



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

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Make Sure Painter Training Gives You "Full Coverage"

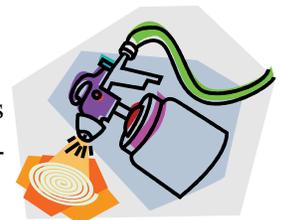
As many of you know, regulations passed in 2008 require surface coating painters to be trained and certified in proper management practices. These painter training and certification requirements apply to surface coating operations regulated under 40 CFR 63 Subparts HHHHHH (Paint Stripping and Misc. Surface Coating) and XXXXXX (Metal Fabrication). (For more information, see [EPA Finalizes Regulations for Surface Coating Industries](#), January 2008).

You may also know that all training is not created equal. NDEQ wants to remind you of the required training elements under Subparts HHHHHH and XXXXXX so you can ensure the training you receive is adequate. The training must consist of hands-on and classroom training that addresses the following topics:

- ✓ Spray gun equipment selection, set up, and operation, including measuring coating viscosity, selecting the proper fluid tip or nozzle, and achieving the proper spray pattern, air pressure and volume, and fluid delivery rate.
- ✓ Spray technique for different types of coatings to improve transfer efficiency and minimize coating usage and overspray, including maintaining the correct spray gun distance and angle to the part, using proper banding and overlap, and reducing lead and lag spraying at the beginning and end of each stroke.
- ✓ Routine spray booth and filter maintenance, including filter selection and installation.
- ✓ Environmental compliance with the requirements of this subpart.

Examples of inadequate training would include classes without a hands-on portion or classes that do not include all of the required training elements listed above. If your training is not adequate, you will not be in compliance with Subparts HHHHHH or XXXXXX.

Compliance dates for existing facilities are January 10, 2011, for Subpart HHHHHH, and July 25, 2011, for Subpart XXXXXX. This means that painter training must be completed by this time for facilities meeting the definition of "existing facility." For more information on compliance dates for new facilities or new-hire painters or for information regarding whether these rules apply to you, please contact Deb McGuire at 471-4212. More information can also be found in the Air Toxics Notebook. The Air Toxics notebook can be found by going to DEQ's web site, www.deq.state.ne.us. Select "Focus on Air Quality" from the left column, then select "Air Toxics Program." Or, the direct URL for the Air Toxics Notebook is: <http://www.deq.state.ne.us/AirDivis.nsf/Pages/AirToxics#Sec1>.



21st Annual Lincoln & Lancaster County Environmental Awards

Courtesy of Dan King, Lincoln-Lancaster County Health Department



The 2009 Lincoln-Lancaster County Environmental Leadership Awards Ceremony was held on Thursday, June 4, at the Nebraska Cham-

pions Club. The ceremony recognized businesses, organizations and individuals who have demonstrated environmental stewardship and dedication to sustainable practices that improve our air, land, and water quality while protecting public health.

To be eligible for an award, winners must have been instrumental in identifying, reducing, or solving an environmental problem and/or promoting public awareness and concern for the enhancement and protection of the environment. Additionally, winners must have demonstrated leadership in one or more of the following environmental practices: pollution prevention/risk reduction, waste reduction and recycling, water conservation, soil conservation, energy conservation, and residential and commercial development.

The ceremony is designed to bring public attention to those who strive to protect and enhance the beauty and livability of our community. The award presentations are intended to inspire others to follow the models and examples set by these 2009 Environmental Leadership Award recipients.

Over 150 attendees gathered for the annual event. Those in attendance included business leaders, elected officials, community representatives and other environmental advocates. Rod Fowler from Channel 8 KLN TV served as Master of Ceremonies and Chris Beutler, Mayor of Lincoln, presented a keynote address outlining the need for sustainable practices in addition to showcasing the community's new Cleaner Greener Lincoln initiative. Following are the 2009 award recipients.

Business and Industry – A to Z Printing & WRK, LLC

A to Z Printing has a proven track record of best practices in the work place relative to decreasing their

environmental impact. Owner Sue Quambusch and her staff have worked to embrace sustainable practices both on personal and professional levels. In 2007 and 2008, A to Z expanded its environmental focus. The most coveted of changes was its chain of custody certification by the Forest Stewardship Council and the Rainforest Alliance. A to Z Printing was the first print shop in the Nebraska to embrace this certification.

WRK, LLC, is a locally owned real estate development company whose vision is to be “a thoughtful and creative investment catalyst”. WRK has, in its short tenure, become a leader in Lincoln’s “green” movement.

Their environmental leadership is demonstrated in three projects that follow the Leadership in Energy and Environmental Design or “LEED” green building rating system developed by the U.S. Green Building Council. This includes the renovated Sawmill Building, an office building in the historic University Place neighborhood, and the notable Paint and Color Court Building in the Haymarket.

Education – Pioneers Park Nature Center and UNL’s Partners in Pollution Prevention

Pioneers Park Nature Center has been educating the community since 1963, but the recent addition to the Nature Center’s Prairie Building provides a great demonstration of sustainable design and building practices that nurture and grow environmental awareness. The Nature Center inspires people of all ages, from interpreting the natural history of Nebraska and the Great Plains to providing a sanctuary for wildlife. Over 80,000 visitors are educated each year, 12,000 of which are school-age youth from Lincoln and surrounding communities.

The Partners in Pollution Prevention program at UNL sends about 15 trained interns a year to work with Nebraska businesses to help reduce pollution “at the source.” Since the program began, 178 interns have worked with 475 businesses throughout the state, diverting solid waste from landfills, saving nearly 12 million gallons of water, and reducing hazardous waste by nearly 900,000 pounds.

Carbon Footprint cont.

Community or Non-Profit Organization – WasteCap Nebraska

With the objective to serve as a resource for hundreds of Nebraska businesses to comply with new Federal air quality regulations focused on reducing hazard-



WasteCap Finishing Technologies Project Team

ous air pollutants from auto and other painting shops, WasteCap Nebraska pursued a grant and developed the Finishing Technologies Certification Program. WasteCap's "Virtual Paint" program has the potential to train thousands of technicians across the state. WasteCap Nebraska demonstrated that concerned individuals and organizations can partner together to reduce air pollution and public health risks, increase worker safety, and improve profitability of a business.

