



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

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Grants Soon Available To Reduce Diesel Emissions in Nebraska

The Nebraska Department of Environmental Quality (NDEQ) will soon issue a public notice requesting proposals for grant awards to receive funding for the retrofitting, engine upgrades or repowers, and possible replacement of diesel-powered vehicles or equipment in Nebraska. The United States Environmental Protection Agency (EPA) has awarded NDEQ a grant totaling \$1.73 million.

This grant is to be used for reducing diesel emissions, while at the same time stimulating Nebraska’s economy and preserving and/or creating jobs in our state. Grant proposals must be submitted to NDEQ by June 30, 2009. More information regarding the grant process, including instructions and forms, will be posted on NDEQ’s web site soon under the Requests for Proposals.

The grant, a part of the American Recovery and Reinvestment Act (ARRA) of 2009, targets one of the most important air quality challenges facing the country. Emissions of nitrogen oxides, particulate matter and air toxics are emitted from millions of diesel engines in use on and off the nation’s roads. These emissions contribute to public health problems as varied and wide-ranging as asthma attacks, impaired breathing, lost work days and premature deaths. The NDEQ ARRA grant program offers several technology options for the multitude of diesel-powered fleets in Nebraska. NDEQ will provide funding assistance to cover up to 100% of the cost for these diesel emission reduction activities:

- ◊ Retrofit Technologies, which include exhaust controls (such as oxidation catalysts, particulate matter filters and/or closed crankcase filtration system) and idle reduction technologies (such as auxiliary power units, fuel-operated heaters, battery air conditioning systems, etc.)
- ◊ Engine Upgrades or Certified Engine Repowers
- ◊ Certified Vehicle and Equipment Replacements

Emission reduction efforts under the Nebraska grant will target the following sectors:

- ◻ School Buses ◻ Transit Buses ◻ Medium Duty Trucks ◻ Refuse Haulers ◻ Delivery Trucks ◻ Construction
- ◻ Agriculture ◻ Heavy Duty Trucks ◻ Concrete Trucks ◻ Long-Haul Trucks

Any public entity or private organization that has eligible diesel equipment and operates primarily in Nebraska is eligible to apply for and receive funding for assistance as part of this grant. If you have any questions about this grant, please contact Gerry Allen at (402) 471-4272 or email at gerry.allen@nebraska.gov.



Reducing Your Carbon Footprint One Solar Array at a Time

Phil Hargis, a geologist for NDEQ's Petroleum Remediation Section, is not just protecting the environment during work time; he's also doing his part to protect the environment at home. Phil installed a 1.35 kilowatt solar array system for his 1,600 square foot home about five years ago. The solar system is supplemented by a 400 watt wind generator that keeps the batteries full on cloudy days during the winter months. His system can generate six to eight kilowatts per day, if needed. An average home uses approximately three to four kilowatts per day.

This generating system could sustain a family of four, especially if they are mindful of their electrical use. Phil's home was built twelve years ago with energy conservation in mind, which also helps reduce his energy load. His home features: triple pane windows, compact fluorescent lights throughout; two-by-six wall construction with R42 insulation; 10 inch thick concrete foundation in the basement with two-by-four insulation; R54 insulation in the attic; and a wood burning stove. The house also has a Rinnai "on demand" propane tankless hot water heater, which has no pilot light and does not keep 50 gallons of water hot 24 hours a day.

Phil supplements his electricity use with propane. The biggest daily electrical household user is the refrigerator. Phil's has replaced his with a highly efficient



Solar array and wind turbine.



Phil Hargis' home with solar array.

propane powered refrigerator. The oven, dryer, well pump, furnace, and air conditioner are not connected to the solar array due to their high electrical demand.

The complete system cost around \$15,000 and about five months to install. Phil helped with much of the labor and installation. There was an extra cost due to installing a passive tracker system that moves the solar array with the sun, but this utilizes the sun's energy more efficiently. He recommends doing your homework before you dig into a project like this. You need to know your electric code and have a fundamental understanding of electricity. Phil also qualified for a \$2,000 renewable energy tax credit for installing a new zero emissions electrical generator solar system.

Phil's electric bill for the appliances that aren't connected to the solar array cost \$50 per month on average. If he were to use only solar, his electric bill would be next to nothing at \$3.50 per month. While the solar system has a long payback period of 20 years, Phil admits money was not the reason he embarked on this journey. His sole reason for installing the solar/wind system is to reduce his carbon footprint.

