Air Waves

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

March 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

VirtualPaint™ System – A Beneficial Training System for Spray Technicians

The VirtualPaint™ training system is an extremely innovative training system for spray technicians. It utilizes state-of-the-art virtual reality technologies, precise software modeling, and a high volume low-pressure (HVLP) spray gun. The spray techniques of the user are tracked and projected onto an interactive display. This system allows the user to simulate the application of coatings on a virtual substrate eliminating the need for a paint booth, safety equipment, operational hazards, and hazardous waste and emissions generation. The VirtualPaint™ training system can be used to evaluate and improve coating techniques for individuals at all skill levels.

System Benefits

The VirtualPaint™ system has been found to increase the efficiency of transferring coating products to prepared surfaces by 19%. As efficiency increases, the amount of material consumed decreases by 13%. The average car door generally requires 9 coats of various materials, and depending on the paint gun used, may use 25-63 ounces of product and cost between $73-124 for materials alone. Larger commercial projects can easily average $3500-8000 for materials so decreasing material consumption by 13% would provide a potential $450-1050 cost savings.

The VirtualPaint™ technology has the potential to reduce air emissions and hazardous waste. Most paints used in the automobile and manufacturing industries contain volatile organic compounds and hazardous air pollutants and are classified as hazardous waste. Volatile organic compounds contribute to the formation of ozone, which aggravates chronic heart disease, asthma, bronchitis, and emphysema. Hazardous air pollutants are known or

suspected to cause cancer or other serious health effects such as reproductive effects or birth defects.

The savings from the training can also be seen in reduced hazardous waste generation, which currently costs $240 for the removal of a 55-gallon drum of waste products. Through training with the VirtualPaint™ system, the amount of volatile organic compounds released decreases by 12.6%. As an example, a large surface coating facility that releases 166 tons of volatile organic compounds per year could see a 21 ton decrease in emissions through use of the VirtualPaint™ system. Facilities of medium size that may release 31 tons of volatile organic compounds could potentially realize a 4 ton per year decrease. A smaller facility releasing only 12 tons per year could see a 1.5 ton emissions decrease after training with the VirtualPaint™ system.

Project Team

A committee was formed to evaluate the virtual paint system available from the Iowa Waste Reduction Center and analyze the potential uses of the system in Nebraska. The committee included members from WasteCap Nebraska, Southeast Community College, the Lincoln-Lancaster County Health Department, Stephenson Truck Repair, General Dynamics and the Nebraska Department of Environmental Quality (NDEQ).

The committee found the technology was something that could benefit the industrial and commercial operations in the state by minimizing waste, reducing air emissions, and providing products that satisfied their customers from a surface coating and finish perspective. The regulatory members of the committee recognized the potential of the equipment to ensure that the painters were trained and could complete a certification requirement that proved they knew how to paint and reduce emissions and waste. Community college members of the committee were aware of the potential to reach future painters and body shop owners by helping them learn the latest and most advanced techniques and principles available in this business in 2007.

This unique partnership of public, private, non-profit, and governmental committee members will develop training and certification, market the training to private businesses and train using the technology. This allows us to reach the "seasoned" painter already in private industry, and train students before they enter industrial painting positions. Because it will be a mobile training unit, businesses from throughout the state can participate, as extensive traveling by the business to receive training is not required.

Proposed Equipment Use

The project is modeled on the Iowa Waste Reduction Center's technology and training program. Currently, they are utilizing the software to train military installations, but will soon be adding it to their Mobile Pollution Prevention program. Working with Southeast Community College allows us to demonstrate the effectiveness of the technology training that could be utilized in other college training programs.

The intended outcome is to develop a 3-5 year certification program and offer training to private businesses throughout the state. The VirtualPaint™ certification will be used as an option to satisfy the state hazardous air pollutant (HAP) best available control technology (BACT) requirement.

The NDEQ air quality regulations require sources with a potential net emissions increase above 2.5 tons per year of a single hazardous air pollutant (HAP) or 10 tons per year of combined HAPs to install best available control technology (BACT). Individuals in NDEQ's Air Quality Division have evaluated the components of the VirtualPaint™ training system and have determined it to be a BACT option for surface coating facilities in Nebraska. Currently, to meet BACT, many of the painting facilities must request a change in product from their paint supplier. Oftentimes, the paints cannot be changed due to customer specifications, thus making it hard for the companies to comply with the regulations.

Potential scheduling of the equipment

The VirtualPaint™ training system will be a mobile unit that can service businesses and community colleges throughout Nebraska. It is anticipated that the system will be utilized for a minimum of 26 weeks per year, with Southeast Community College offering training to their painting technician students during the weeks the system is not in use elsewhere.

The system will initially target students learning spray application at the community college level as well as surface coating facilities in the business sector. Nebraska has six community colleges with programs to train spray technicians. It is estimated that this training at Southeast Community College and the other members of the community college network in Nebraska would impact 80 students each year. The training will also be offered at air quality workshops hosted by NDEQ across the state and should educate 40 people per year. An additional 400 people per year can be educated in an estimated 26 weeks of training.

Potential Sponsors

WasteCap Nebraska has submitted a grant application requesting funding to purchase and set up the equipment, and demonstrate its use. The grant funding is being requested for the initial two years. WasteCap will know if the project is funded by June 2007 and expects to begin the planning process at that time.

The grant requires the contribution of financial resources to assist in the implementation of the project. The funds can come from in-kind contributions for equipment or modification of or setting up the equipment, financial contributions, and fees. The project has secured commitments from the partners for in-kind contributions and is working to determine a fee structure for participation in the training programs.