Government – Ed Kouma & Amanda Meder, Lincoln Public Works & Utilities

Ed Kouma and Amanda Meder work diligently to educate the public on water conservation and pollution prevention with their work for the City of Lincoln Public Works & Utilities. Ed and Amanda provide workshops to the public on installing rain gardens and building rain barrels as well as promoting the use of no-phosphorous fertilizer. Due to Ed and Amanda's efforts through Watershed Management, our community is more knowledgeable about stormwater and chemical pollutant runoff and water reuse.

Agriculture – Burdette and Virginia Piening

Burdette and Virginia Piening are continuing an almost 100-year-old legacy on the family farm. Burdette and Virginia have been long-time stewards of the land, practicing conservation measures such as no-till farming, terracing and implementing generous buffer strips surrounding their fields. The Piening pasture and hay meadow has been put into a permanent conservation easement ensuring their prairie will remain as native grassland for future generations.

Individual Citizen – David Struebing

David Struebing has challenged himself and his co-workers at Tenneco with his goal of "NO TRASH." With less than two years on the job, he has decreased the trash generated by the company by 60%, found new uses for everything from workers' gloves to hazardous sludge from the air cleaners, saved the company tens of thousands of dollars, and funded family festivals with money generated from recycling efforts.

Air Toxics News

New Air Toxics Coordinator!

Please welcome Deb McGuire to the position of Air Toxics Coordinator at NDEQ. Deb has almost 15 years of regulatory experience and is excited about providing training and web-based tools to help you navigate the Air Toxics regulations. *Please note that Deb's desk number is (402) 471-4212. The old number for the Air Toxics Coordinator now belongs to an Air Quality Inspector!* Deb is looking forward to meeting many of you at this summer's Air Update Workshops.

Air Toxics Notebook Updated

Unveiling the web-based Air Toxics Notebook last fall was an exciting event for us, and we hope that the Notebook is meeting your needs. (See [NDEQ Unveils the Online Air Toxics Notebook](#) for more information.) We are in the process of making the Notebook even more effective, so you may notice changes to the look and feel of the Notebook as you use it over summer. We expect to have these changes completed by August 1, and welcome your comments and suggestions. Please contact Deb McGuire at 471-4212 for more information.



Monitoring station, turbine to help educate students

*Courtesy of the Scottsbluff Star Herald, by Roger Holsinger Assistant Editor
Published: Thursday, May 21, 2009*

Beginning this fall, students enrolled in science classes at Scottsbluff High School will see firsthand the potential of alternative energy sources. A 50-foot, 200-kilowatt wind turbine and eight solar panels have been installed as part of a hybrid wind/solar electricity generator to power an air quality and meteorological monitoring station. The station is located in the northeast corner of the practice football field. In addition to the turbine, a particulate monitor was installed to monitor air quality.

The second phase of the project is expected in August when a 30-foot tower will be installed, according to Chris



Wind turbine and solar panels at Scottsbluff High School

Hetzler of the Nebraska Department of Environmental Quality. The smaller tower will house most of the meteorological instruments.

Heather Haberman, biology and environmental science teacher at the high school, said the new station came about after she had spoken with school officials about the possibility of having a wind turbine built at the school through a project called Wind Energy for Schools. Because the cost of installing a turbine to help generate power for the school was more than she could raise through fundraising, Haberman said the project changed directions.

She said Chris Hetzler with the Nebraska Department of Environmental Quality contacted her and said the department needed to find a new location for its air quality and meteorological monitoring station. The station, which was positioned on top of the Scottsbluff Public Library, needed to be relocated. Hetzler asked if Haberman and the school district would be interested. School officials agreed to host the station at no cost to the district. Haberman said the school district will benefit from the partnership in a couple of ways.

“In August they (DEQ officials) will be coming out and setting up some live feeds for us so that all of the wind and solar data will be fed live into computers in the classroom. Students will be able to investigate more in-depth about alternative energy sources,” she said. “What really nice about this system is that it’s a hybrid system, which is very necessary, because we all know that the wind doesn’t always blow and the sun doesn’t always shine all the time.”

Haberman said that in addition to being able to see the possibilities of wind and solar power, students will also be able to see the quality of the air in the valley. Data is collected and is recorded by the NDEQ and shared with the Environmental Protection Agency and the students. In addition to monitoring power from wind and solar, the students will examine data about fine particulate matter, wind speed, ambient temperature and pressure, relative humidity and precipitation.

“It’s going to be really interesting to be able to give students a first-hand look at real-time data from right here at their high school and then be able to explore some of the alternative energies that are out there,” Haberman said.

She said when crews come out to do maintenance on the station, those workers will come into the classroom and talk to the students about what needed to be done. The power generating system will power the monitoring station and will not provide any power to the school, she said. “If we can get the funds and if we were accepted into that project (Wind Energy for Schools) I think it would be wonderful to have, but we’ll start small and go from there.”

Scottsbluff High School has been named as one of 20 nation-wide finalists in the WalMart “Earth Day Every Day School Challenge.” This contest is designed to recognize schools that are making small, every day changes to help the environment.

As a finalist, the high school will received a \$500 Wal-Mart gift card, which they can use to purchase items that will help enhance their eco-friendly activities. In addition, they have been chosen to compete for the grand prize, a \$20,000 grant to help further their activities.

To view the short video and essay showcasing the school’s environmental activities and projects go to: <http://www.earthdayeverydaychallenge.com/>. Congrats to everyone at the Scottsbluff High School! Keep up the great work!