He has also adapted his daily habits to be more energy efficient. He monitors his electrical use throughout the day and knows at all times how much energy is coming in and how much is left in the battery banks. Phil has learned how to live within his means by watching less television and reading more. He also tries to use



Carbon Footprint cont.

less energy in the morning when the batteries are absorbing and recharging.

Phil continues to find ways to reduce his carbon footprint. One of his energy saving ideas includes switching your extra beer fridge or deep freeze to run off of solar power. DC powered appliances are available, so you wouldn't need a power inverter to run the appliance off of solar power. Solar-powered appliances cost around \$1,000 and a 24-volt solar array system (includes

solar panels, charge controller, and batteries) would cost about \$1,700. Phil also suggests installing a solar-powered hot water heater in your home. Additionally, it is more effective to mount the solar panels on a pole rather than on your roof because you can direct the panels to get the most efficient use of the sunlight.

For more information on solar-powered appliances, go to www.sundanzer.com. If you are thinking about installing a solar or wind electrical generating system at home, be sure to contact your local electric company and determine if there are any zoning restrictions.

EPA Revises Lead Standards

On November 12, 2008, EPA revised the National Ambient Air Quality Standards (NAAQS) for Lead. The primary and secondary standard changed from 1.5 micrograms per cubic meter (maximum arithmetic mean averaged over a calendar quarter) to 0.15 micrograms per cubic meter (maximum arithmetic mean concentration over a 3-month period).

NDEQ currently does not have any lead monitors in operation, but it will be required to install monitors starting January 1, 2010. The new monitoring requirement consists of:

- at least one monitor per each metropolitan area with a population equal to or greater than 500,000 people and
- at least one monitor per lead source emitting 1.0 or more tons/year (actual controlled emissions).

Effects on the Regulated Community

The effect depends on the results of the monitoring. The following are a few potential scenarios:

- If monitoring shows ambient emissions exceed NAAQS standards, NDEQ would be required to implement actions that would reduce the source of lead. These actions could include require control equipment on lead sources, or increased control efficiency for existing controlled lead sources. This scenario reflects the area becoming nonattainment for lead.
- If monitoring shows ambient emissions are close to exceeding NAAQS standards (but haven't exceeded yet), NDEQ may request the facilities emitting lead

to voluntarily reduce emissions (add controls or increase control efficiency). This scenario reflects the area has the potential to become nonattainment for lead. Nonattainment areas have stricter requirements than attainment areas.

- If monitoring shows ambient emissions are significantly below the NAAQS standards, there will be no additional requirements for these areas. This scenario reflects the area has no potential to become nonattainment.
- Some lead emitting sources may be required to install/upgrade controls based on requirements under National Emission Standards for Hazardous Air Pollutants (NESHAP). The NESHAP requirements are separate from NAAQS requirements. Since some NESHAP rules are still being developed, the final decision on how to apply them to assure NAAQS attainment has not been determined.

If you would like more information on Lead NAAQS, contact Stephenie Moyer at (402) 471-0019 or stephenie.moyer@nebraska.gov.

EPA announced that they will forego issuing an Advance Notice of Proposed Rulemaking prior to revising the primary standard for nitrogen dioxide in order to meet a court deadline of June 26, 2009. They will instead focus on issuing a proposal. This marks a departure from the agency's recently revised process for reviewing National Ambient Air Quality Standards, under which the agency's policy is to issue an advanced notice prior to issuing a proposal.

News



Wind & Solar Power NDEQ Air Monitor

The NDEQ Air Quality Division has invested in an innovative system to power one of its ambient air monitors. Creative staff have developed a portable wind and solar electrical generating system. The system consists of a 200-kilowatt-per-month wind turbine coupled with a 4-kilowatt-per-day solar array. The wind turbine will be used as the primary electric generator and the solar array will produce supplemental power.



Trailer and portable solar panels

The system is designed to be portable so it can be moved throughout the state. One challenge the NDEQ faces when siting an air monitor in rural areas is finding a location with access to power. This system allows the Division to place monitors at any location because it produces its own power.

NDEQ's air monitoring group designed a portable mounting frame on a trailer. The trailer houses all the components needed for the solar, wind, and air monitoring systems. At the monitoring site, the mounting frame expands and the eight solar panel modules are secured to the frame. The 50-foot wind turbine is secured on the ground next to the trailer.

