

Cross Walk of Section 308 Requirements

40 CFR 51.308(d) sets out the core requirements for the Regional Haze State Implementation Plan (SIP)

Nebraska meets these core requirements as follows:

40 CFR 51.308(d)(1) Reasonable progress goals. For each mandatory Class I Federal area located within the State, the State must establish goals (expressed in deciviews) that provide for reasonable progress towards achieving natural visibility conditions. The reasonable progress goals must provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same period.

Nebraska has no Class I Federal areas within its borders and has not been included by any state in the reasonable progress goals for a Class I Federal area in any state. Therefore, Nebraska has no requirements under this section.

40 CFR 51.308(d)(2) Calculations of baseline and natural visibility conditions: For each mandatory Class I Federal area located within the State, the State must determine the following visibility conditions (expressed in deciviews):

Nebraska has no Class I Federal areas within its borders. Therefore, Nebraska has no requirements under this section.

40 CFR 51.308(d)(3) Long-term strategy for regional haze. Each State listed in §51.300(b)(3) must submit a long-term strategy that addresses regional haze visibility impairment for each mandatory Class I Federal area within the State and for each mandatory Class I Federal area located outside the State which may be affected by emissions from the State. The long-term strategy must include enforceable emissions limitations, compliance schedules, and other measures as necessary to achieve the reasonable progress goals established by States having mandatory Class I Federal areas. In establishing its long-term strategy for regional haze, the State must meet the following requirements:

40 CFR 51.308(d)(3)(i) Where the State has emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I Federal area located in another State or States, the State must consult with the other State(s) in order to develop coordinated emission management strategies. The State must consult with any other State having emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I Federal area within the State.

The Nebraska Department of Environmental Quality has notified its counterparts in nearby states with Class I Federal areas of the availability on its website of the results of its assessment of and compliance with the requirements for Best Available Retrofit Technology regulations. The NDEQ's letter of notification also offers to consult with anyone to whom the letter was addressed. (attached)

Nebraska's participation in other state's consultation processes is discussed in Section 11 of the SIP document.

40 CFR 51.308(d)(3)(ii) Where other States cause or contribute to impairment in a mandatory Class I Federal area, the State must demonstrate that it has included in its implementation plan all measures necessary to obtain its share of the emission reductions needed to meet the progress goal for the area. If the State has participated in a regional planning process, the State must ensure it has included all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process.

Nebraska participated in a regional planning process through CENRAP. Within the CENRAP region, no state identified a need for beyond-the-BART determination reductions that Nebraska identified. Nebraska responded to information requests from South Dakota to provide information on potential impacts from Nebraska sources on the Badlands and/or Wind Cave National Park. Information based on modeling of emissions from NPPD Gerald Gentleman Station was provided to South Dakota Department of Environment and Natural Resources. South Dakota included Nebraska's BART determinations into their SIP proposal. No additional measures from South Dakota have been requested. See Section 11 of the Nebraska proposed SIP for additional information.

40 CFR 51.308(d)(3)(iii) The State must document the technical basis, including modeling, monitoring and emissions information, on which the State is relying to determine its apportionment of emission reduction obligations necessary for achieving reasonable progress in each mandatory Class I Federal area it affects. The State may meet this requirement by relying on technical analyses developed by the regional planning organization and approved by all State participants. The State must identify the baseline emissions inventory on which its strategies are based. The baseline emissions inventory year is presumed to be the most recent year of the consolidated periodic emissions inventory.

Nebraska participated in a regional planning process through CENRAP. Emissions Inventory information is discussed in Section 8 of the proposed SIP.

40 CFR 51.308(d)(3)(iv) The State must identify all anthropogenic sources of visibility impairment considered by the State in developing its long-term strategy. The State should consider major and minor stationary sources, mobile sources, and area sources.

Nebraska's emissions inventory is discussed in Section 8 of the proposed SIP. The BART determinations are discussed in Section 10 and the long term strategy is discussed in Section 11.