If you are interested in sponsoring the Virtual Paint™ project to help offset costs or would like more information about the project, contact Carrie Hakenkamp or Sue Ellen Pegg of WasteCap Nebraska at (402) 436-2383.

Spotlight on the Field Office Air Staff

Were you aware that some of the Air Quality compliance inspectors are not actually part of the NDEQ Air Quality Division? Shanelle Grudzinski, Chris Helms and Jim Sexson are actually part of the NDEQ Field Office Section. The Field Office Section is an independent section within NDEQ that consists of 15 staff in 6 offices around the state. The map below shows the locations and the staff in each of these offices.

The field office staff conduct compliance inspections, complaint investigations, sampling and monitoring, and outreach activities for almost all of the regulatory programs in NDEQ, including livestock, solid waste management, wastewater, and air quality. Shanelle, Chris and Jim have assignments to conduct work for the Air Quality Division. They participate the training, meetings, and other compliance program activities as the Lincoln-based Air Quality inspectors.

NDEQ has had a field office in North Platte since the very beginning of the agency 35 years ago. Jim Sexson conducts air quality compliance inspections in the western half of the state, including all of the Panhandle counties. He has been doing compliance inspections and working with the air quality monitoring system for over 15 years. An avid horseman, Jim and his wife, Renae, live on a small acreage outside of North Platte.

In 2000, Chris Helms helped opened the field office in Holdrege. Originally conducting wastewater inspections, Chris began doing air quality inspections one year ago. His experience with other regulatory programs has made him a welcome addition. Chris and his wife, Shennon, have three children and live in Holdrege. Chris is a tournament fisherman and enjoys being conveniently located near many great fishing lakes.

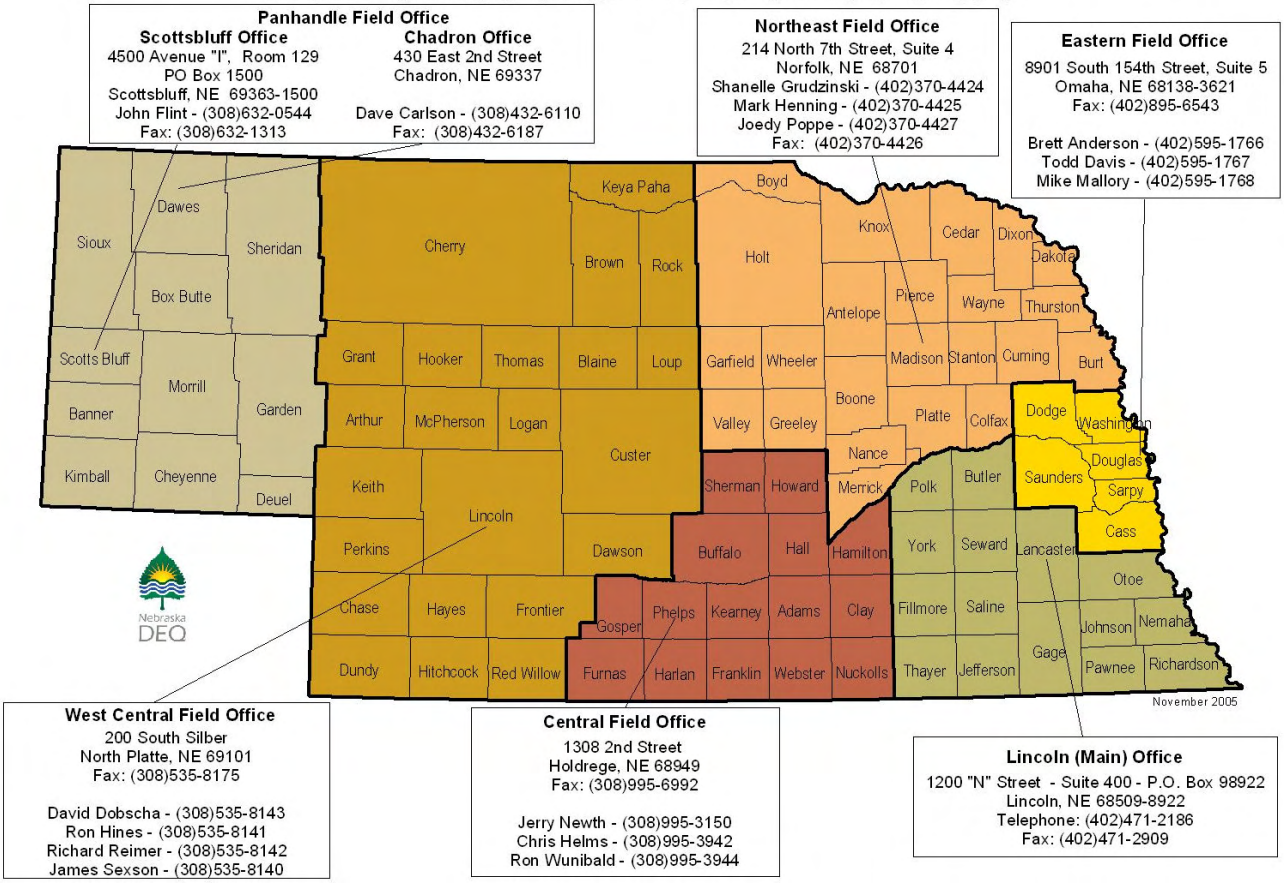
Shanelle Grudzinski joined the Norfolk field office in 2003 and conducts air quality inspections from O'Neill to the Iowa border. Besides air quality, Shanelle also conducts inspections and complaint investigations for the NDEQ Waste Management program. Shanelle brought a wealth of industrial knowledge to NDEQ and is also part of the Air Quality guidance document development team. She, and her husband, Pat, live in Norfolk.