The trailer will initially be located at the Scottsbluff High School and is scheduled to begin operation in late April or early May 2009. It will power a filter-based air monitor, which will monitor particulate matter less than

2.5 microns in diameter. Currently, a particulate monitor is located in Scottsbluff at the library, but due to renovations to the building, the monitor needed to be moved. This provided an excellent opportunity to deploy the portable monitor.

The wind/solar hybrid system will provide an opportunity for Scottsbluff High School students to learn many different lessons related to the system. For instance, geometry and astronomy principles are used when deciding the placement of the solar panels. Additionally, the school may be able to use its own system to analyze the monitoring data. Not only will this system be a great educational tool, it also provides the public with an example of how wind and solar can be used on a day-to-day basis.

This isn't the first time alternative energy has been used to power an air monitor in Nebraska. One of the continuous particulate matter monitors in Weeping Water has been operating exclusively on solar power since April 2005. That system is much larger than the one in Scottsbluff with 40 solar modules and the ability to generate 19.2 kilowatts per day. Because that system is a continuous monitor, it needs more power than the filter-based monitor that samples less frequently.



Solar array in Weeping Water, NE

For more information about Nebraska's ambient air monitoring network, read the latest Air Quality Report at www.deq.state.ne.us under Air Quality Publications.

Courts Continue to Impact Implementation of Air Rules

On February 24, 2009, the U.S. Court of Appeals for the D.C. Circuit remanded the National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM_{2.5}) to EPA for reconsideration of the annual level of the standard (which EPA left unchanged at 15 micrograms per cubic meter) and reconsideration of the secondary PM_{2.5} NAAQS. With respect to the annual PM_{2.5} NAAQS, the court held that the agency “failed to adequately explain why, in view of the risks posed by short-term exposures and the evidence of morbidity resulting from long-term exposures, its annual standard is sufficient ‘to protect the public health [with] an adequate margin of safety,’ 42 U.S.C. § 7409(b)(1).” The court did not vacate the standard because it said EPA’s failure to explain its decision was a “curable defect” and vacating a standard because it may be insufficiently protective “would sacrifice such protection as it now provides, making the best an enemy of the good.”

For the secondary standards, which EPA set identical to the primary standards, the court held that EPA “unreasonably concluded that the NAAQS are adequate to protect the public welfare from adverse effects on visibility.” The court denied petitions for review of the primary daily standard for coarse PM (PM₁₀) and the petition for review of EPA’s revocation of the primary annual standard for PM₁₀.

In a different case, the U.S. Supreme Court decided that it will not consider an appeal of the vacatur of the Clean Air Mercury Rule (CAMR), thereby ending, for the time being, the legal battles related to the controversial cap-and-trade rule that addressed emissions of mercury from electric utilities. The U.S. Court of Appeals of the DC Circuit had vacated the CAMR on February 8, 2008 in response to a legal challenge by a group of states and environmental organizations. Subsequently, EPA and the Utility Air Regulatory Group (UARG), an industry organization representing electric utilities, appealed to the Supreme Court for a review of the lower court’s decision.

On February 6, 2009, the U.S. Department of Justice asked the Supreme Court to dismiss the federal govern-



ment’s appeal and stated that EPA had decided to “develop appropriate standards” that would regulate power plant emissions under Section 112 of the Clean Air Act. The Supreme Court’s decision not to reconsider the vacatur was in response to the UARG appeal, which had not been withdrawn.

On December 19, 2008, the U.S. Court of Appeals for the D.C. Circuit vacated the exemption allowed from MACT standard emission limitations during startup, shutdown, and malfunction (SSM) events. Prior to the Court’s decision, SSM events were exempt from the numerical emission limitations provided in MACT standards. EPA has until April 4, 2009 to request a rehearing and the SSM exemption vacatur is not in effect until this date or later, depending on whether a rehearing is requested. If this rule becomes effective, MACT affected facilities will need to consider the implications.

Stay up-to-date on EPA announcements, blogs, regulations, and news releases by subscribing to their email alert system. You can select how often you would like to receive updates and the topics you want to hear about. Go to EPA’s website at www.epa.gov now to subscribe!

Save the Date!

NDEQ to Host Air Update Workshops

The NDEQ Air Quality Division will be hosting the 2009 Air Update Workshops in August.