Operational Limits Available for Gas Distribution Facilities

As of May 17, 2009, Nebraska Air Quality Regulations (Title 129) were updated to include an important exemption for certain Gas Distribution Facilities. The new regulations allow facilities with a large design capacity to comply with reduced requirements if their actual operation is below a certain level. However, these facilities must first provide notice of their intent to take operational limits, and receive approval in writing from NDEQ, before the exemption applies.

The Notice of Intent form is available on the NDEQ web site under Publications, Air Quality, Applications and Forms. Feel free to contact Deb McGuire, Air Toxics Coordinator, at 471-4212 or at deb.mcguire@nebraska.gov. She can mail or email the forms and/or a copy of the new regulations to you.

The specifics of this new rule are as follows:

- ✓ Facilities subject to 40 CFR Part 63, Subpart BBBBBB, who have a design capacity larger than 20,000 gallons per day, may take operational limits if their actual daily throughput is always less than 20,000 gallons per day. They must maintain a daily record of actual gasoline throughput and comply with the requirements for bulk gasoline

plants with a maximum design throughput capacity of less than 20,000 gallons per day.

- ✓ In addition, facilities must comply with all applicable requirements, must provide any additional information to NDEQ upon request, and must keep all associated records for five years.

The Nebraska regulations for the operational limits are found in Title 129, Chapter 28, Section 003. This regulation also includes a provision for operational limits for facilities subject to 40 CFR Part 63, Subpart CCCCCC requirements, but we are evaluating whether these operational limits are necessary.

More information can be found on the Air Toxics Notebook or by contacting Deb McGuire. To view the Air Toxics Notebook on our web site, select "Focus on Air Quality" from the left column, then select "Air Toxics Program." Or, the direct URL for the Air Toxics Notebook is:

<http://www.deq.state.ne.us/AirDivis.nsf/Pages/AirToxics#Sec1>

Register Now!

NDEQ to Host Air Update Workshops

The NDEQ Air Quality Division is 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.

The workshop and registration information is located on our website under the Calendar of Events and [NDEQ News](#). We hope to see you there!

The Five Domains of Sustainability

Courtesy of W. Cecil Steward, Fellow of the American Institute of Architects

The Five Domains

If we are to have a reasonable chance of managing the sustainability or growth of our habitats in the context of diminishing resources and rising costs, and at the same time achieve a balance of economic development with the conservation of the earth's natural systems, we must understand the principles of sustainability, and, we must see problems in a systems context.

The Joslyn Institute for Sustainable Communities has developed an evidentiary model that shows that there are Five Domains of Sustainability, for humanity, bio/ecosystems, communities, and the earth. (In this context, "domain" is used to mean a field of human activity.)

These are:

- ◇ Environmental (natural and man-built)
- ◇ Socio-cultural (human history, conditions, and contexts)
- ◇ Technological (appropriate, sustainable)
- ◇ Economics (the production of goods and services within a sustainable context, and the financial resources to support the production, trade, operations, and maintenance), and
- ◇ Public Policy (government, or public rules/regulations that will support or enhance sustainable systems).

For the form and function of communities of the future these domains should be the organizing principles for administration, design and planning, growth management, and regional and sustainable development. The domains, and all the information contained within them, are interdependent, interactive, and affective, one in turn upon each of the other four. A systematic analysis of their interdependencies, in any developmental or operational situation, will reduce the potential of unintended, unanticipated consequences, at any scale of development.

The EcoSTEP® Tool

Philosophers have said, "We will only respect that which we can measure." Economists have developed good tools for "econometrics" for placing an economic value on almost all of human endeavor. We are now awakening to the fact that all of economics depends on an

EcoSTEP
THE FIVE DOMAINS OF SUSTAINABILITY



abundance of energy and other natural resources, and, that many of these natural resources are becoming scarce and irreplaceable. In order to gauge the decline or progress toward a balanced consumption of the earth's resources we need new frameworks of measurements.

Measuring or projecting the improvement or decline of various quality of life factors over time is clarified using the EcoSTEP tool. Symbolizing the cyclical quality and interconnectivity of all living systems, EcoSTEP is an effective tool for plotting various sustainability indicators in three term, or time, ranges—short-term (S), medium-term (M), and long-term (L)—each divided into ten time frames that can be defined however the user chooses (i.e. one year, ten years, etc.).

In an ideal world, an indicator (for example, water quality), plotted near the outermost ring of each term scale would be considered, or judged to be approaching the best possible outcome or condition for sustainability. In this example, short-term conditions appear to be approaching optimal, yet the relative immediacy of medium and long-term measures indicate water quality challenges that lie ahead. For further detail, the dots plotted on the scale can be color-coded and sized according to the urgency or scale of the challenge of that particular indicator.

Sustainability cont.

The EcoSTEP tool allows any user to assess hypothetical yet real life situations, or real conditions of design or planning intent, to assess the assumptions for consequences and trade-offs, and to communicate those situations to stakeholders and leadership. By incorporating all five domains the tool is effective both in gauging progress and in revealing the various and complex trade-offs that will occur between indicators.

