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Governor

STATE OF NEBRASKA

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To: Interested Parties of Nebraska's Regional Haze Efforts

From: Shelley Kaderly
Air Quality Division Administrator
Nebraska Department of Environmental Quality

Date: Friday, June 13, 2008

RE: Establishment of Regional Haze Webpage

The purpose of this memorandum is to inform parties that may have interest in the State of Nebraska's regional haze efforts that a webpage has been created to easily distribute information. This website currently contains information regarding the regional haze regulations and information about two sources in Nebraska that were determined to be subject to Best Available Retrofit Technology (BART) requirements. In the weeks to come, permitting documents that are available for public comment regarding the BART sources as well as the draft Regional Haze State Implementation Plan (SIP) will be placed on this webpage. Hard-copy versions of these documents will not be sent unless requested. If you would like an email notification when additional items are added to the webpage and your email address is not listed in the "Contact Information" on the following pages, please send your email address to Sara Speser at sara.speser@ndeq.state.ne.us.

You may view the webpage at: http://10.2.36.3/AirDivis.nsf/Pages/Haze.

If you or your staff have questions regarding this webpage or the BART portion of the regional haze program, please contact Sara Speser. Please refer questions regarding the Regional Haze SIP to Beverly Kellison at beverly.kellison@ndeq.state.ne.us. You may also reach any of us by phone at (402) 471-2189.

Sincerely,

Shelley Kaderly
Air Quality Division Administrator, NDEQ

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Contact Information

The following individuals or entities have expressed interest in Nebraska's Regional Haze efforts. This memorandum has been sent to each of the following interested parties via certified mail.

States

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Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 43 – VISIBILITY PROTECTION

001 Code of Federal Regulations, Title 40, part 51.301 (Definitions), as amended, is incorporated by reference. Appendix Y (Guidelines for BART Determinations Under the Regional Haze Rule) of 40 CFR 51, is incorporated by reference.

002 The owner or operator of a stationary source shall submit a Best Available Retrofit Technology (BART) determination to the Department if the Department determines the stationary source is subject to BART according to 40 CFR 51, Appendix Y. The owner or operator shall prepare the BART determination in accordance with Appendix Y of 40 CFR 51 as directed by the Director. The owner or operator of a stationary source shall submit the BART determination to the Department for review. The Department will issue a permit to the source, pursuant to section 003, giving consideration to the source's BART determination.

003 The BART requirements for any BART-eligible source that is subject to BART shall be incorporated into a construction permit in accordance with Chapter 17, section 014.04.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)
Legal Citation: Title 129, Ch. 43, Nebraska Department of Environmental Quality

source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

014 Any source not required to obtain a construction permit pursuant to 001 may request a construction permit to be issued in the manner prescribed by 002 through 013 for the following purposes:

014.01 Establishing enforceable limits to avoid otherwise applicable requirements under the provisions of Title 129.

014.02 Revising existing construction permits to incorporate significant permit revisions as defined in Chapter 15.

014.03 Establishing a PAL pursuant to the provisions of Chapter 19 of Title 129. The construction permit used to establish a PAL must include the information and conditions listed in Chapter 19, section 011.06.

014.04 Establishing a Best Available Retrofit Technology (BART) permit or other permit required to reduce visibility impairment in a Class I Federal area pursuant to the provisions of Chapter 43.

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

Legal Citation: Title 129, Ch. 17, Nebraska Department of Environmental Quality