- 👉 August 4th – Norfolk – Lifelong Learning Center, Northeast Community College
- 👉 August 6th – Lincoln – Lancaster County Extension Office
- 👉 August 11th – Grand Island – College Park, Fonner Park Room
- 👉 August 12th – Scottsbluff – North Platte Natural Resources District Office

The Air Update Workshops will provide the attendee updates on current air quality regulations and issues. We encourage anyone working with the air quality regulations to attend. The workshop will be free of charge.

We are in the process of developing the agenda and would love to hear your ideas! Go to the following website to complete a brief survey to provide your input. The survey will be open for comment until June 1, 2009 at http://www.surveymonkey.com/s.aspx?sm=Nf1_2fm_2fjJzFV7rNh0n8Rodg_3d_3d.

NSPS Tools

Starting in April 2009, NDEQ will be creating and posting on the NDEQ website tools to assist in applicability determinations to NSPS subparts or will address specific subpart issues. These tools will include a summary of requirements for units subject to a subpart. The requirement summary will include references to the specific conditions in the federal rules. Common subparts will be added first.

Some of the subparts have issues at the federal level which may not be identified in the Code of Federal Regulations (electronic version available at <http://ecfr.gpoaccess.gov>). These issues include federal court decisions, which include vacatur, stays, or remands. A vacatur is a rule or part of a rule that is voided (no longer in effect) by the court. A stay is a rule or part of a rule that has a delay in the effective date to allow a reconsideration or a clarification analysis to be conducted by EPA. (EPA can issue a stay of a rule or part of a rule.) A remand is a rule or part of a rule that the court has sent back to EPA with orders to address specific items in the rule.

If you would like more information on New Source Performance Standards, contact Stephenie Moyer at (402)-471-0019 or stephenie.moyer@nebraska.gov.



Mandatory GHG Reporting Rule Proposed

On March 10, 2009, EPA proposed mandatory reporting requirements for greenhouse gas (GHG) emissions. In general, EPA proposes that suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions submit annual reports to EPA. The proposal is very detailed and we encourage you to read it thoroughly.

According to EPA, approximately 13,000 facilities, accounting for about 85 to 90 percent of GHGs emitted in the U.S., would be covered under the proposal. Sources would be required to submit their first annual report to EPA in 2011 for calendar year 2010, except for vehicle and engine manufacturers, which would begin reporting for model year 2011. EPA proposes not to require third party verification of reports but rather rely on self-certification with EPA verification. Comments on the proposal will be due 60 days after publication in the Federal Register.

EPA was directed by Congress to issue a mandatory GHG emissions reporting rule under the FY 2008 Consolidated Appropriations Act. For more information, view EPA's website at www.epa.gov/climatechange/emissions/ghgrulemaking.html.



Mark Your Calendars!

APRIL 2009

- 🕒 14th-15th Nebraska Safety Council Conference & Exhibition. For registra- Lincoln, NE
tion information, go to <http://www.nesafetycouncil.org/>.
- 22nd Earth Day
- 24th Arbor Day – NDEQ Office Closed
- 26th Air Quality Awareness Week (through May 2nd)
- 🕒 28th-30th Method 9 Opacity Certification Training (Smoke School). For Lincoln, NE
registration information, go to www.eta-is-opacity.com/schedule.htm



MAY 2009

- 🕒 2nd "VirtualPaint": WasteCap Nebraska Finishing Technologies Certification Program. For Lincoln
more information about the certification program, go to <http://www.wastecapne.org/virtualpaint/>.
- 25th NDEQ office closed
- 🕒 30th VirtualPaint": WasteCap Nebraska Finishing Technologies Certification Program. For TBD
more information about the certification program, go to <http://www.wastecapne.org/virtualpaint/>.

JUNE 2009

- 🕒 6th VirtualPaint": WasteCap Nebraska Finishing Technologies Certification Program. Lincoln
This eight-hour class uses a mobile training unit developed to instruct members of the
surface coating industry with the use of state-of-the-art virtual reality technology. For
more information about the certification program, go to <http://www.wastecapne.org/virtualpaint/>.
- 🕒 30th Environmental Quality Council Meeting Omaha



JULY 2009

- 🕒 1st Environmental Quality Council Meeting Omaha
- 📅 1st 2008 Emissions Inventory Fees Due for Class I Sources
- 3rd NDEQ office closed

AUGUST 2009

- 🕒 4th Air Update Workshops Norfolk
- 🕒 6th Air Update Workshops Lincoln
- 🕒 11th Air Update Workshops Grand Island
- 🕒 12th Air Update Workshops Scottsbluff



Ask the AQ Lady: Temporary Shutdown Requirements

Dear Air Quality Lady:

Due to crazy fluctuations in ethanol demand, our ethanol plant is going to shut down temporarily. We expect the shutdown to be only for a few months. Do we have to do anything special or send any reports to NDEQ?