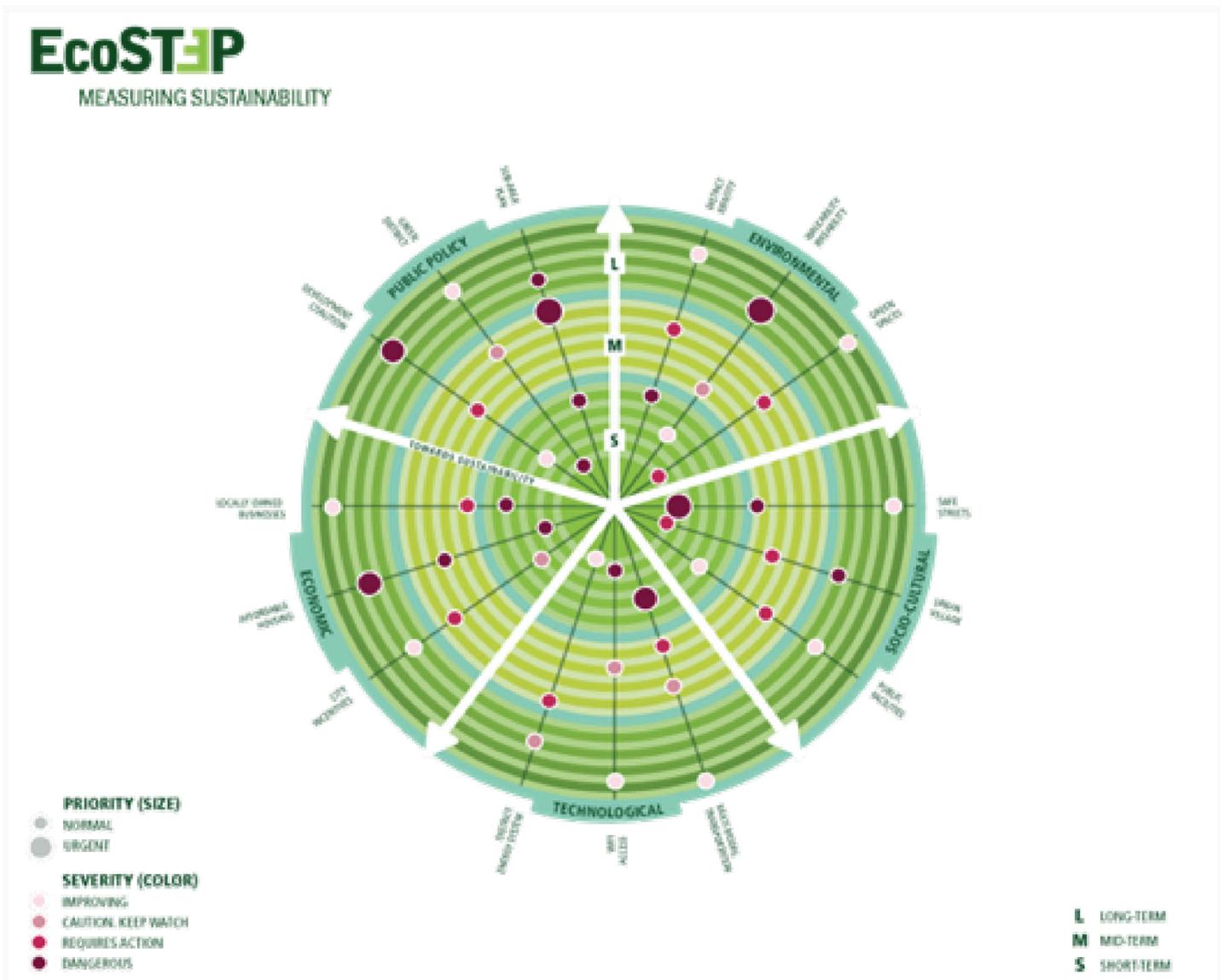
This graphic representation of issues and conditions makes EcoSTEP an ideal tool for collaborative planning as well as for communicating to leaders and the public a

region’s, or project’s progress toward a sustainable vision and quality of life goals.

The Joslyn Institute developed EcoSTEP, and applied the tool to a diverse range and scales of built-environment projects, including individual buildings, neighborhood contexts, small communities, districts within cities, and to large regions.

It could be said that we now have a “sustainometrics” means of measuring, and valuing, more than economics.

Cecil Steward is Dean Emeritus of the College of Architecture, UNL, and Founder, President/CEO of the Joslyn Institute for Sustainable Communities email: csteward1@unl.edu website:



Mark Your Calendars!

JULY 2009

| | | |
|---|-----------------|---|
|  | 1 st | 2008 Emissions Inventory Fees Due for Class I Sources |
| | 3 rd | NDEQ office closed |

AUGUST 2009

| | | | |
|---|------------------|--|--------------|
|  | 4 th | Air Update Workshops – Go to Calendar of Events or NDEQ News on NDEQ's Website for registration information. | Norfolk |
|  | 6 th | Air Update Workshops | Lincoln |
|  | 11 th | Air Update Workshops | Grand Island |
|  | 12 th | Air Update Workshops | Scottsbluff |

SEPTEMBER 2009

| | | |
|---|--|---|
| | 7 th | NDEQ office closed |
| | 21 st – 27 th | National Pollution Prevention Week For ideas to reduce pollution at your office, go to http://www.epa.gov/p2week/ . |
|  | 30 th | Deviation reports due for Class I Sources |

OCTOBER 2009

| | | | |
|---|--|--|---------|
| | 12 th | NDEQ office closed | |
|  | 27 th – 29 th | Method 9 Opacity Certification Training (Smoke School). For registration information, go to http://www.eta-is-opacity.com/lins.htm | Lincoln |



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 air quality regulations. Here 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.

-  **New – 2009 Ambient Air Monitoring Network Plan** – The Network Plan: outlines changes made to the Nebraska ambient air monitoring network since Dec. 31, 2007; demonstrates that Nebraska's ambient air monitoring networks complies with Federal regula-

tions; and describes possible and anticipated changes to the network through 2009. To find it from our main web page, go to Publications, select Ambient Air Monitoring Program, then select “2009 Ambient Air Monitoring Network” <http://www.deq.state.ne.us/Publications/pages/09-008>.

-  **New – Environmental Websites** – This resource includes multimedia website links to the Environmental Protection Agency's (EPA) website and other beneficial environmental websites. These links are intended to help you navigate the plentiful resources available and may assist you with environmental compliance. To find it from our main web page, go to Publications, select the Air Quality category. Under the “Other” category, select “Environmental Websites” <http://www.deq.state.ne.us/Publications/pages/09-007c>



Ask the AQ Lady: Permanent Shutdown Requirements

Dear Air Quality Lady:

In the April edition of AirWaves, you discussed what a facility is required to do if they shutdown temporarily. What happens if you close down permanently and want to begin operating again?

Signed – Acme Inc.

