

THE AIR DVD: *Chapter 2 - Operating Permits*

The federal operating permit program, known as the Title V Program, was created by the Clean Air Act Amendments of 1990 to further regulate major sources of air pollutants.

The program designed a “one stop” permit that compiles all applicable state and federal requirements, existing construction permit provisions, and recordkeeping, reporting, testing, and monitoring requirements.

Nebraska designed an operating permit program for minor sources similar to the Title V program in 1992.

If your facility needs an operating permit, you must apply for it within 12 months after your facility begins operation. Your operating permit will be valid for up to five years.

The operating permit requirements can be found in Title 129, Chapters 5 and 7 through 12.

The Nebraska operating permit program regulates both major and minor sources of air pollution. Major sources are called Class I sources and minor sources are called Class II sources.

Your facility is considered a Class I source if your annual, potential and actual emissions are greater than 100 tons of criteria pollutants, 10 tons of a single HAP, 25 tons of combined HAPs or 5 tons of lead.

Criteria pollutants include particulate matter less than 10 microns in diameter, nitrogen oxides, sulfur oxides, volatile organic compounds, and carbon monoxide.

Class I sources can operate with flexibility because there are no limits on their actual emissions. That is unless a construction permit has

established emission limitations or the source is subject to other Federal regulations, such as NSPS or NESHAP.

Class I sources pay annual fees based on their actual emissions, have stringent monitoring requirements, and additional reporting and recordkeeping requirements.

During the permit process, the public can petition the EPA with any concerns they have about a class 1 source.

Class I permits are typically reviewed by the EPA and nearby permitting authorities.

Class II sources are divided into two categories, synthetic minor and natural minor.

Your facility is a synthetic minor source if your PTE is above Class I emission levels but you requested federally enforceable limits in your permit to keep your emissions below Class I levels

Your facility is a Natural Minor source if your PTE is below the Class I emission levels and your actual emissions are above 50 percent of the Class I emission levels.

Class II sources are not required to pay emission fees and will typically have less stringent monitoring, reporting, and recordkeeping requirements.

The public doesn't have the opportunity to petition the EPA with concerns about Class II permits.

Class II sources have less operational flexibility because they must maintain their emissions below the Class I threshold.

All incinerators need to obtain an operating permit regardless of their emissions.

If your facility has potential emissions above the Class I thresholds and you can demonstrate for one year that your actual emissions are below 50% of the Class I levels, you could qualify as a Low Emitter.

In that case you would need to complete the Low Emitter worksheet and receive approval from us.

If your facility is a low emitter, you won't be issued a permit from the Department, however you are required to follow the rules in Chapter 5 of Title 129. For more information see the Fact Sheet titled "Nebraska's Low Emitter Rule."

If your facility has potential emissions below the Class I levels and your emissions are below 50% of the Class I levels, you won't need an operating permit.

In this case, you will need to keep all documentation used to calculate your potential and actual emissions on-site.

This includes the emission factors, design capacity, and control devices considered.

If control devices are considered, they must either be required by a construction permit or a regulation, like an NSPS or NESHAP.

And even though you don't need a permit, we highly encourage you to submit a letter to the NDEQ Air Quality Division describing your source and providing your calculations.

NDEQ operating permits come in three formats; general permits, individual permits, or Permits-by-Rule.

General permits are issued on a statewide basis and cover specific categories of sources. As of 2008, there are two general permits

available: one for volatile organic compounds and hazardous air pollutant evaporative loss sources and one for incinerators.

These permits are processed quickly because they don't have to go through the public notice process each time a source requests one.

Individual permits are issued to specific sources at specific locations, addressing their needs and issues. Because they are "tailor made" and go through a 30-day public notice period, individual permits take more time to develop than general permits.

If your facility qualifies, you can cover some of your sources under general permits and some under individual permits. Bear in mind, just because you are able to separate sources this way, you still have to look at the entire facility's emissions when determining whether it is a major or minor source.

Permit-by-Rules contain a set of conditions for a specific industry or unit.

As of 2008, PbRs are available for Asphalt Plants and Small Animal Incinerators. We may develop this program further in the future to include more source categories.

PbRs act as both a construction permit and an operating permit.

Under a PbR, you won't be issued a permit, but you will have to comply with Chapter 42 in Title 129 and the conditions you agreed to in your Notice of Intent.

PbR notice of intent forms are brief and standardized so you can obtain a PbR quickly and easily.

They are located on our website, along with guidance documents we've developed to help you with recordkeeping and reporting requirements.