Signed - Ethanol or Bust

Dear Ethanol or Bust:

If you are planning to shut down your facility temporarily, we recommend you send us a notification. Be sure to include the circumstances for the shutdown and the approximate length of time you expect the shutdown to continue.

You will need to maintain your equipment during the shutdown to ensure that the equipment is kept in working condition. Keep a maintenance log and periodically inspect the equipment. Perform maintenance in accordance with the manufacturer's instructions, especially for equipment that will be idle for a length of time.

Even though you are shutting down temporarily, you must still comply with all of the terms of your permit or any other requirements of Title 129 - Nebraska Air Quality Regulations, especially if you want to begin operating again. This includes keeping and maintaining records and submitting all required reports. If you have been issued an operating permit this includes your certification of compliance reports and deviation reports. If the Department requests an emission inventory from you, you must submit one, even if you report zero emissions. If you have not applied for an operating permit, be sure to meet timely submittal requirements for doing so in accordance with Title 129.

We request that once you plan to begin operat-

ing again, you let us know by submitting a notification. Note that any excess emissions due to the startup or shutdown of the equipment will also need to be reported (per Title 129 Chapter 35).

Taking these types of actions described above demonstrates that the intent of the shutdown was temporary and helps to assure compliance with all permits and regulatory requirements.

There are many scenarios involving shutting down a facility. Each scenario is unique and will be evaluated on a case-by-case basis, but, at a minimum you should follow the guidance provided above. If a facility is considering a shutdown, they should contact the NDEQ Air Quality Division at (402) 471-2189 and to discuss their particular scenario. Additionally, we've only covered the air quality requirements, so be sure to consult with the other NDEQ programs to see what they require.

Signed- The Air Quality Lady

Have a burning question? Send it to the Air Quality Lady at Melissa.ellis@nebraska.gov.

Eco-Bite

Is there anything that smells better than fresh-cut grass?

If there is, it's sure not gasoline. Opt for a reel or electric mower instead of a high-pollutin' gas-powered one, and inhale the sweet scent of grass and greenback savings.

Cutting gas waste. Each year, Americans use 800 million gallons of gas to mow their lawns - and we spill more fuel while filling lawn equipment each year than the Exxon Valdez spilled in '89.

Raking in some green. Using an electric mower, you'll pay about \$5 per year for electricity. With a gas-powered mower, you'll pay that much in just two mows.

Air that smells better. Gas-powered lawn mowers account for up to 5% of U.S. air pollution.

Mowing down noise pollution. Reel mowers are basically silent, and electric ones make a tenth of the noise of gas-powered ones.

For more Eco-Bites check out the "Ideal Bite" at www.idealbite.com/tiplibrary.



Federal Air Quality Regulatory Actions January – March 2009

The following tables list the actions the U.S. Environmental Protection Agency (EPA) has taken on air quality regulations from January – March 2009. The tables are sorted according to the Part of Title 40 of the Code of Federal Regulations. 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 50 – National Ambient Air Quality Standards

Subpart Name	Date	Type & Summary of Action
NAAQS for Ozone	1/16/09	Proposed rule - Addresses the classification system for 8-hour ozone nonattainment areas. Also addresses how 1-hour ozone contingency measures should apply under the anti-backsliding provisions. Removes language relating to the vacated provisions of the rule that provided exemptions from the requirements of nonattainment new source review (NSR) and CAA section 185 penalty fees under the 1-hour standard. The EPA plans to issue a separate proposed rule providing additional guidance as to how these two requirements now apply. Includes the deletion of an obsolete provision in the 1-hour ozone standard itself. Extension of public comment period to 4/1/09.
NAAQS for Particulate Matter	3/18/09	Notice for Review - Making available for public review and comment planning documents related to the particulate matter standard. The documents describe EPA's planned approach for developing quantitative analyses as part of the review of the National Ambient Air Quality Standards for particulate matter.