According to the Field Office Section Supervisor, Julie Powers, the primary goals of the field offices are to provide better public access to NDEQ, cut the amount of time it takes the agency to respond to citizen complaints, and allow the agency to have a better idea of what is going on locally because the staff live and work in the local communities.

Ms. Powers said there are a few limitations to what the field office staff can offer the public. For example, field office staff do not write permits or maintain official facility files. If you have questions about a permit while it is still in draft form or on public notice, you would still need to contact the Lincoln office. Additionally, if you wanted to request copies of documents in the NDEQ files, you would need to make that request through the Records Management Section in the Lincoln office, since the field offices only maintain working files, not the official facility files.

If you have any questions about NDEQ's field offices, check out our website or contact Julie Powers at julie.powers@ndeq.state.ne.us.

Department of Environmental Quality
Main Office and Field Office Sites



Tell Us About YOUR Permitting Experience – We're Listening!

Facilities receiving new Air Quality Construction Permits will find enclosed with the permit a Customer Satisfaction Questionnaire. The questionnaire is part of NDEQ's on-going construction permitting process improvement initiative. During the past two years, the NDEQ Air Quality Division has been diligently working to improve its air quality construction permitting process. These process improvement efforts have involved the hiring of additional staff, development and implementation of new permit application forms, staff training, a Construction Permit Hotline, and an enhanced outreach effort to make helpful information more readily available on the NDEQ website and through face-to-face workshops and meetings. The questionnaires are intended to help the Air Quality Division evaluate how we have done in improving our permitting process. As always, your feedback and suggestions are very important in helping us to continue to provide better service while still maintaining a high level of technical and regulatory review.

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!

Emergency Generator Operators Need to Submit Notifications & Reports

Dear Air Quality Lady:

During the recent snowstorm, Acme Inc. was out of power (just like half of Nebraska). Not only wanting to warm up, we had to keep our business going to put food on the table. Our company brought in an emergency generator to power up our manufacturing lines. Should we have gotten an air quality construction permit? Are we in big trouble?

Signed – Thawing out in the Heartland

Dear Thawing out in the Heartland:

You pose a great question and one that may affect many businesses in Nebraska. Emergency generators brought in on a temporary basis may not need an air quality construction permit. If the generator will be connected at the point of use for less than one year, it is considered a temporary generator. NDEQ air quality construction permits are issued for stationary sources or those connected to a single point of use for more than a year.

In a situation such as the recent storm where you bring in an emergency generator, you need to submit a notification to NDEQ within 24 hours of starting up the generator to maintain power. The notification should provide the following: generator location, size, fuel, anticipated duration of use, and a contact person.

Records must be kept (such as fuel usage and hours of operation) in order to calculate actual emissions when requested by NDEQ. If your facility has a permit requiring you to submit an annual emissions inventory or if NDEQ requests you to complete an annual emissions inventory, you would be required to include the emissions from the emergency generator. Although you will have to report these actual emissions, you will not need to attribute the emissions from the temporary generator to your operating permit status. If you have any additional questions, feel free to call the Air Quality Division at (402) 489-2189. Stay Warm!

Signed - The Air Quality Lady

Have a burning question? Send it to the Air Quality Lady at Melissa.ellis@ndeq.state.ne.us.

New Federal Regulations for Perc Drycleaners

On July 27, 2006, the Environmental Protection Agency (EPA) published new regulations for perchloroethylene (perc) dry cleaners. The regulations revise the rules finalized in 1993. Perc dry cleaners must continue to comply with the new and existing regulations.

The new rule revision:

- Requires additional emission controls for new dry cleaner construction or reconstruction;
- Strengthens monitoring and recordkeeping requirements;
- Requires notification of compliance status with all provisions of the revised rule by July 27, 2008;
- Bans new construction of perc dry cleaners located in residential buildings;
- Phases out perc use at dry cleaners located in residential buildings by December 21, 2020; and
- Eliminates the use of transfer machines after July 27, 2008.

The new rule also requires additional emission controls and monitoring for dry cleaning machines installed after December 21, 2005. Additionally, the monitoring requirements have been strengthened and recordkeeping requirements have been added.

For a detailed outline of the new and existing perc dry cleaner requirements, view the "Perchloroethylene Dry Cleaner Compliance Manual" located on NDEQ's website or contact Melissa Ellis at (402) 471-6624 for a copy.

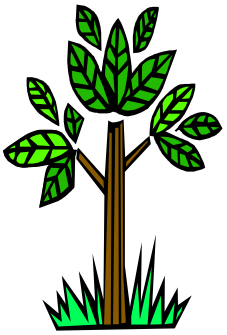
Mark Your Calendars!

