



## RESPONSE TO EARLY PUBLIC INPUT FOR THE DRAFT TITLE 129 RULEMAKING PACKAGE

The Nebraska Department of Environmental Quality (NDEQ) held an outreach session on May 3rd, 2013 for stakeholders interested in hearing about changes planned for the Title 129 - Air Quality Regulations at the June 20, 2013, Environmental Quality Council hearing in South Sioux City. The preliminary draft of Title 129 was placed on the NDEQ website in mid-April.

Approximately 1200 people were notified that the draft proposal was available for review and the date of the Open House through an email listserv. Stakeholders could join the Open House by attending in-person or through a conference call. There were over 40 participants who attended the meeting and conference call.

The NDEQ appreciates the feedback and input from the interested stakeholders. This document provides responses to the input received. Questions regarding this response summary can be sent to [ndeq.airquality@nebraska.gov](mailto:ndeq.airquality@nebraska.gov).

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**Comment 1:** There may be an error in the proposed changes to Title 129, Chapter 1. Under 018.04, "34" is being replaced with "11". My guess is that it's supposed to be "112".

**Response:** Yes. Thank you for finding the error.

**Changes:** Corrected as appropriate.

**Comment 2:** Effective December 14, 2012, Primary and secondary standards for PM2.5 annual are no longer the same (Primary standard of 12 ug/m3 and secondary standard of 15 ug/m3). Refer the following website for details.  
<http://www.epa.gov/air/criteria.html>.

This change has not been reflected in the proposed changes to Chapter 4, Section 001.02. Because we are using primary standard of 12 ug/m3 of PM2.5 annual for modeling, I think it need to be updated in Title 129 as well.

**Response:** Thanks for the feedback. NDEQ has decided to wait to update the new PM2.5 standard in Chapter 4. It is typically NDEQ's practice to wait at least a



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year after a new NAAQS standard is released before incorporating it into Title 129. The standard in Chapter 4 doesn't affect the applicability of the NAAQS standard, however. Nebraska is still required to monitor for compliance with the revised standard. The NDEQ is also required assure new and modified sources will not interfere with attainment or maintenance of any NAAQS (Title 129 Chapter 17 007).

**Changes:** No changes.

**Comment 3:** A few comments were made during the open house regarding the proposal to remove the SILs/SMCs for PM<sub>2.5</sub> from Chapter 19. During the meeting, concerns were raised that removal of the provisions was premature. Two commenters submitted suggested language in an attempt to resolve their concerns specifically relating to SILs while trying to preserve the ability for NDEQ to retain an approvable SIP.

**Response:** We appreciate the effort by commenters to resolve concerns by suggesting language changes. NDEQ was proposing to remove the provisions due to a court decision so that two infrastructure SIPs and a PSD SIP could move forward for EPA approval. Since the May 3, 2013 open house, NDEQ discussed the concerns raised at the open house with EPA and has found an alternative path forward for SIP approval without removing the SILs/SMCs from Title 129 at this time.

**Changes:** The changes to Chapter 19 will be removed from the June 2013 package. No changes to the SILs/SMCs will be made at this time.

**Comment 4:** There seems to be an error in the form of the 1997 ozone standard. The form should be annual fourth-highest daily maximum 8-hour concentration averaged over 3 years.

**Response:** Yes. Thank you for finding the error.

**Changes:** Corrected as indicated by the commenter.

**Comment 5:** A commenter asked NDEQ to reconsider establishing a separate section for the definition of "applicable requirements under the Act" in Chapter 1. The commenter stated they understood NDEQ needed this change in order to place



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binding requirements into permits before a regulation was formally adopted through the EQC rulemaking procedures.

**Response:** The change being proposed was to clean up a formatting error. The proposed change would not create any new authorities. The definition “applicable requirements under the Act” currently exists in Chapter 1 as a definition. The formatting change is not essential and is not needed to be done at this time. The correction will be pulled from the package.

**Changes:** The formatting error is not needed at this time. The correction will be pulled from the package.

**Thank you to all those who commented!**