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

Subpart Name	Date	Type & Summary of Action
I - Non-attainment New Source Review	1/15/09	Final rule - Final action on one part of the 9/14/06 proposed rule for the New Source Review (NSR) program. Retains the current rule text for aggregation and interprets that rule text to mean that sources and permitting authorities should combine emissions when activities are "substantially related." It also adopts a rebuttable presumption that activities at a plant can be presumed not to be substantially related if they occur three or more years apart. EPA is taking no action on project netting. 2/13/09 – Notice of reconsideration filed. 3/18/09 – delay of effective date to 11/18/09.

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

Subpart Name	Date	Type & Summary of Action
I - Non-attainment New Source Review	1/15/09	Withdrawal of Proposed Rule - Withdrawing the proposed rule for "debottlenecking" 9/14/06.
X – Implementation of Ozone NAAQS	1/16/09	Proposed rule - Addresses the classification system for 8-hour ozone nonattainment areas. Also addresses how 1-hour ozone contingency measures should apply under the anti-backsliding provisions. Removes language relating to the vacated provisions of the rule that provided exemptions from the requirements of nonattainment new source review (NSR) and CAA section 185 penalty fees under the 1-hour standard. The EPA plans to issue a separate proposed rule providing additional guidance as to how these two requirements now apply. Includes the deletion of an obsolete provision in the 1-hour ozone standard itself. Extension of public comment period to 4/1/09.
F- Definition of Volatile Organic Compounds	1/21/09	Final Rule - Adds the compounds propylene carbonate and dimethyl carbonate to the list of compounds which are excluded from the definition of VOC on the basis that these compounds make a negligible contribution to tropospheric ozone formation.
Appendix M - Determination of PM ₁₀ AND PM _{2.5} Emissions from Stationary Sources	3/25/09	Proposed Rule - Amendments to Methods 201A and 202. Add a particle-sizing device to allow for sampling of PM _{2.5} . Revises the sample collection and recovery procedures of Method 201 that could lead to inaccurate measurements of condensable particulate matter (CPM) and eliminate most of the hardware and analytical options in the existing method. Soliciting comments on whether to end the transition period for CPM in the NSR program on a date earlier than 1/1/11.

40 CFR Part 52 - Approval & Promulgation of Implementation Plans

Subpart Name	Date	Type & Summary of Action
A – Prevention of Significant Deterioration	1/15/09	Final rule - Final action on one part of the 9/14/06 proposed rule for the New Source Review (NSR) program. Retains the current rule text for aggregation and interprets that rule text to mean that sources and permitting authorities should combine emissions when activities are "substantially related." It also adopts a rebuttable presumption that activities at a plant can be presumed not to be substantially related if they occur three or more years apart. EPA is taking no action on project netting. 2/13/09 – Notice of reconsideration filed. 3/18/09 – delay of effective date to 11/18/09.



Federal Rules cont.

40 CFR Part 52 - Approval & Promulgation of Implementation Plans

Subpart Name	Date	Type & Summary of Action
A – Prevention of Significant Deterioration	1/15/09	Withdrawal of Proposed Rule - Withdrawing the proposed rule for "debottlenecking" 9/14/06.

40 CFR Part 60 – New Source Performance Standards

Subpart Name	Date	Summary of Action
A- General Provisions D, Da, Db, & Dc – Electric Utility & Commercial & Industrial Boilers	1/28/09	Final rule - Amendments to add compliance alternatives of certain affected sources, eliminate the opacity standard for facilities with a particulate matter limit of 0.030 lb/MMBtu or less that choose to voluntarily install and use continuous emission monitors (CEMS) to demonstrate compliance, and to correct technical and editorial errors. Proposed 6/12/08.
KKKK – Combustion Turbines	3/20/09	Direct Final Rule - Amendments to the sulfur dioxide emission standards for turbines that burn biogas. New stationary combustion turbines burning biogas containing relatively low amounts of sulfur-containing compounds will not be required to install pretreatment facilities to remove the sulfur compounds prior to combustion or to install post combustion controls to lower sulfur dioxide emissions.
Appendix A, B, & F - Performance Specification 16 for Predictive Emissions Monitoring Systems and Amendments to Testing and Monitoring Provisions	3/25/09	Final Rule - Promulgate Performance Specification 16 for predictive emissions monitoring systems (PEMS). Performance Specification 16 provides testing requirements for assessing the acceptability of PEMS when they are initially installed. It will apply to any PEMS required in future rules in 40 CFR Parts 60, 61, or 63, and in cases where a source petitions the Administrator and receives approval to use a PEMS in lieu of another emissions monitoring system required under the regulation.