MARCH 2007

2nd	Environmental Quality Council Meeting	Video Conference
31st	2006 Emissions Inventory due	
31st	Certification of Compliance Reports due	
31st	Deviations Reports due	

APRIL 2007

4th-5th	Nebraska Safety Council Conference & Exhibition. For registration information, go to http://www.nesafetycouncil.org/.	Lincoln, NE
12th	Method 9 Opacity Certification Training (Smoke School). For registration information, go to http://www.aeromet.org or call 573-636-6393.	Lincoln, NE
19th	Sustainable Communities through Economic Development and Conservation Symposium. For registration information go to http://www.wnccsafety.net/TrainingConference/EnviroEduc.html	Sidney, NE
22nd	Earth Day	
27th	Arbor Day – NDEQ Office Closed	
30th	Air Quality Awareness Week (through May 4th)	



MAY 2007

1st-3rd	Method 9 Opacity Certification Training (Smoke School). For registration information, go to www.eta-is-opacity.com/schedule.htm	Lincoln, NE
9th	NDEQ Consultant's Day – 9:00 am – 4:00 pm	Lancaster County Extension Lincoln, NE (tentative)
28th	NDEQ Office Closed	

JUNE 2007

14th	Environmental Quality Council Meeting	Lincoln, NE

JULY 2007

1st	2006 Emissions Inventory Fees due (Class I Sources)
4th	NDEQ Office Closed

AUGUST 2007

21st	Air Update Workshop	9:30 am – 3:00 pm	College Park, Grand Island, NE (tentative)
22nd	Air Update Workshop	8:30 am – 2:00 pm	Western Nebraska Community College Scottsbluff, NE (tentative)
29th	Air Update Workshop	9:30 am – 3:00 pm	Lancaster County Extension Lincoln, NE (tentative)
30th	Air Update Workshop	9:30 am – 3:00 pm	Life Long Learning Center Norfolk, NE (tentative)

SEPTEMBER 2007

3rd	NDEQ Office Closed	
7th	Environmental Quality Council Meeting	Lincoln, NE
16th-22nd	National Pollution Prevention Week	
30th	Deviations Reports due (Class I Sources)	

2006 Air Quality Division Workshops Successful

The NDEQ Air Quality Division hosted four workshops between August 15 – August 23, 2006 throughout the state to provide industry and consultants information about Nebraska's air quality regulations. The workshops offered an update of state and federal air quality regulations, and air permitting and compliance issues were discussed.

We are happy to report the 2006 Air Update was a success! The four-hour workshops were held in Norfolk, Lincoln, Kearney, and Scottsbluff. Thank you to our sponsors: Terracon, NPPD, NMPP/MEAN, Simon Contractors, Great Plains Safety and Health Organization, Meisner Management LLC, Siouxland Ethanol LLC, HDR, NE Air Quality Specialties, Air Resource Specialists, NE Renewable Energy Systems LLC, and Twin Cities Development. Following is a summary of the workshops.

Location	Attendance	Pretest Score	Post Test Score
Norfolk	30	50%	68%
Lincoln	60	52%	70%
Kearney	39	48%	68%
Scottsbluff	24	52%	73%
Total	**153**	**50.5%**	**69.75%**

On a scale of 1-5, 5 being the best:

Location	Rate Workshop	Facilities	Presenters
Norfolk	4.43	4.52	4.48
Lincoln	3.98	4.17	4.17
Kearney	3.94	4.00	4.25
Scottsbluff	4.17	4.39	4.33
Total	**4.13**	**4.27**	**4.31**

- **99%** of all participants left with a better understanding of the Air Quality Program.
- **100%** would attend another Air Update Workshop in the future.

If you would like information for the 2007 Air Update or would like to sponsor the workshop, contact Melissa Ellis at (402) 471-6624 or Melissa.ellis@ndeq.state.ne.us.

Save The Date!!!!

Air Update Workshops 2007 – Tentative Dates & Locations

August 21, 2007 – Grand Island, College Park
August 22, 2007 – Scottsbluff, Western NE Community College
August 29, 2007 – Lincoln, Lancaster County Extension Office
August 30, 2007 – Norfolk, Life Long Learning Center

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*** **– Open Burning –** This document explains the open fire regulations in Nebraska and the open fire permitting requirements.

- ***Revised*** **– Open Fire Permit Applications –** Two open burn permit applications are available: Community Use and General Use. These applications request an exception to the prohibition of open fires. The requirement to obtain this permit is in addition to local ordinances or regulations concerning open fires.

- ***Revised*** **– Operating Permit Application Cover Sheet & Completeness checklist –** This Cover Sheet and Checklist replace the original Operating Permit Cover Sheet. All Class I and Class II operating permit applications must include this completed cover sheet and completeness checklist, excluding applications for general permits.

- ***Revised*** **– Construction Permit Applications –** All of the construction permit applications have been revised and are available in Word format and Adobe

Acrobat. The applications were revised to incorporate the necessary information needed to process an air quality construction permit quickly and efficiently. We plan to develop various sample applications for guidance. As the forms are utilized, we may be making corrections and clarifications, so check the website for the most current versions. If you have any questions or comments on the new forms, please contact the Air Quality Construction Permit Hotline at (877)834-0474.

- ***New* – Minor Permit Revision Request Form** - This form should be used for minor permit revisions to air quality operating or construction permits that have been issued by the NDEQ. If a significant permit revision is needed, the permit revision should be submitted on either operating or construction permit application forms.

- ***New* – Air Quality Ethanol Plant CD –** This zipped file contains the information on the Air Quality Ethanol CD. The CD is intended to assist the owners and operators of Nebraska ethanol plants with meeting the air quality regulations and requirements. The Table of Contents lists the information included in the zipped file.

- ***New* – 2007 Air Quality Compliance Calendar** - The Air Quality Compliance Calendar was developed to assist businesses with their air quality recordkeeping and reporting requirements. The calendar provides reminders and compliance tips to businesses to help them maintain compliance with the air quality regulations. We encourage businesses to use this calendar daily to assist them with their air quality regulatory requirements.