Dear Acme Inc.:

The simple answer to your question is: If you did the same things that we told you to do for a ‘temporary shutdown’ in the [April 2009 Article](#), you’ll be fine. If not, you need to evaluate your permit needs as if you are constructing a brand new facility because any authority to construct/operate your facility granted under a previous permit is no longer valid.

There are several scenarios that may apply when a facility shuts down their operations. We recommend the facility send us a notification and include in the notification the circumstance for the shutdown and the approximate length of time you expect the shutdown to continue.

In any of the shutdown scenarios, the intention of the owner or operator will be evaluated to determine whether or not a construction or operating permit is required before starting up the operation again. The facility’s intention will be evaluated on a case-by-case basis. The determination will be based upon many factors that include, but are not limited to: upkeep and maintenance of the equipment; compliance with existing permits; and compliance with Title 129 – Nebraska Air Quality Regulations.

One scenario is that a facility permanently shuts down and the processing equipment and building are

later purchased by another company. The new company may not have to get a new construction permit or operating permit if: 1) The equipment is maintained during the shutdown period; 2) The permit conditions are still adhered to during the shutdown; and 3) A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to NDEQ (per Title 129, Chapter 15, Section 001.01D).

The second scenario occurs when the facility permanently shuts down and, at a later date, changes their mind and would like to return to operation. Subsequently, they do not continue to comply with their permit, maintain their equipment during the shutdown, or, in the case of a change in ownership, submit the Title 129 Chapter 15 agreement outlined earlier. In this case, the owner would have to go through the construction permitting process prior to beginning operation and submit an operating permit application within 12 months of beginning operation (if the permitting thresholds are exceeded).

For both of the above scenarios, the facility should submit a notification to inform us when the facility begins operating again. Any excess emissions due to the startup or shutdown of the equipment will also need to be reported (per Title 129 Chapter 35).

We’ve only covered the air quality requirements, so be sure to consult with the other NDEQ programs to see what they require. If you have any questions, don’t hesitate to call the Air Quality Permit Hotline at (877) 834-0474 or the Air Quality Division at (402) 471-2189.

Signed- The Air Quality Lady





NDEQ Awards Grants to Reduce Diesel Emissions

NDEQ has awarded two grants from its Clean Diesel Grant Program. The Bellevue Public Schools was awarded a grant in the amount of \$81,311.11 to reduce diesel emissions through the retrofitting of 52 of the district's fleet of school buses. Additionally, the Omaha Public Power District was awarded a grant in the amount of \$19,000.00 to reduce diesel emissions to retrofit 10 of OPPD's utility service vehicles.

The grants are part of EPA's Diesel Emission Reduction Act, a national effort to reduce exposure to diesel exhaust and the amount of air pollution created by diesel vehicles in areas of dense population that receive a disproportionate quantity of air pollution from diesel vehicles. A public notice of the grant availability was announced in early February 2009. The closing date for grant applications was March 16, 2009.

While school buses are the safest way for children to get to school, pollution from older diesel vehicles has health implications for everyone, especially children. This grant provides for reducing pollution from pre-2007 public school buses in Bellevue -- making sure that its school buses are also a clean way for children to get to school. This reduction of diesel emissions in the Bellevue Public Schools is being achieved in three proactive ways:

- Encouraging policies and practices to eliminate unnecessary public school bus idling.
- Upgrading ("retrofitting") buses that will remain in the fleet with better emission-control technologies and fueling them with cleaner fuels.
- Replacing the oldest buses in the fleet with new, less-polluting buses.

According to Richard Casey, Bellevue School's Transportation Director, "A retrofitted school bus is a cleaner school bus because it has been fitted with a device designed to reduce pollution and it uses a cleaner fuel. The grant funds will significantly strengthen Bellevue Public Schools' ongoing efforts to reduce diesel pollution and improve air quality for students and the community as a whole."

Additional grant opportunities, part of the American Recovery and Reinvestment Act (ARRA) of 2009, were announced by NDEQ in early May. Information on the ARRA grant program is available on the [NDEQ website](#) or by calling Gerry Allen, Diesel Grant Program Coordinator, at (402) 471-4272, or email at gerry.allen@nebraska.gov. The closing date to receive grant applications has been extended from June 30, 2009 to July 31, 2009 to give potential applicants additional time to develop grant proposals.

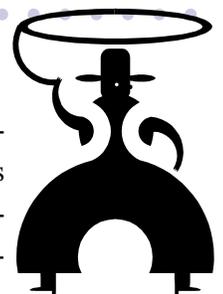
Regulatory Roundup

Recently adopted changes to Title 129, Nebraska's Air Quality Regulations, became effective May 17, 2009. All of these changes were within Chapter 28. Chapter 28 includes emissions standards for hazardous air pollutants (HAPs) emitted by various industries. These standards are issued by the federal Environmental Protection Agency (EPA) and adopted by reference into Nebraska's Air Quality rules. Adoption by reference means that the Department assumes responsibility for implementing and enforcing these federal standards within its jurisdiction.

The newly adopted standards relate to area sources. Major sources of HAPs are those that emit at least 10 tons of a single regulated HAP or at least 25 tons of a combination of HAPs. Area sources are those that emit regu-

lated HAPs at a lower rate. The standards require area sources in various types of industries to control their emissions through best management practices or control technologies.

The new standards are printed in the Code of Federal Regulations in Title 40, Part 63. They are simply referenced in Chapter 28 and include (1) Subpart WWWW for Hospital Ethylene Oxide Sterilizers; (2) Subpart YYYYY for Electric Arc Furnace Steelmaking Facilities; (3) Subpart ZZZZZ for Iron and Steel Foundries Area Sources; (4) Subpart BBBB for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; (5) Subpart CCCCC for Gasoline Dispensing Facilities; (6)



Roundup cont.

Subpart HHHHHH for Paint Stripping and Miscellaneous Surface Coating Operations; (7) Subpart RRRRRR for Clay Ceramics Manufacturing; (8) Subpart SSSSSS for Glass Manufacturing Area Sources; and (9) Subpart TTTTTT for Secondary Nonferrous Metals Processing.