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

Subpart Name	Date	Type & Summary of Action
•A- General Provisions •ZZZZZZ - Aluminum, Copper, and Other Nonferrous Foundries	2/9/09	Proposed Rule - Area source Generally Available Control Technology standards for aluminum, copper, and other foundries.

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

Subpart Name	Date	Type & Summary of Action
YYYYY – Electric Arc Furnaces – Area Sources	2/26/09	Withdrawal of Direct Final Rule - Withdrawing direct final rule published 12/1/08 due to adverse comments.
ZZZZ – Reciprocating Internal Combustion Engines	3/5/09	Proposed Rule - Proposing standards to control emissions from existing RICE at area sources, existing RICE that are ≤500 brake hp located at major sources, and existing compression ignition RICE that are > 500 brake hp located at major sources. Amendments also propose emission limits during periods of startup or malfunction for all engines regulated in this subpart.
Appendix A - Performance Specification 16 for Predictive Emissions Monitoring Systems and Amendments to Testing and Monitoring Provisions	3/25/09	Final Rule - Promulgate Performance Specification 16 for predictive emissions monitoring systems (PEMS). Performance Specification 16 provides testing requirements for assessing the acceptability of PEMS when they are initially installed. It will apply to any PEMS required in future rules in 40 CFR Parts 60, 61, or 63, and in cases where a source petitions the Administrator and receives approval to use a PEMS in lieu of another emissions monitoring system required under the regulation.

40 CFR Part 72 – Acid Rain

Subpart Name	Date	Type & Summary of Action
Acid Rain	3/26/09	Withdrawal of Direct Final Rule - Withdrawing direct final rule to reaffirm the certain revisions of the Acid Rain Program rules published 12/15/08 due to adverse comment. This interim final rule was issued to remove any uncertainty about their legal status because they have been in effect since mid-2006, most of them are crucial to the ongoing operation of the Acid Rain Program, and the rest of them streamline and clarify requirements of the program.

Nebraska Department of Environmental Quality



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

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We're on the web!
www.deq.state.ne.us

The objectives of the Air Quality Division are to achieve and maintain the ambient air quality standards, to protect the quality of the air in areas of the state that have air cleaner than the standards, and to implement air quality rules and regulations. By fulfilling these objectives, the Department is confident that public health and the environment will be adequately protected.

The major air quality programs are: the construction permit program, the operating permit program, the emission inventory program, the ambient air quality monitoring program, the inspection and compliance program, the planning and development program, and the asbestos program.

Three local agencies -- the Lincoln/Lancaster County Health Department, the Omaha Air Quality Control, and the Douglas County Health Department -- have accepted through contract with the NDEQ, responsibility for various facets of the program. These responsibilities include air quality monitoring, planning, permitting and enforcement within their areas of jurisdiction.

Federal Rules cont.

40 CFR Part 82 – Protection of Stratospheric Ozone

Subpart Name	Date	Type & Summary of Action
A – Allocation of Essential Use Allowances for Calendar Year 2009	1/16/09	Proposed Rule - to allocate essential use allowances for import and production of Class I ozone-depleting substances (ODSs) for calendar year 2009. The proposed allocation in this action is 63.0 metric tons (MT) of chlorofluorocarbons for use in metered dose inhalers (MDIs) for 2009.
A – Production and Consumption of Controls	3/10/09	Final Rule – Granting specific exemption for entities that import spherical pressure vessels containing halon 1301 for aircraft fire extinguishing ("aircraft halon bottles") for purposes of hydrostatic testing. This action does not exempt entities that import bulk quantities of halon-1301 in containers that are being imported for other purposes.

40 CFR Part 257 – Waste Treatment & Disposal

Subpart Name	Date	Type & Summary of Action
Definition Change	1/2/09	Advanced Notice of Proposed Rule Making - Seeking comment on which non-hazardous materials are or are not solid waste under RCRA. Also seeking comment on a number of specific questions concerning the meaning of "solid waste" under RCRA, as it applies to non-hazardous waste programs. This is to assist the Agency in developing certain standards under sections 112 and 129 of the Clean Air Act (CAA).