



# Nebraska Department of Environmental Quality

The Nebraska Department of Environmental Quality (NDEQ) Air Division is proposing several changes to the Title 129 – Nebraska Air Quality Regulations at the June 2013 EQC meeting. These proposals will have a public hearing and will be presented to the Nebraska Environmental Quality Council on June 20, 2013 for approval. The NDEQ intends to submit the proposals for public comment in May, 2013. The draft regulatory language may be found on the Air News Page of the NDEQ website at: [AirNews Page Title 129 Proposed Changes](#).

The Air Division will host an open house meeting in early May to answer any questions and receive any input interested persons may have on the proposed changes. Details of the meeting will be forthcoming. Comments/questions may be sent to [ndeg.airquality@nebraska.gov](mailto:ndeg.airquality@nebraska.gov) referencing June 2013 EQC rulemaking package. If you would like to speak with someone about the proposal, you may contact Brian Kozisek, Grants, Planning and Outreach Supervisor or Shelley Schneider, Division Administrator at 402-471-2189.

The following is a summary of the proposed changes:

## Chapter 1

1. Remove the list of exempt organic compounds that are not classified as volatile organic compounds (VOCs) in section 160 and replace the language with a reference to the Code of Federal Regulations (CFR) which contains the listing of exempt organic compounds that are not classified as VOCs. The listing in section 160 is intended to mirror the CFR, but it has become outdated and as compounds can be added or removed from the CFR without notice, referencing the CFR in section 160 will ensure that Chapter 1 is always accurate.
2. Reformat the numbering in section 024 and 053 to make the formatting consistent with the remainder of Chapter 1.
3. Correct numbering, formatting, and minor typographical errors.

## Chapter 4

1. Reformat the entire chapter to make each standard clearer. The level, averaging time, and form of each standard are now plainly stated to ensure that they are easily compared with the federal standards. The standards are written to match the federal standards. The only standard we are not proposing to update to is the PM<sub>2.5</sub> standard. That will be done at a later date.

2. The standard levels for all gaseous air quality standards (i.e. carbon monoxide, nitrogen dioxide, ozone, and sulfur dioxide) are identified in “micrograms per cubic meter” in Title 129. However this nomenclature is not equivalent to the federal standards. The correct nomenclature is “parts per million” or “parts per billion” as the federal standards do not assume a standard temperature and pressure for gaseous emissions. The proposal will amend the standards for gaseous air quality standards to the correct “parts per million” or “parts per billion” nomenclature to ensure that they match the federal standards.
3. Update the sulfur dioxide standard to remove the revoked annual arithmetic mean and 24-hour standards and replace them with the current 1-hour standard.
4. Remove the “secondary standard” notation for carbon monoxide as there is not a federal secondary carbon monoxide standard.
5. Remove the revoked 1-hour standard for ozone, add the 2008 8-hour standard, and specify that there are currently two 8-hour ozone standards in effect, the 1997 standard and the 2008 standard.
6. Update the lead standard to the current level of 0.15 micrograms per cubic meter and update the averaging time and form of the standard.
7. Update the reference to the method of attainment of each standard in the CFR.
8. Correct formatting and minor typographical errors.

#### Chapter 19

1. Remove the air quality analysis threshold for PM<sub>2.5</sub> in section 016.07A3 and remove the significant impact levels (SIL) for PM<sub>2.5</sub> in section 018.02. These changes are due to a January 22, 2013 decision by the District of Columbia Circuit Court of Appeals which vacated and remanded, in part, the EPA’s regulations regarding these types of analysis. This proposal will bring Title 129 into compliance with current EPA regulations. If these changes are not adopted, the Nebraska rules would be less stringent than the federal rules. EPA would likely find any state implementation plan (SIP) submittals with these provisions deficient and not approvable.
2. Remove the word “not” before “incomplete” in sections 23.01 and 23.02. This will correct both sections as to the intent of the regulations.
3. Correct minor formatting the typographical errors.

#### Chapter 22

1. Correct minor formatting and typographical errors.

## Chapter 28

1. Update the effective date of the CFR in section 001. This effectively incorporates all amendments to National Emission Standards for Hazardous Air Pollutants (NESHAPs) through July 1, 2012 into Title 129.
2. Add missing descriptive language to sections 001.87 and 001.88.

## Changes NOT Being Proposed in June

At this time, the NDEQ is not proposing amendments to Chapters 1, 20, and 22 in Title 129 which would finalize the implementation of the federal air quality program related to fine particulate matter (PM<sub>2.5</sub>) in construction permitting program, and provide further clarity in particulate matter-related definitions (i.e. condensables) consistent with the federal program. On January 4, 2013, the District of Columbia Circuit Court of Appeals ruled that the 2007 PM<sub>2.5</sub> NAAQS Implementation Rule and the 2008 NSR/Prevention of Significant Deterioration (PSD) rule for the 1997 PM<sub>2.5</sub> NAAQS should have been implemented per PM<sub>10</sub> nonattainment area requirements (Subpart 4), not the general nonattainment area requirements (Subpart 1). This ruling does not affect the status of the current PM<sub>2.5</sub> standard, but instead affects the implementation of the PM<sub>2.5</sub> standard. The Court remanded the implementation rule back to EPA. The changes to the implementation rules could affect attainment areas as well as nonattainment areas, specifically with regard to how precursors are addressed through the permitting program. Because NDEQ does not yet know how these rules will be changed, we have decided to postpone proposing revisions to Chapters 1, 20, or 22 in Title 129 with regard to implementing changes to the NSR program for PM<sub>2.5</sub> until the EPA has completed their rulemaking on this issue or provided further guidance to the states.