods between designation of new nonattainment areas and adoption of a revised State Implementation Plan.
I - Non-attainment New Source Review	3/8/07	Proposed Rule - Changes clarify the ``reasonable possibility'' recordkeeping and reporting standard which identifies the circumstances under which a major stationary source undergoing a modification that does not trigger major NSR must keep records.
Z - Clean Air Fine Particle Implementation Rule	4/25/07	Final Rule - Provisions of implementation for the PM2.5 National Ambient Air Quality Standards.
F - Procedural Requirements	4/25/07	Proposed Rule - Revising definition of cogeneration unit, the efficiency standard in the cogeneration unit definition as applied to biomass cogeneration units and related definitions, & the definition of ``total energy input'' related to the efficiency standard as applied to all cogeneration units, & other minor corrections & clarifications.
I & Appendix S - Non-attainment New Source Review	5/1/07	Final Rule - Amendments define "chemical process plants" under the regulatory definition of "major emitting facility" to exclude ethanol manufacturing facilities that produce ethanol by natural fermentation processes. Revisions addressing when fugitive emissions are counted for determining whether a source is a major source under the PSD, nonattainment NSR, or title V programs.
I - Non-attainment New Source Review	5/8/07	Supplemental rule making to 10/20/05 proposal. Recasts the three proposed options so that the output-based test becomes an alternative method to implement the maximum achieved or maximum achievable hourly tests. A new option proposed - the hourly emissions increase test is added to the existing requirements.
I - Non-attainment New Source Review	6/6/07	Proposed Rule - To refine several aspects of the method that may be used to calculate an increase in concentration for increment purposes.
X - Implementation of 8-hour Ozone Standard	6/8/07	Final Rule - In response to 12/19/06 notice of reconsideration, changed deadline for states in the CAIR region to submit EGU NOX RACT SIPs subpart 2 ozone nonattainment areas classified as moderate and above. Modified guidance on the issue of NOX RACT for EGUs in CAIR states.
I - Non-attainment New Source Review	6/13/07	Final Rule - Eliminate the pollution control project (PCP) and clean unit (CU) provisions included in its 12/31/02 rulemaking. This final rule conforms the regulations to the decision by the U.S. Court of Appeals for the D.C. Circuit, New York v. EPA, 413 F.3d 3 (D.C. Cir. 2005), vacating the PCP and CU provisions. This action is exempt from notice-and-comment rulemaking because it is ministerial in nature.

40 CFR Part 52 - Approval & Promulgation of Implementation Plans

Subpart Letter & Name	Date of Action	Type & Summary of Action
A - Prevention of Significant Deterioration	3/8/07	Propose Rule to clarify the ``reasonable possibility'' recordkeeping and reporting standard which identifies the circumstances under which a major stationary source undergoing a modification that does not trigger major NSR must keep records.

A - Prevention of Significant Deterioration	5/1/07	Final rule - Amendments define ‘‘chemical process plants’’ under the regulatory definition of ‘‘major emitting facility’’ to exclude ethanol manufacturing facilities that produce ethanol by natural fermentation processes. Revisions addressing when fugitive emissions are counted for determining whether a source is a major source under the PSD, nonattainment NSR, or title V programs.
A - Prevention of Significant Deterioration	5/8/07	Supplemental rule making to 10/20/05 proposal. Recasts the three proposed options so that the output-based test becomes an alternative method to implement the maximum achieved or maximum achievable hourly tests. New option also proposed in which the hourly emissions increase test is added to the existing requirements for computing a significant increase and a significant net emissions increase on an annual basis.
A - Prevention of Significant Deterioration	6/6/07	Proposed Rule - To refine several aspects of the method that may be used to calculate an increase in concentration for increment purposes.
A - Prevention of Significant Deterioration	6/13/07	Final Rule - Eliminate the pollution control project (PCP) and clean unit (CU) provisions included in its12/31/02 rulemaking. Conforms the regulations to the decision by the U.S. Court of Appeals for the D.C. Circuit, New York v. EPA, vacating the PCP and CU provisions.

