

NEBRASKA ADMINISTRATIVE CODE

Title 129 – Department of Environmental Quality

Chapter 9 – GENERAL ~~OPERATING~~ PERMITS ~~FOR CLASS I AND II SOURCES~~

001 If the Director determines that numerous similar sources are subject to identical regulatory requirements, the Director may issue a general permit following the procedures specified in this Chapter and the applicable procedures of Chapters 13, 14, and ~~4417~~. The Director shall not issue general permits for affected sources under the acid rain program.

002 If the Director, in his or her discretion, determines a general permit is appropriate, he or she shall initiate issuance of a general permit by publication of a notice which identifies the criteria for sources that qualify for the general permit. The notice shall be published in a newspaper with statewide circulation and shall announce the availability of a draft general permit for public review and comment for thirty (30) days.

003 The public notice of the draft general permit shall contain:

003.01 Name, address, and telephone number of the Department;

003.02 A brief description of the activities and/or operations addressed by the permit;

003.03 A statement of the criteria for sources that qualify for the permit;

003.04 A brief description of the comment procedures and the time and place of any hearing if already scheduled, including the procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final general permit decision; and

003.05 The name, address, and telephone number of the person from whom interested persons may obtain further information, and inspect and copy forms and related documents.

004 Any interested person shall have thirty (30) days from issuance of the public notice within which to provide the Director with any written comments concerning the draft general permit and/or request a public hearing in writing. ~~Such 30 day period may be extended by the Director. The Director may extend the thirty (30) day period.~~

Effective Date:

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~~005~~ The Director will determine if any information or public comment ~~is~~ received during the comment period ~~which appears to raise is~~ substantial ~~issues concerning the draft general permit, the Director and~~ may formulate a new draft general permit to supersede the original draft general permit. Any new draft general permit will be subject to a thirty (30) day public notice period which may be extended at the Director's discretion. ~~which supersedes the original draft general permit and may, if necessary, republish the public notice.~~

~~006~~ Following the close of the public comment period and any public hearing, the Director shall ~~may~~ issue ~~a the~~ general permit.

~~006.01~~ The Director shall include in ~~the~~ general operating permit: ~~all applicable requirements applicable to~~

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~~006.01A~~ all applicable requirements pertinent to ~~the~~ Class I ~~or Class II~~ operating permits, if the source category includes Class I sources; or

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~~006.01B~~ , and all ~~applicable other~~ requirements applicable ~~pertinent~~ to Class II operating permits, if the source category includes Class II sources.

~~005.04~~~~006.02~~ The Director shall include in a general construction permit any stationary source or emission unit for a general construction permit, such that there is a net increase in potential emissions at the stationary source equal to or exceeding the levels identified in Chapter 17.

~~007~~ The owner of a ~~S~~sources that qualifies for a general permit must apply to the Department for coverage under the terms of the applicable general permit. Each application shall include all information necessary to determine qualification for, and to assure compliance with, the applicable general permit. The Department may request additional information as necessary. The owner of a source must apply by:

~~007.01~~ submitting an application in accordance with Chapter 7 ~~for a general operating permit;~~ or

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~~007.02~~ submitting ~~an application, along with the appropriate application fee in accordance with Chapter 17, for a general construction permit. that~~

~~006~~ The application shall include all information necessary to determine qualification for, and to assure compliance with, the general permit. The Department may request additional information as necessary.

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~~007~~~~008~~ The Director shall notify ~~a source the owner the applicant~~ of the final determination ~~that whether or not~~ the source qualifies and is covered under the general permit or not. If the Director denies coverage of the source under the general permit, the ~~source applicant~~ may request an adjudicative hearing in accordance with the procedures established in Title 115, Rules of Practice and Procedure.

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Title 129

Chapter 9

~~008009~~ The Director may issue coverage under a general permit to an individual source without repeating the notice and comment procedures required under ~~s~~Sections 001 through 006 of this Chapter. The Department shall maintain a list of all sources covered by general permits, which list shall be available for public review.

~~009010~~ The owner of Aa source that obtains a general permit shall be subject to enforcement action for operation without a Class I or Class II operating permit or a construction permit if the source is later determined not to qualify for the terms and conditions of the general permit.

~~010011~~ If some, but not all of a source's operations, activities, and emissions are eligible for coverage under one or more general permits, the ~~source owner~~ may apply for ~~and receive~~ coverage under one or more general permits for the operations, activities, and emissions that are so eligible. If ~~the source a permit~~ is required under Chapter 5 to ~~obtain a permit~~ addressing the remainder of ~~its~~ operations, activities, and emissions at a source, it the owner may apply for ~~and receive~~ a permit, or register for coverage under a permit-by-rule for any facilities for which such permit-by-rule is available and approvable, that addresses those items not covered by general permits. In such a case, the permit applicant must identify all operations, activities, and emissions that are subject to general permits or permits-by-rule. The Class I or Class II operating permit or construction permit shall identify any general permits or permits-by-rule which have been issued or approved.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 9, Nebraska Department of Environmental Quality

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