- ***New* – Forms & Guidance for Asphalt Plants covered by the Permit-By-Rule** – Asphalt plants wishing to be covered by the Permit-by-Rule, must submit the new Section 2.0 – Asphalt Plant Notice of Intent and accompanying excel spreadsheet along with Section 1.0 – General Information. Recordkeeping guidance documents have also been developed to assist asphalt plants with compliance. Additionally, a certification of compliance report form and example certification report have been developed addressing the permit-by-rule requirements for asphalt plants.

- ***New* – Perchloroethylene Dry Cleaner Compliance Manual** - The purpose of this manual is to help Nebraska dry cleaning facilities using perchloroethylene understand and comply with state and federal environmental regulations. The manual provides a desktop reference of current requirements and recommendations for Nebraska dry cleaners on air regulations, hazardous waste management and disposal, wastewater discharge, solid waste management and disposal, and general operating practices. Additionally, this manual will outline additional requirements for dry cleaning equipment using perchloroethylene located in a building with a residence.

- ***New* – Demand Growth Exclusion Guidance for Non-Electric Generating Units –** This guidance document is specifically for those businesses and industries (excluding electric generating facilities) that are considered large sources of air emissions. The purpose of this document is to provide a technique to estimate demand growth exclusions so that projected actual emissions in a Prevention of Significant Deterioration (PSD) Review can be estimated. This document is intended for non-electric generating facilities to utilize if they choose to exclude emissions due to demand growth from their PSD analysis.

- ***New* – Air Quality and Biodiesel Production** – This guidance document provides an overview of the biodiesel production industry, processes, air emissions, air quality permit requirements, and potential air quality issues. This document is intended to pull the pieces of the air quality "permitting puzzle" together and provide assistance to biodiesel production plants regarding the permitting process. This document also provides to the public and state and local government officials information regarding the biodiesel production processes and air emissions. An integral part of the permitting process is to provide opportunities for the public to understand and comment on activities that affect their environment.

- ***New* – Public Participation and Air Quality Permits** - This guidance document provides a basic overview of the Nebraska Department of Environmental Quality (NDEQ) Air Quality permit process and outlines ways in which interested citizens can participate effectively in the permit process.

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

Leveraging Microsoft Technology to Implement a Sustainable EMS

The Nebraska Army National Guard (NEARNG) recently developed a formal Environmental Management System (EMS) in order to move its existing EMS beyond compliance, to identify opportunities to improve environmental performance and to ensure operational sustainability. In addition, the NEARNG intends to meet the requirements of Executive Order 13148 – *Greening the Government Through Leadership in Environmental Management* (www.epa.gov/ems/position/eo13148.htm) and conform to the ISO 14001 standard.

The NEARNG supports the Army mission abroad and at home through troop readiness and training, operational support, and logistics management. The NEARNG is comprised of a headquarters compound in Lincoln, NE and 36 training, support and maintenance facilities across the state.

In order to formalize the EMS, the NEARNG first developed and implemented standardized processes for identifying environmental issues, managing sustainability challenges, and reducing risks to the environment, stakeholders and the NEARNG mission. The NEARNG obtained a commercially available product and consulting support from The Solution Foundry (TSF), using TSF's EMSolution® management system approach for developing and documenting the EMS (www.solutionfoundry.com). EMS information was integrated into an NEARNG EMSolution® website, which was deployed via the existing NEARNG Intranet. The NEARNG EMS website is used to manage and communicate environmental information and EMS elements to military and civilian personnel throughout the state.

The NEARNG EMS website was developed and deployed in approximately four months, through a combination of internal development and consulting support. Environmental Staff and EMS Cross Functional Team personnel manage the website using Microsoft software, with little required support from information technology staff.

Key features of the NEARNG EMS website include:

- EMS procedures and tools including environmental aspects and impacts assessment, objectives and targets management, document control approach and communication tools for environmental management;
- Environmental program information including documents, plans, procedures, records, databases, etc. organized into an intuitive framework;
- Facility-focused EMS information and communication approach – designed for usability by non-environmental personnel;
- Collaborative tools such as shared calendars, compliance task trackers and tracking tools; and
- Computer-based training.

The benefits of implementing the NEARNG EMS using an Intranet-based information management approach include:

- Centralized, electronic management of EMS information improves information management practices for environmental staff and facilitates simple, focused communication of critical EMS information throughout the state;
- Streamlined EMS approach reduces implementation costs and allows personnel to focus on value-adding initiatives and programs (e.g., pollution prevention, special projects, mission readiness and sustainability, etc.); and
- Management assurance of compliance and performance improvement.

For additional information contact: LTC Lynn Heng, Environmental Program Manager – NEARNG, 402-309-7453, lynn.heng@us.army.mil.

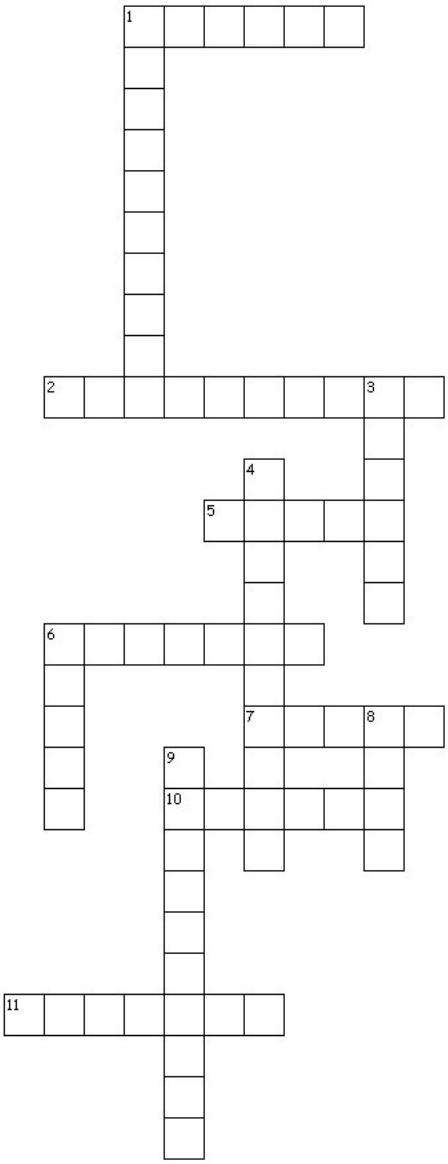
What is an Environmental Management System?