40 CFR Part 60 – New Source Performance Standards

Subpart Name	Date	Summary of Action
EEEE & FFFF - Existing Other Solid Waste Incinerators	1/22/07	Final action for 6/28/06 reconsideration concerning whether to include sewage sludge incinerators in the rule. No changes to the rule were made as a result of the reconsideration.
Ce & Ec - Hospital, Medical, Infectious Waste Incinerators	2/6/07	Proposed rule revisions in response to a court order. NSPS emission limit revisions proposed for CO, Pb, Cd, Hg, PM, SO2, NOx, HCL, and CDD/CDF. Proposed revisions to testing and monitoring requirements.
D, Da, Db, & Dc - Electric Utility & Industrial-Commercial-Institutional Steam Generating Units	2/9/07	Proposed rule addressing 2/27/06 reconsideration. Proposing amendments to emission standards, monitoring, & compliance procedures. Proposing clarifications to applicability of Subpart Da and revising wording of all rules to be consistent with other NSPS.
D - Electric utility boilers	3/6/07	Extended comment period for rules proposed 2/9/07 to 3/26/07
Eb & Cb - Large Municipal Waste Combustors	3/20/07	Notice of reconsideration of final rule published 5/10/06.
A – General Provisions & HHHH - CAMR	4/25/07	Proposed rule - Revising definition of cogeneration unit, the efficiency standard in the cogeneration unit definition as applied to biomass cogeneration units and related definitions, & the definition of ``total energy input'' related to the efficiency standard as applied to all cogeneration units, & other minor corrections & clarifications.
A - General Provisions & J - Petroleum Refineries	5/14/07	Proposed rule - Amending definitions, applicability, monitoring provisions, and technical corrections.
Ja - Petroleum Refineries Constructed, Reconstructed, or Modified after May 14, 2007	5/14/07	Proposed rule – Standards for new, modified, or reconstructed process units at petroleum refineries for fluid catalytic cracking units, fluid coking units, delayed coking units, process heaters and other fuel gas combustion devices, fuel gas producing units, and sulfur recovery plants.
A - General Provisions	5/16/07	Final rule allows sources, in the event of a force majeure, to petition the Administrator for an extension of the deadline(s) to conduct an initial or subsequent performance test required by applicable regulations except for those required as a result of enforcement orders or enforcement actions.
JJJJ - Spark Ignition Internal Combustion Engines	5/18/07	Proposed rule to include standards for producers or importers of new spark-ignition engines intended for use in marine vessels or in new vessels using such engines. Also affects producers or importers of new spark ignition engines below 19 kilowatts used in nonroad equipment, including agricultural and construction equipment, or produce or import such nonroad vehicles.

D, Da, Db, & Dc - Electric Utility Boilers & Industrial-Commercial-Institutional Boilers	6/13/07	Final Rule - In response to a reconsideration notice, amending the regulations to add compliance alternatives for owners and operators of certain affected sources, revise certain recordkeeping and reporting requirements, correct technical and editorial errors, and revise grammatical style to be more consistent across subparts.
J - Petroleum Refineries	6/28/07	Extension of public comment period from 7/13/07 (proposal 5/14/07) to 8/27/07.

40 CFR Part 61 – National Emission Standards for Hazardous Air Pollutants

Subpart Name	Date	Type & Summary of Action
A - General Provisions	5/16/07	The final rule allows sources, in the event of a force majeure, to petition the Administrator for an extension of the deadline(s) to conduct an initial or subsequent performance test required by applicable regulations except for those required as a result of enforcement orders or enforcement actions.