40 CFR 51.308(d)(3)(v) The State must consider, at a minimum, the following factors in developing its long-term strategy. (A) Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (B) Measures to mitigate the impacts of construction activities; (C) Emissions limitations and schedules for compliance to achieve the reasonable progress goal; (D) Source retirement and replacement schedules; (E) Smoke management techniques for agricultural and forestry management purposes including plans as

currently exist within the State for these purposes; (F) Enforceability of emissions limitations and control measures; and (G) The anticipated net effect on visibility due to projected changes in point, area and mobile source emissions over the period addressed by the long-term strategy.

Each of the above requirements is discussed in Section 11 of the proposed SIP.

40 CFR 51.308(d)(4)(v) A statewide inventory of emissions that are reasonably anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal area. The inventory must include emissions for a baseline year, emissions for the most recent year for which data are available, and estimates of future projected emissions. The State must also include a commitment to update the inventory periodically.

Nebraska's emissions inventory baseline year, 2002 may be found as an Appendix to Section 8.

Nebraska's most recent consolidated inventory is discussed in Section 8, with a reference to where to find the inventory data.

Nebraska's projected emissions inventory for 2018 may be found as an Appendix to Section 8.

Nebraska's commitment to updating its emissions inventory in accordance with AERR regulations may be found in Section 8.

40 CFR 51.308(e) Best Available Retrofit Technology (BART) requirements for regional haze visibility impairment. The State must submit an implementation plan containing emission limitations representing BART and schedules for compliance with BART for each BART-eligible source that may reasonably be anticipated to cause or contribute to any impairment of visibility in any mandatory Class I Federal area, unless the state demonstrates that an emissions trading program or other alternative will achieve greater reasonable progress toward natural visibility conditions.

40 CFR 51.308(e)(1) To address the requirements for BART, the State must submit an implementation plan containing the following plan elements and include documentation for all required analyses.

40 CFR 51.308(e)(1)(i) A list of all BART-eligible sources within the State.

The list of all BART-eligible sources within the State may be found in Section 10.

40 CFR 51.308(e)(1)(ii) A determination of BART for each BART-eligible source in the State that emits any air pollutant which may reasonably be anticipated to cause or contribute to any impairment of visibility in any mandatory Class I Federal area All such sources are subject to BART.

(A) The determination of BART must be based on an analysis of the best system of continuous emission control technology available and associated emission reductions achievable for each BART-eligible source that is subject to BART within the State. In this analysis, the State must take into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

Only two BART-eligible sources (OPPD at Nebraska City Unit #1 and NPPD at Sutherland Units #1 and #2) were determined to be subject to BART. See Section 10 and Appendices for detailed discussions of the BART analysis and the control technology to be installed and operated for the purpose of visibility impairment reduction at these sources.

40 CFR 51.308 (e)(1)(B) The determination of BART for fossil-fuel fired power plants having a total generating capacity greater than 750 megawatts must be made pursuant to the guidelines in Appendix Y of this part (Guidelines for BART Determinations Under the Regional Haze Rule).

BART for fossil-fuel fired power plants was determined pursuant to the guidelines in 40 CFR 51, Appendix Y. NPPD met this minimum megawatt requirement, OPPD did not. See Section 10 and Appendices of this document for details.

40 CFR 51.308 (e)(1)(C) Exception. A State is not required to make a determination of BART for SO₂ or for NO_x if a BART-eligible source has the potential to emit less than 40 tons per year of such pollutant(s), or for PM₁₀ if a BART-eligible source has the potential to emit less than 15 tons per year of such pollutant.

It was not necessary to invoke this exception.

(iii) If the State determines in establishing BART that technological or economic limitations on the applicability of measurement methodology to a particular source would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, to require the application of BART. Such standard, to the degree possible, is to set forth the emission reduction to be achieved by implementation of such design, equipment, work practice or operation, and must provide for compliance by means which achieve equivalent results.

It was necessary to utilize this option in Nebraska. See Section 10.

(iv) A requirement that each source subject to BART be required to install and operate BART as expeditiously as practicable, but in no event later than 5 years after approval of the implementation plan revision.