Along with these standards, a new section 003 was added. It allows some types of area sources to adopt op-

erational limitations to avoid certain regulatory requirements. The rules in section 003 are detailed in the AirWaves article "Operational Limits Available for Gas Dispensing & Distribution Facilities."

In September, 2009, the Air Quality Division expects to propose rule changes related to the definition of incinerators (Chapter 1), to stack testing (Chapter 34), and to PM2.5 emissions (Chapters 17 and 19).

Small Business Environmental Compliance Advisory Panel

Nebraska's Small Business Environmental Compliance Advisory Panel (CAP) was created as a result of the Clean Air Act Amendments of 1990. This panel is devoted to helping small businesses' efforts towards understanding and complying with Nebraska's environmental regulations. The panel is comprised of seven small business owners and representatives throughout the state, appointed by the Governor and Legislature. They are continually informed of changing environmental regulations and requirements and meet with the NDEQ Director yearly.

Their goals are to assist small businesses in environmental compliance and advise the NDEQ of the impact of regulations on small businesses. CAP members openly communicate and have built strong relationships with the NDEQ Director and staff. They also help NDEQ understand regional issues and interests from all regions of the state.

The current CAP members are:

- ❖ Jim Hellbush, Duo Lift Mfg Co., Columbus, 402-564-8023
- ❖ Ron Rowse, Rowse Rakes, Burwell, 308-348-2276
- ❖ Sharon Hueftle, Director-South Central Economic Development Dist, Holdredge, 308-995-3190
- ❖ Steve Rexroth, Miracle Workers Auto Collision, Lincoln, 402-328-0029
- ❖ Joe Ferguson, Northeast Community College, Norfolk, 402-844-7236

- ❖ Jack Schreiner, Bruckman Rubber, Hasting, 402-463-3129
- ❖ Tim Doyle, NDEQ, Lincoln, 402-471-4257
- ❖ Secretary: Hugh Stirts, NDEQ, Lincoln, 402-471-8697

Additionally, NDEQ has established a Compliance Assistance Team to help industry and the public understand and achieve and maintain compliance with the seemingly myriad of environmental regulations. One of the primary means by which this team helps businesses and facilities is through compliance assistance visits.

This involves a visit to the site by trained environmental professionals from NDEQ, an evaluation of the business's environmental status, suggestions for improvement, and a written report back to the business. This is a free service provided by the NDEQ and can be easily arranged by calling any member of the Small Business Environmental Compliance Advisory Panel or Hugh Stirts at 402-471-8697.



Call
NDEQ for
an assistance visit
today!



Federal Air Quality Regulatory Actions April—June 2009

The following tables list the actions the U.S. Environmental Protection Agency (EPA) has taken on air quality regulations from April - June 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/>. If you would like the daily Federal Register delivered to your email box, you may subscribe to any or all of the EPA's 12 listservers at <http://www.epa.gov/fedrgstr/subscribe.htm>.

40 CFR Part 50 – National Ambient Air Quality Standards

| Subpart Name | Date | Type & Summary of Action |
|------------------------|---------|---|
| A – General Provisions | 5/19/09 | Final rule - Finalizing amendments to the Exceptional Events Rule to provide a revised exceptional event data flagging and documentation schedule for ozone data that may be used for designations under the 2008 ozone National Ambient Air Quality Standards (NAAQS). The Exceptional Events Rule states that when EPA sets a NAAQS for a new pollutant or revises the NAAQS for an existing pollutant, EPA may revise or set a new schedule for flagging data for those NAAQS. Proposed 3/12/08. |

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

| Subpart Name | Date | Type & Summary of Action |
|--------------------------------------|---------|--|
| I – Non-attainment New Source Review | 6/1/09 | Petition for Reconsideration & Stay of Effectiveness - EPA granted a petition for reconsideration with respect to the final rule published on 5/16/08. EPA has administratively stayed one of the provisions to which the petitioners objected—a "grandfathering" provision for PM _{2.5} contained in the federal prevention of significant deterioration program. EPA will publish notification establishing a comment period and opportunity for a public hearing for the reconsideration proceeding. The petition for reconsideration and request for administrative stay can be found in the docket for the 5/16/08 rule. Effective 6/1/09, 40 CFR 52.21 (i)(1)(xi) is stayed for a period of three months, until 9/1/09. |
| Appendix M | 6/16/09 | Proposed Rule - Amendments to allow accredited providers to supply stationary source audit samples & to require sources to obtain and use these samples from the accredited providers instead of from EPA. This proposed rule incorporates by reference Volume 3, "General Requirements for Environmental Proficiency Test Providers" adopted 12/22/07, as an example of an acceptable accredited proficiency test sample provider (APTSP) technical criteria document. Requirements pertaining to the audit samples have all been moved to the General Provisions and have been removed from the test methods. |

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

| Subpart Name | Date | Type & Summary of Action |
|--|---------|--|
| Volatile Organic Compound Emission Standards | 4/2/09 | Proposed rule - Amends Table 2A of the aerosol coatings reactivity rule by adding compounds and associated reactivity factors; and by clarifying which volatile organic compounds are to be quantified in compliance determinations. And proposes certain changes related to the certification notice required and proposes minor revisions and corrections to rule. |
| Appendix M – Determination of PM ₁₀ & PM _{2.5} Emissions from Stationary Sources | 4/22/09 | Final Rule - Correction to proposed rule on 3/25/09 to equation 24 and equation 40. |

40 CFR Part 52 - Approval & Promulgation of Implementation Plans

| Subpart Name | Date | Type & Summary of Action |
|---|--------|--|
| A – Prevention of Significant Deterioration | 6/1/09 | Petition for Reconsideration & Stay of Effectiveness - EPA granted a petition for reconsideration with respect to the final rule published on 5/16/08. EPA has administratively stayed one of the provisions to which the petitioners objected—a "grandfathering" provision for PM _{2.5} contained in the federal prevention of significant deterioration program. EPA will publish notification establishing a comment period and opportunity for a public hearing for the reconsideration proceeding. The petition for reconsideration and request for administrative stay can be found in the docket for the 5/16/08 rule. Effective 6/1/09, 40 CFR 52.21 (i)(1)(xi) is stayed for a period of three months, until 9/1/09. |



Federal Rules cont.