40 CFR Part 63 – National Emission Standards for Hazardous Air Pollutants

Subpart Name	Date	Type & Summary of Action
A - General Provisions	1/3/07	Proposed rule - Addresses "Once In, Always In" EPA policy. The proposed amendments would allow major sources that become area sources through federally enforceable limits to do so, even after the compliance date had passed, and relieve them of complying with the major source requirements of the MACT standard.
HH - Oil and Natural Gas Production Facilities	1/3/07	Final rule amendments for area sources from triethylene glycol dehydration units located at an oil and natural gas production facility including facilities that process, upgrade, or store (1) hydrocarbon liquids to the point of custody transfer and (2) natural gas from the well up to the natural gas processing plant.
DDDDDD - Polyvinyl Chloride & Copolymers	1/23/07	Final rules for area sources to include emissions limits and/or work practice standards that reflect the generally available control technologies (GACT) and/or management practices.
EEEEEE - Primary Copper Smelting	1/23/07	Final rules for area sources to include emissions limits and/or work practice standards that reflect the generally available control technologies (GACT) and/or management practices.
FFFFFF - Secondary Copper Smelting	1/23/07	Final rules for area sources to include emissions limits and/or work practice standards that reflect the generally available control technologies (GACT) and/or management practices.
GGGGGG - Primary Nonferrous Metals	1/23/07	Final rules for area sources to include emissions limits and/or work practice standards that reflect the generally available control technologies (GACT) and/or management practices.
II - Ship Building and Repair (surface coating operations)	2/27/07	Withdrawal of direct final rule published 12/29/06 due to adverse comments. Public comment period is reopened for 60 days.
A - General Provisions	3/5/07	Extended comment period for rules proposed 1/3/07 to 5/4/07
Risk & Technology Review	3/29/07	Advanced notice of proposed rule making requesting comment on hazardous air pollutant emissions and model input data used to assess residual risk from 22 source categories subject to 12 standards.
LLLLLL - Acrylic and Modacrylic Fibers Production Area Sources	4/4/07	Proposed rule - generally available control technology for area sources instead of maximum available control technology standards.
MMMMMM - Carbon Black Production Area Sources	4/4/07	Proposed rule - generally available control technology for area sources instead of maximum available control technology standards.
NNNNNN - Chemical Manufacturing Area Sources: Chromium Compounds	4/4/07	Proposed rule - generally available control technology for area sources instead of maximum available control technology standards.
OOOOOO - Flexible Polyurethane Foam Production and Fabrication Area Sources	4/4/07	Proposed rule - generally available control technology for area sources instead of maximum available control technology standards.
PPPPPP - Lead Acid Battery Manufacturing Area Sources	4/4/07	Proposed rule - generally available control technology for area sources instead of maximum available control technology standards.

QQQQQQ - Wood Preserving Area Sources	4/4/07	Proposed rule - generally available control technology for area sources instead of maximum available control technology standards.
EEEE - Iron & Steel Foundries	4/17/07	Proposed rule amendments adding alternative compliance options for cupolas at existing foundries & clarifying provisions to increase operational flexibility & improve understanding.
A - General Provisions	4/18/07	Denial of reconsideration request for startup, shutdown, & malfunction plan provisions.
IIII - Automobiles & Light Duty Trucks Surface Coating	4/24/07	Direct final rule amending provisions to clarify interaction between Subparts IIII & PPPP.
PPPP - Plastic Parts Surface Coating	4/24/07	Direct final rule amending provisions to clarify interaction between Subparts IIII & PPPP. Clarifies that screen printing is not subject to the rule.
DDDDD - Industrial, Commercial, & Institutional Boilers & Process Heaters	4/25/07	Proposed rule revising definition of cogeneration unit, the efficiency standard in the cogeneration unit definition as applied to biomass cogeneration units and related definitions, & the definition of ``total energy input'' related to the efficiency standard as applied to all cogeneration units, & other minor corrections & clarifications.
T - Halogenated Solvent Cleaning	5/3/07	Final rule revised standards to limit emissions of methylene chloride (MC), trichloroethylene (TCE) and perchloroethylene (PCE) from halogenated solvent cleaning facilities.
A - General Provisions	5/16/07	Final rule allows sources, in the event of a force majeure, to petition the Administrator for an extension of the deadline(s) to conduct an initial or subsequent performance test required by applicable regulations except for those required as a result of enforcement orders or enforcement actions.
ZZZZ - Reciprocating Internal Combustion Engines	5/18/07	Proposed rule amending the definitions for ''Certified stationary RICE'' and ''Useful life." Proposed with changes to NSPS Subpart JJJJ & changes to mobile source rules 40 CFR Parts 85, 90, 91, 1027, 1045, & 1048.
Risk & Technology Review	5/25/07	Extended comment period published in March 29, 2007 federal register to June 29, 2007.
YY - Source Categories: Generic MACT	6/29/07	Final rule added definition of 'organic HAP.'