See Section 10. The BART permits issued to NPPD-Gerald Gentleman Station and OPPD-Nebraska City Station Unit 1, in accordance with Title 129, Nebraska Administrative Code, Chapter 43 and Chapter 17, section 014.04, include this provision. See Part D, Attachment 6: Title 129, Chapter 43; and Part D, Attachment 7: Title 129, Chapter 17, section 014.04.

(v) A requirement that each source subject to BART maintains the control equipment required by this subpart and establishes procedures to ensure such equipment is properly operated and maintained.

The BART permits issued to NPPD-Gerald Gentleman Station and OPPD-Nebraska City Station Unit 1, in accordance with Title 129, Nebraska Administrative Code, Chapter 43 and Chapter 17, section 014.04, include this provision. See Part D, Attachment 6: Title 129, Chapter 43; and Part D, Attachment 7: Title 129, Chapter 17, section 014.04.

40 CFR 51.308 (e)(2) through 40 CFR 51.308(e)(5) relate to an emissions trading program or other alternative measure that may be used by a State as equivalent to BART.

Since Nebraska has implemented BART rather than an alternative program, these regulations are not addressed in this state implementation plan.

40 CFR 51.308(e)(6) Any BART-eligible facility subject to the requirement under paragraph (e) of this section to install, operate, and maintain BART may apply to the Administrator for an exception from that requirement. An application for an exemption will be subject to the requirements of §51.303(a)(2)-(h).

No BART-eligible facility in Nebraska requested an exception.

40 CFR 51.308(f) through 40 CFR 51.308 (f)(3) Requirements for comprehensive periodic revisions of implementation plans for regional haze. Each State identified in §51.300(b)(3) must revise and submit its regional haze implementation plan revision to EPA by July 31, 2018 and every ten years thereafter. In each plan revision, the State must evaluate and reassess all of the elements required in paragraph (d) of this section, taking into account improvements in monitoring data collection and analysis techniques, control technologies, and other relevant factors.

As discussed in Section 12, Nebraska agrees to perform the comprehensive periodic review of its implementation plan for regional haze and submit its plan revision by July 31, 2018 and every ten years thereafter, evaluating and reassessing all of the elements required.

40 CFR 51.308(g) through 40 CFR 51.308(g)(7) Requirements for periodic reports describing progress towards the reasonable progress goals.

See Section 12.

40 CFR 51.308(h) through 40 CFR 51.308(g)(4) Determination of the adequacy of existing implementation plan. At the same time the State is required to submit any 5-year progress report to EPA in accordance with paragraph (g) of this section, the State must also take one of the four actions listed based upon the information presented in the progress report as to the adequacy of the existing implementation plan.

Nebraska agrees to take one of the four actions listed in 40 CFR 51.308(h), regarding the adequacy of its existing implementation plan at the same time as it prepares and submits any 5-year progress report. See Section 12.

40 CFR 51.308(i) What are the requirements for State and Federal Land Manager coordination? (1) By November 29, 1999, the State must identify in writing to the Federal Land Managers the title of the official to which the Federal Land Manager of any mandatory Class I Federal area can submit any recommendations on the implementation of this subpart including, but not limited to: (i) Identification of impairment of visibility in any mandatory Class I Federal area(s); and (ii) Identification of elements for inclusion in the visibility monitoring strategy required by §51.305 and this section.

See Section 12.

40 CFR 51.308(i)(2) The State must provide the Federal Land Manager with an opportunity for consultation, in person and at least 60 days prior to holding any public hearing on an implementation plan (or plan revision) for regional haze required by this subpart. This consultation must include the opportunity for the affected Federal Land Managers to discuss their (i) Assessment of impairment of visibility in any mandatory Class I Federal area; and (ii) Recommendations on the development of the reasonable progress goal and on the development and implementation of strategies to address visibility impairment.

Nebraska is in ongoing communication with the Federal Land Managers. On July 1, 2008, Federal Land Managers began a 60 day review period of the draft BART permits and related modeling and other materials for NPPD-Gerald Gentleman Station and OPPD-Nebraska City Station, Unit 1. On November 18, 2010, a 60-day period began for review of Nebraska's Regional Haze/BART draft state implementation plan.

See Section 10 Appendices, for comments on draft BART permits prepared by the Federal Land Managers.