40 CFR Part 59 - National Volatile Organic Compound Emission Standards

| Subpart Name | Date | Summary of Action |
|---|---------|--|
| National Volatile Organic Compound Emission Standards | 6/23/09 | Proposed Rule - Amends Table 2A of the aerosol coatings reactivity rule by adding compounds and associated reactivity factors; and by clarifying which volatile organic compounds are to be quantified in compliance determinations. And proposing certain changes related to the certification notice required and proposes minor revisions and corrections to rule. Proposed 4/5/09. |

40 CFR Part 60 – New Source Performance Standards

| Subpart Name | Date | Summary of Action |
|--|---------|---|
| Appendix A, B, & F – Performance Specification 16 | 4/23/09 | Final Rule - Correction to final rule on 3/25/09 to correct definitions and equations. |
| OOO – Nonmetallic Mineral Processing Plants (NMPP) | 4/28/09 | Final Rule - Amendments include proposed revisions to the emission limits for NMPP affected facilities which commence construction, modification, or reconstruction after 4/22/08. Also includes additional testing and monitoring requirements for future affected facilities; exemption of affected facilities that process wet material from this proposed rule; changes to simplify the notification requirements for all affected facilities; and changes to definitions and various clarifications. Proposed 4/22/08. |
| Appendix B – Performance Specifications | 5/6/09 | Proposed Rule - Proposing performance specifications for use of mercury continuous emission monitors, which specifications would be generally applicable and updating recordkeeping and testing requirements. |
| Y – Coal Preparation & Processing Plants | 5/27/09 | Supplemental Proposal - Supplemental action to the proposed amendments published on 4/28/08. Proposes to revise the particulate matter emissions and opacity limits included in the original proposal for thermal dryers, pneumatic coal-cleaning equipment, and coal handling equipment. It also proposes to expand applicability of the thermal dryer standards so that the proposed standards apply to both direct contact and indirect contact thermal dryers. Proposes a sulfur dioxide emission limit and a combined nitrogen oxide and carbon monoxide emissions limit for thermal dryers. Proposing to amend the definition of coal to include petroleum coke and coal refuse. Finally, it proposes work practice standards to control coal dust emissions from open storage piles and roadways. Also proposes changes to Subpart A reference citations in 60.17. |

40 CFR Part 60 – New Source Performance Standards

| Subpart Name | Date | Summary of Action |
|---|---------|---|
| Appendix A – Continuous Instrumental Test Methods | 5/29/09 | Final Rule - Inadvertent printing errors were made to 5/22/08 rule. Text insertions were misplaced, duplicate insertions were made, and the definition for system bias was inadvertently revised. |
| III – Compression Ignition Engines | 6/4/09 | Proposed Settlement - Notice of a settlement agreement to address a lawsuit filed by the American Petroleum Institute challenging EPA's New Source Performance Standards for stationary compression ignition internal combustion engines. The settlement requires EPA to propose revisions to the NSPS for this sector within a year. The revisions must "allow owners and operators more options in operating and maintaining their engines, but would require more testing for sources using the additional options." Comments on the proposed settlement must be received by EPA no later than July 6, 2009. |
| Subpart A & Appendix A – General Provisions | 6/16/09 | Proposed Rule - Proposes amendments to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. In addition, this proposed rule incorporates by reference Volume 3, "General Requirements for Environmental Proficiency Test Providers" adopted 12/22/07, as an example of an acceptable accredited proficiency test sample provider (APTSP) technical criteria document. This document outlines the criteria an accredited provider program must meet for the samples to be acceptable. Requirements pertaining to the audit samples have all been moved to the General Provisions and have been removed from the test methods. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. |
| NNN – VOC Emissions from Synthetic Organic Chemical Manufacturing | 6/24/09 | Final Rule - Correction to Sec. 60.664 to the equation in paragraph (f)(1) introductory text. |



Federal Rules cont.

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

| Subpart Name | Date | Type & Summary of Action |
|---|---------|---|
| Subpart A & Appendix B – General Provisions | 6/16/09 | Proposed Rule - Proposes amendments to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. In addition, this proposed rule incorporates by reference Volume 3, "General Requirements for Environmental Proficiency Test Providers" adopted 12/22/07, as an example of an acceptable accredited proficiency test sample provider (APTSP) technical criteria document. This document outlines the criteria an accredited provider program must meet for the samples to be acceptable. Requirements pertaining to the audit samples have all been moved to the General Provisions and have been removed from the test methods. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. |

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

| Subpart Name | Date | Type & Summary of Action |
|---|---------|---|
| Appendix A – Performance Specification 16 | 4/23/09 | Final Rule - Correction to final rule on 3/25/09 to correct definitions and equations. |
| LLL – Portland Cement Mfg. | 5/6/09 | Proposed Rule - Amendments to add or revise, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from kilns and in-line kiln/raw mills located at a major or an area source, and hydrochloric acid (HCl) from kilns and in-line kiln/raw mills located at major sources. These proposed amendments also remove the following four provisions in the current regulation: the operating limit for the average hourly recycle rate for cement kiln dust; the requirement that cement kilns only use certain type of utility boiler fly ash; the opacity limits for kilns and clinker coolers; and the 50 parts per million volume dry (ppmvd) THC emission limit for new greenfield sources. EPA is also proposing standards which would apply during startup, shutdown, and operating modes for all of the current standards for cement kilns. **6/9/09 – Extension of Public Comment Period to 9/4/09. |