40 CFR Parts 70 & 71 – State & Federal Operating Permit Programs

Subpart Name	Date	Type & Summary of Action
State Operating Permits	12/15/06	Final interpretation - operating permits regulations do not provide an independent basis for requiring review and enhancement of existing monitoring in title V permits.
Definitions	5/1/07	Final rule amendments define ''chemical process plants'' under the regulatory definition of ''major emitting facility'' to exclude ethanol manufacturing facilities that produce ethanol by natural fermentation processes.

40 CFR Parts 72 & 78 – Acid Rain Program

Subpart Name	Date	Type & Summary of Action
B - Acid Rain Permits	4/25/07	Proposed rule - Minor Correction in 72.24 for designated representative.
Acid Rain Appeal Procedures	4/25/07	Proposed rule – minor correction in 78.1.

40 CFR Parts 80, 82, 96, & 97 – Fuels & Fuel Additives, Protection of Stratospheric Ozone, & Clean Air Interstate Rule (CAIR)

Subpart Name	Date	Type & Summary of Action
Renewable Fuels Standard Program	5/1/07	Finalizes regulations designed to ensure that refiners, blenders, and importers of gasoline use enough renewable fuel each year to meet the Energy Policy Act requirements.
G – Protection of Stratospheric Ozone	5/30/07	Proposes to list n-propylbromide as an unacceptable substitute for methyl chloroform, chlorofluorocarbon –113, and hydrochlorofluorocarbon–141b when used in adhesives or in aerosol solvents.
AA - NOx Annual Trading Program AAA - SO2 Annual Trading Program AAAA - NOx Ozone Season Trading Program General Provisions	4/25/07	Proposal revising definition of cogeneration unit, the efficiency standard in the cogeneration unit definition as applied to biomass cogeneration units and related definitions, & the definition of ``total energy input'' related to the efficiency standard as applied to all cogeneration units.

More than Just Construction Permit Requirements

Dear Air Quality Lady:

Our company recently installed a 15 million Btu/hour natural gas boiler. We calculated our potential emissions and determined we wouldn't need an air quality construction permit to install the boiler. Are there any other requirements? I feel like this was way too easy, nothing in the Air program is usually this simple! Did we miss anything? *Signed - Anxious in Alliance*

Dear Anxious:

First, I applaud you for calculating your potential emissions prior to installing the boiler! Secondly, I'm so glad you asked the question, because the answer is "yes, you did forget something." You need to remember that prior to installing equipment you'll need to assess at least these issues: 1). Determine if a new permit is required; 2) Determine if one of your existing permits needs to be modified; 3) Determine if any federal regulations apply; and 4) If you have an air quality operating permit, provide the NDEQ written notification with your proposed changes 30 days prior to the installation or modification.

In this case, a federal regulation, specifically a New Source Performance Standard (NSPS), applies to your boiler. Boilers installed after June 9, 1989 with a maximum capacity between 10 and 100 million Btu/hour are subject to NSPS Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, Code of Federal Regulations Title 40, Part 60, Sections 60.40c to 60.48c.

The performance standards place limits on emissions and require performance testing, recordkeeping, reporting, and monitoring. In addition, everyone subject to an NSPS must comply with the requirements found in NSPS General Provisions Subpart A. It is a good idea to take a look at the regulations as soon as possible to review your requirements.

The requirements most often missed by sources subject to an NSPS are the initial notifications. Sources must submit a notification of the date construction or reconstruction began within 30 days of that date. Additionally, notification of the date of initial startup must be submitted within 15 days of that date.

Hopefully, this answers your question. Enjoy reading those regulations!

The Air Quality Lady