An Environmental Management System (EMS) is a set of processes and practices that enable an organization to reduce its environmental impacts and increase its operating efficiency by utilizing a systematic approach of "*plan, do, check, and act.*"

An EMS helps an organization systematically manage the environmental impact associated with its activities, products, and services. An EMS not only helps an organization pay attention to its regulatory responsibilities; it also provides a means for addressing non-regulated environmental aspects such as energy efficiency and resource conservation.

By reinforcing your existing operations with a comprehensive approach to environmental management, an EMS can help you streamline operations, create awareness that environmental protection is every employee's job, and improve environmental performance. For more information about environmental management systems, view EPA's EMS website at http://www.epa.gov/ems/index.html.

Air Quality Criss Cross



Across
1. AirWaves is published semiannually in March and _____.
2. Intent of the Regional Haze regulations is to protect this.
5. This day is celebrated on the last Friday of April each year.
6. Particulate matter is measured in these units.
7. A pollutant that's good up high, but bad near by.
10. Federal air toxic regulations.
11. President who signed the first Clean Air Act.

Down
1. Annual Air Quality Workshops are referred to as this.
3. Number of days you must submit an emissions test protocol prior to an emissions test.
4. These gases contribute to global warming.
6. Annual Emission Inventories are due the 31st of this month.
8. Federal criteria pollutant standards for new sources.
9. EPA's label for energy efficient products.

Regulatory Roundup

The most recent revisions to Nebraska's Air Quality Regulations, Title 129 became effective December 14, 2006. These revisions were adopted by the Environmental Quality Council (EQC) in June 2006 and accomplished several things. First, the chemical methyl ethyl ketone (MEK) was delisted as a regulated hazardous air pollutant. Second, Appendix II and Appendix III, which list the regulated hazardous air pollutants, were completely revised and reformatted. The lists are now identical except that Appendix II is sorted numerically by CAS number and Appendix III is sorted alphabetically by chemical name.

A third change updated Chapter 28 so that federal Maximum Achievable Control Technology (MACT) standards that have been adopted by reference reflect the standards as published on July 1, 2005. In addition, the compliance deadline for the MACT standard for Miscellaneous Organic Chemical Manufacturing, Subpart FFFF, in section 001.78 of Chapter 28, was extended from November 10, 2006 to May 10, 2008. The MACT standard for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations, Subpart XX was adopted.

Finally, Chapter 17, section 003, was re-worded to clarify that sources subject to the construction permit application fee must pay the fee even if the source is not ultimately issued a permit.

In September 2006, NDEQ proposed several changes for adoption by the EQC. Many of the changes were minor revisions to complete the major revision of rules governing the Prevention of Significant Deterioration (PSD) program that were adopted in September 2005. In addition, a revision to Chapter 15 allows changes in a facility's equipment configuration without a permit revision under certain circumstances. Another revision, to Chapter 17, requires a source to pay a construction permit application fee when requesting a significant permit revision. A change in Chapter 34 clarifies NDEQ's authority to order facilities to conduct testing when the Department deems it necessary.

A new chapter, Chapter 43, was proposed and adopted by the EQC in September 2006. It is titled "Visibility Improvement" and it provides the authority for NDEQ to comply with the 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.

On December 15, 2006, the Nebraska Attorney General ruled that certain amendments to Title 129 adopted by the Environmental Quality Council at its September 2006 meeting did not receive adequate public notice. Therefore, the Attorney General rejected the entire package of regulatory changes adopted by the EQC in September 2006.

In June 2007, the NDEQ plans to re-propose the entire package adopted by the EQC in September 2006, with minor revisions. In addition, New Source Performance Standards (NSPS), Subparts EEEE and FFFF, relating to Other Solid Waste Incinerators, will be proposed for adoption by reference. Rules may be proposed that would allow Nebraska to comply with the federal Clean Air Mercury Rule.

Federal Air Quality Regulatory Actions August 2006 – February 2007

The following table lists the actions the U.S. Environmental Protection Agency (EPA) has taken on air quality regulations from August 2006 – February 2007. You can find more detailed information related to these actions on EPA's website at http://www.epa.gov/fedrgstr/EPA-AIR/.