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

| Subpart Name | Date | Type & Summary of Action |
|--|---------|---|
| CCCCCCC – Paints and Allied Products Mfg. Area Sources | 6/1/09 | Proposed Rule - Proposed standards for the Paints and Allied Products Manufacturing area source category. The proposed emissions standards for new and existing sources are based on EPA's proposed determination as to what constitutes the generally available control technology or management practices for the area source category. |
| Subpart A – General Provisions | 6/16/09 | Proposed Rule - Proposes amendments to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. In addition, this proposed rule incorporates by reference Volume 3, "General Requirements for Environmental Proficiency Test Providers" adopted 12/22/07, as an example of an acceptable accredited proficiency test sample provider (APTSP) technical criteria document. This document outlines the criteria an accredited provider program must meet for the samples to be acceptable. Requirements pertaining to the audit samples have all been moved to the General Provisions and have been removed from the test methods. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. |
| ZZZZZZ – Aluminum, Copper, & Other Nonferrous Foundries | 6/25/09 | Final Rule – Area source rules requiring generally available control technologies. Proposed 2/9/09. |
| A – General Provisions | 6/25/09 | Final Rule - Amending source category list by changing the name of the "Secondary Aluminum Production" category to "Aluminum Foundries" and the "Nonferrous Foundries, not elsewhere classified" category to "Other Nonferrous Foundries." |
| ●BBBBBB – Gasoline Distribution Bulk Terminals ●CCCCCC – Gasoline Dispensing Facilities | 6/30/09 | Proposed Settlement Agreement - Under the terms of the proposed settlement agreement, EPA will sign and submit for publication in the Federal Register a notice of proposed rulemaking to amend the Gasoline Distribution NESHAP that contains amendments amending the definitions of bulk gasoline plant and gasoline dispensing facility, requirements for gasoline dispensing facilities, and requirements for gasoline storage tanks with a capacity of less than 250 gallons. |

Federal Rules cont.

40 CFR Part 72—Acid Rain

| Subpart Name | Date | Type & Summary of Action |
|--------------|---------|---|
| Acid Rain | 6/12/09 | Final Rule - To reaffirm certain revisions of the Acid Rain Program rules. These rule revisions were finalized in the Federal Register notices that also finalized the Clean Air Interstate Rule (CAIR) and the Federal Implementation Plans for CAIR (CAIR FIPs). The U.S. Court of Appeals for the District of Columbia Circuit recently issued a decision vacating and remanding CAIR and the CAIR FIPs. These revisions to the Acid Rain Program rules were not addressed by any parties in the proceeding or the Court. EPA is reaffirming in this interim final rule in order 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. Proposed 12/15/08. |

40 CFR Part 80 – Regulation of Fuels & Fuel Additives

| Subpart Name | Date | Type & Summary of Action |
|------------------------------|---------|--|
| M – Renewable Fuels Standard | 5/26/09 | Notice of Proposed Rulemaking - Proposes regulations designed to ensure that refiners, blenders, and importers of gasoline and diesel would use enough renewable fuel each year so that the four volume requirements of the Energy Independence and Security Act would be met with renewable fuels that also meet the required lifecycle greenhouse gas emissions performance standards. The proposed regulations make a number of changes to the current Renewable Fuel Standard program while retaining many elements of the compliance and trading system already in place. |
| M – Renewable Fuels Standard | 6/24/09 | Final Rule - Following publication of the 5/1/07 rules. EPA discovered technical errors and areas for clarification or modification. In parallel proposed and direct final rules published 10/8/08, EPA proposed to amend the regulations to make the appropriate corrections. However, EPA received adverse comment on several provisions in the parallel proposed and direct final rules and, on 11/26/08, withdrew those provisions from the direct final rule that drew adverse comment. |

40 CFR Part 82 – Protection of Stratospheric Ozone

| Subpart Name | Date | Type & Summary of Action |
|--|---------|---|
| A – Ozone Depletion, Chemicals, Exports, & Imports | 4/30/09 | Final Rule - Authorizes uses of methyl bromide that qualify for the 2009 critical use exemption and the amount of methyl bromide that may be produced, imported, or supplied from existing pre-phaseout inventory for those uses in 2009. |

40 CFR Part 93 – Administrative Practice & Procedure

| Subpart Name | Date | Type & Summary of Action |
|--------------------------------|---------|---|
| Transportation Conformity Rule | 5/15/09 | Proposed Rule - Amendments to the transportation conformity rule that primarily affect conformity's implementation in PM2.5 and PM10 nonattainment and maintenance areas. EPA is proposing to update the transportation conformity regulation in light of the October 17, 2006 final rule that strengthened the 24-hour PM2.5 air quality standard and revoked the annual PM10 standard. In addition, EPA is proposing to clarify the regulations concerning hot-spot analyses to address a remand from the Court of Appeals for the District of Columbia Circuit (Environmental Defense v. EPA, 509 F.3d 553 (DC Cir. 2007)). This portion of the proposal applies to PM2.5 and PM10 nonattainment and maintenance areas as well as carbon monoxide nonattainment and maintenance areas. |

40 CFR Parts 86, 87, 89, 90, 94, 98, 600, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1065

| Subpart Name | Date | Type & Summary of Action |
|---|---------|---|
| Mandatory Reporting of Greenhouse Gases | 4/10/09 | Proposed Rule - Proposal requires suppliers of fossil fuels or industrial greenhouse gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions to submit annual reports to EPA. The gases covered by the proposed rule are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride (SF6), and other fluorinated gases including nitrogen trifluoride (NF3) and hydrofluorinated ethers (HFE). For more information, go to http://epa.gov/climatechange/ . |

Nebraska Department of Environmental Quality



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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.

Miscellaneous Federal Notice

| Subpart Name | Date | Type & Summary of Action |
|---|---------|---|
| Notice of Upcoming Joint Rulemaking To Establish Vehicle GHG Emissions and CAFE Standards | 5/22/09 | Notice of Intent - EPA and DOT currently intend to work in coordination to propose standards for control of emissions of greenhouse gases and for fuel economy, respectively. If proposed and finalized, these standards would apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles (light-duty vehicles) built in model years 2012 through 2016. |