Date	Rule	Action & Summary
8/17/06	**40 CFR Part 63 Subpart T -** National Emission Standards for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning	Proposed rule to revise standards to limit emissions of methylene chloride (MC), perchloroethylene (PCE), and trichloroethylene (TCE) from existing and new halogenated solvent cleaning machines.
8/22/06	**40 CFR Parts 72 & 75 –** Continuous Emission Monitoring Requirements	Proposed revisions to address implementation issues and updates in data reporting. The revisions do not impose significant new requirements for sources.
9/6/06	**40 CFR Parts 63, 264, & 266 –** NESHAP for Hazardous Waste Combustors	Proposed rule to address reconsideration petition. Proposed revisions to clarify compliance and monitoring requirements.
9/8/06	**40 CFR Parts 60, 62, & 63** – New Source Performance Standards (NSPS), Emission Guidelines, and NESHAP for Municipal Solid Waste Landfills	Proposed amendments to clarify what constitutes treated landfill gas, who is responsible for compliance activities where multiple parties are involved in the ownership or operation of a landfill and the associated landfill gas collection, control, and/or treatment systems, and revisions regarding startup, shutdown, malfunction, and routine maintenance.

Date	Rule	Action & Summary
9/14/06	**40 CFR Parts 51 & 52** - Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR)	Proposed amendments to the debottlenecking and aggregation portions of PSD & NSR. Proposal to: change how emissions from units upstream or downstream from the change are included in the calculation; to clarify and codify EPA's aggregation policy; and how emissions decreases are included in a significant emissions increase decision.
9/21/06	**40 CFR Part 63 Subpart M –** NESHAP for Perc Dry Cleaners	Correction to Thursday, July 27, 2006 rule making to make the following correction: to Sec. 63.323 On page 42745, in the third column, in Sec. 63.323(b)(1), in the fifth line, ``25 parts per million'' should read ``± 25 parts per million``.
9/21/06	**40 CFR Parts 51 & 60 –** Methods for Measurement of Visible Emissions	This action finalizes Methods 203A, 203B, and 203C for determining visible emissions using data reduction procedures that are more appropriate for State Implementation Plan rules than Method 9, the method currently used.

Date	Rule	Action & Summary
10/4/06	**40 CFR Part 63 Subpart HHHHH** – NESHAP for Miscellaneous Coating Manufacturing	Final amendments clarifying that coating manufacturing means production of coatings using operations such as mixing & blending. The amendments extend the compliance date for certain coating manufacturing equipment. The amendments also clarify that operations by end users that modify a purchased coating prior to application at the purchasing facility are exempt.
10/6/06	**40 CFR Part 63 Subparts DDDDDD, EEEEEE, FFFFFF, GGGGGG –** NESHAPs for Area Sources: Polyvinyl Chloride & Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, and Primary Nonferrous Metals	Proposed rules for area sources. EPA is not proposing any new rules to cover these area sources except secondary copper smelting. For secondary copper smelting, EPA is proposing a standard for new sources.
10/13/06	**40 CFR Part 51 –** Regional Haze Regulations	Final rule revisions governing alternatives to Source-Specific Best Available Retrofit Technology (BART) Determinations.
10/17/06	**40 CFR Part 50 –** National Ambient Air Quality Standards for Particulate Matter (PM)	Final rule revising PM primary and secondary standards. With regard to primary standards for fine particles (PM2.5), EPA is revising the level of the 24-hour & retaining the annual standard. With regard to primary standards for PM10, EPA is retaining the 24-hour and revoking the annual standard. The secondary PM standards are identical to the primary PM standards, as revised.
10/19/16	**40 CFR Part 63 Subpart BBBBB –** NESHAP for Semiconductor Manufacturing	Proposed amendments to clarify emission requirements for process vents. The MACT floor is no control for existing sources.
10/23/06	**40 CFR Parts 51 & 52 –** Prevention of Significant Deterioration and New Source Review	Public hearing announcement for debottlenecking, aggregation and project netting rule. Hearing will be held 11/6/06.
10/25/06	**40 CFR Part 63 Subpart EEE –** NESHAP for Hazardous Waste Combustors	Final rule amendment suspending the obligation of new cement kilns to comply with the particulate matter standard until EPA takes final action on this proposal.

Date	Rule	Action & Summary
11/6/06	**40 CFR Part 63 Subpart WWWWW –** NESHAP for Hospital Ethylene Oxide Sterilizers	Proposed rule for new and existing hospital sterilizers that emit hazardous air pollutants and are area sources. Two alternatives proposed: a generally available management practice requirement or no generally available control technologies or management practices.
11/7/06	**40 CFR Part 60 Subparts VV and GGG** – NSPS for VOC Equipment Leaks for Synthetic Organic Chemical Mfg. and Petroleum Refineries	Proposed amendments to increase stringency of the definition of leaks for pumps and valves. Proposing several technical clarifications and corrections to existing provisions that would apply to all sources.
11/9/06	**40 CFR Part 63 Subpart BBBBBB –** NESHAP for Gasoline Distribution Bulk Terminals, Bulk Plants, Pipeline Facilities, and Gasoline Dispensing Facilities	Proposed rule to address area sources. The first alternative proposes emission standards for bulk gasoline terminals, pipeline facilities, and bulk gasoline plants. The second alternative is identical to the first alternative, except that it also proposes emission standards for gasoline dispensing facilities.
11/24/06	**40 CFR Part 60 Subparts EEEE & FFFF –** NSPS & Emission Guidelines for Other Solid Waste Incinerators	Final rule amendment to correct the averaging time for measuring opacity.
11/29/06	**40 CFR Part 63 Subpart GGGGG** – NESHAP for Site Remediation	Final rule amendment revises specific provisions in the rule to resolve issues and questions subsequent to promulgation; correct technical omissions; and correct typographical, cross-reference, and grammatical errors.
12/6/06	**40 CFR Part 63 Subpart DDDDD –** NESHAP for Industrial, Commercial, & Institutional Boilers & Process Heaters.	Final rule amendments to improve and clarify procedures for implementing the emissions averaging provision and for conducting compliance testing when vented to a common stack. Also, clarifying several definitions & modified some of regulatory language that was proposed.
12/13/06	**40 CFR Parts 51, 96, &** 97 - Clean Air Interstate Rule (CAIR) and Federal Implementation Plans for CAIR	Final rule amendment corrects typographical errors, makes minor word corrections, and corrects or provides more specificity in references to other paragraphs or sections within the regulatory text. It does not make any substantive changes to the CAIR or CAIR FIPs.

Date	Rule	Action & Summary
12/14/06	**40 CFR Part 82 –** Protection of Stratospheric Ozone	Final rule authorizing uses that will qualify for the 2007 critical use exemption and the amount of methyl bromide that may be produced, imported, or supplied from inventory for those uses in 2007.
12/14/06	**40 CFR Part 63 Subpart T-** NESHAP for Halogenated Solvent Cleaning	Notice of data availability from comments received for proposed rule issued 8/17/06.
12/19/06	**40 CFR Part 51** - Phase 2 of the Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard	EPA is announcing its decision to reconsider and take additional comment on three provisions in the final Phase 2 8-hour ozone implementation rule dealing with CAIR, RACT, & NSR.
12/20/06	**40 CFR Part 63 Subpart LLL –** NESHAP for Portland Cement Manufacturing	Final rule amendments due to a request for reconsideration to address standards for hydrogen chloride, mercury, total hydrocarbons, and HAP metals.
12/20/06	**40 CFR Part 63 Subpart LLL –** NESHAP for Portland Cement Manufacturing	EPA is announcing that it is reconsidering the new source standards for mercury and for total hydrocarbons (THC) which are part of the NESHAP published on December 20, 2006.
12/21/06	**40 CFR Part 63 Subparts F & G –** NESHAP for Synthetic Organic Chemical Manufacturing	Final rule addressing the residual risk requirements. EPA is not imposing further controls and not revising the existing. It also amends the existing regulations for clarification related to: removing methyl ethyl ketone from the rule; group status changes from wastewater; and vapor balancing for storage tanks.
12/22/06	**40 CFR Part 63 Subparts IIII, MMMM, & PPPP –** NESHAPs for Auto & Light Duty Truck, Miscellaneous Metal Parts, and Plastic Parts Surface Coating	Direct final rule amendments to include heavier vehicles under the Auto & Light Duty Truck rule. Amendments were also made to the NESHAPS for Miscellaneous Metal Parts Surface Coating and Plastic Parts Surface Coating to maintain consistency between the rules.
12/22/06	**40 CFR Parts 60, 62, 72, and 78 –** NSPS, Emission Guidelines, Federal Plans, and Acid Rain	Proposed rule for electric utilities located in states that have not adopted the federal Clean Air Mercury Rule.
12/26/06	**40 CFR Parts 60, 62, 72, and 78 –** NSPS, Emission Guidelines, Federal Plans, and Acid Rain	Announcing public hearing for Clean Air Mercury federal plan proposed 12/22/06. Hearing will be held 1/18/07.

Date	Rule	Action & Summary
12/29/06	**40 CFR Part 63 Subpart II –** NESHAP for Ship Building and Repair (surface coating operations)	Final rule amendment to close an unintended gap in the scope of activities subject to the NESHAP by amending the definition of "ship." Those subject to 40 CFR Part 63 Subpart VVVV for boat manufacturing would not be subject to both rules.
1/3/07	**40 CFR Part 63 Subpart A-** NESHAP General Provisions	Proposed rule addressing "Once In, Always In" EPA policy found in John Sietz memo "Potential to Emit for MACT Standards – Guidance on Timing Issues" dated 5/16/95. 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.
1/3/07	**40 CFR Part 63 Subpart HH –** NESHAP for Oil and Natural Gas Production Facilities	Final rule amendments for area sources. The rule addresses benzene emissions 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.
1/22/07	**40 CFR Part 60 Subparts EEEE & FFFF –** NSPS & Emission Guidelines for Other Solid Waste Incinerators	Final action for 6/28/06 reconsideration concerning whether to include sewage sludge incinerators in the rule. EPA has concluded that no changes to the rule will be made as a result of the reconsideration.
1/23/07	**40 CFR Part 63 Subparts DDDDDD, EEEEEE, FFFFFF, & GGGGGG -** NESHAPs for Area Sources: Polyvinyl Chloride & Copolymers, Primary Copper Smelting, Secondary Copper Smelting, & Primary Nonferrous Metals	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 in each of these area source categories.

Date	Rule	Action & Summary
2/6/07	**40 CFR Part 60 Subparts Ce & Ec –** NSPS & Emission Guidelines for Hospital, Medical, Infectious Waste Incinerators	Proposed rule revisions in response to a court order. NSPS emission limit revisions are proposed for CO, Pb, Cd, Hg, PM, SO_2, NO_x, HCL, and CDD/CDF. Revisions to testing and monitoring requirements have also been proposed.
2/9/07	**40 CFR Part 60 Subparts D, Da, Db, & Dc –** NSPS for Fossil Fuel-Fired Steam Generators	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.
2/26/07	**40 CFR Parts 59, 80, 85, & 86 –** Mobile Sources	Final rule to control hazardous air pollutant emissions from gasoline, passenger vehicles, & fuel containers (gas cans).
2/27/06	**40 CFR Part 63 Subpart II –** NESHAP for Ship Building and Repair (surface coating operations)	Withdrawal of direct final rule published 12/29/06 due to adverse comments. Public comment period is reopened for 60 days.

Air Quality Criss Cross Answers