



Nebraska Air Quality Minor Permit Revision Request Form

INSTRUCTIONS:

Nebraska Air Quality Minor Permit Revision Request Form

IMPORTANT: Do NOT use pencil to fill out the revision request form. Please type responses or print using black ink. If you have any questions, feel free to contact the Nebraska Department of Environmental Quality via the Air Quality Permitting Section at (402) 471-2189.

This form should ONLY be used for MINOR permit revisions to operating or construction permits that have been issued by the NDEQ. If a significant permit revision is needed, the permit revision should be submitted on either operating or construction permit application forms.

You MUST submit one (1) original and two (2) copies of this form to the Department.

Administrative Information

- 1) Enter the legal name of the facility as it is or will be known in Nebraska. This is the name of the facility that is physically located in Nebraska. The facility name should be identical on all the forms included in this revision request.
- 2) Enter the NDEQ facility identification number. If this is a new facility or the facility ID number is unknown, leave this box blank.
- 3-7) Enter the physical address of the facility including the county and legal description of the property (i.e. SE ¼, SW ¼, Sec 2, T 9N, R 14W).
- 8) Provide the legal name of the company as it is registered to do business in the state of Nebraska. For national corporations, provide the name and address of the parent corporation with the name of its Nebraska site (i.e. EnviroProducts, Inc, d.b.a. Ethanol Production, etc).
- 9-12) Provide the mailing address of the company.

Contact Information

- 13) Give the name of the Facility's Contact Person. This is the person located at the facility or company who the Department will contact with questions concerning the facility itself or the revision request (depending on the response to field #31).
- 14) Give the job title or responsibility within the company of the facility's contact person.
- 15-18) Provide the phone number, alternative phone number (if available), fax number, and email address of the facility's contact person.

Revision Request Information

- 19) Indicate whether this minor permit revision form is for the revision of a Class I or Class II operating permit or a prevention of significant deterioration (PSD) or State construction permit. If minor revisions are needed on both your current operating and construction permits, one form may be submitted for both requests. Please select BOTH types of minor permit revisions that you are requesting in this box. Also, be sure to attach the current permit language and proposed draft permit language for BOTH the operating and construction permits (See Number 22)



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Description of Change(s) Occurring

20) Provide a detailed narrative of the proposed change(s) occurring at the facility, which causes the need to revise your existing construction and/or operating permit(s). Be sure to include information describing how the facility will comply with the requested revision(s) and if any new applicable requirements or applicable requirements under the Act will apply if the change occurs. Attach additional pages if there is not sufficient space provided.

Change in Emissions as a Result of the Permit Revision

21) If the change occurring will alter (either increase or decrease) the potential emissions of the facility or unit, indicate the emissions change that will result from the proposed permit revision. The emission rates should be presented in tons per year. Emission calculations should accompany the submittal.

Permit Language Attachments

22) You are required to submit suggested draft permit language by Title 129, Chapter 15, Section 003.03B. On a separate sheet(s) of paper, provide the draft language that you would like incorporated into your existing operating and/or construction permit. The Department is also requesting that you submit the current permitting language from the operating and/or construction permit.

Operating/Construction Permit Revision Requirements

23/24) There are two sections of requirements, one for minor operating permit revisions and one for minor construction permit revisions. Complete the set of statements for the type of minor permit revision you are requesting, or both if you are requesting minor permit revisions to your existing operating and construction permits. The number in the parenthesis in each box are the section number of Title 129, Chapter 15 where that requirement is located. Contact the Department if there are questions on whether or not your revision qualifies as a “minor” permit revision.

Read the statements and indicate whether or not all of the listed requirements apply to your minor permit revision.

Operating Permit Revision Requirements

Below is guidance as to what each of the requirements in Title 129, Chapter 15 mean. This guidance may not be all inclusive, so, if you have questions as to whether or not the revision you are requesting falls under one or more of the requirements, please contact the Department.

1) “The minor permit revision does not violate any applicable requirement or applicable requirement under the Act (003.01A).” This means that the revision will not violate an operating or construction permit requirement, a New Source Performance Standard (NSPS) or National Emissions Standard for Hazardous Air Pollutants (NESHAP, more commonly referred to as Maximum Achievable Control Technology (MACT) standard), or another requirement of Title 129.



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Operating Permit Revision Requirements (continued)

- 2) “The minor permit revision does not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit (003.01B).” The Department will determine whether the proposed change is significant. A general rule of thumb is that if the proposed monitoring, reporting, or recordkeeping requirement accomplishes the intent of the current language, it would not be significant. For example, in most cases allowing a source to use fuel usage instead of hours of operation to demonstrate compliance with a 40 tpy limitation would not be considered significant.
- 3) “The minor permit revision does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis (003.01C).” Limitations that are determined on a case-by-case basis cannot be changed using the minor revision procedures. Case-by-case limitations generally result from a Best Available Control Technology (BACT) analysis or ambient air modeling. In other words, there is no regulatory requirement specifically establishing the limitation so that it is applicable to all sources, e.g., a NSPS limitation, a NESHAP limitation, etc.
- 4) “The minor permit revision does not seek to establish or change a permit term or condition for which there is no corresponding applicable requirement or applicable requirement under the Act to which the source would otherwise be subject (003.01D).” This is similar to the one above except that they are source requested limits. These are generally taken to avoid classification as a major source, e.g., a federally enforceable emissions cap, an alternative emissions limit approved pursuant to Chapters 27 or 28, etc.
- 5) The modification occurring does not require a construction permit under Title 129, Chapter 15, and the modification cannot be described as a major modification under Title 129, Chapter 19 or a modification under Chapter 18, Section 001.01 or Chapter 23, Section 001 (003.01E and 003.01F).” The minor permit revision process can be used for modifications; however, the modification cannot meet certain criteria in the programs referenced.
- 6) “The minor permit revision is not required by the Director to be processed as a significant revision.” The Director will determine whether the proposed change has to be processed as a significant revision.
- 7) “The minor permit revision does not involve the use of economic incentives, marketable permits, emissions trading, and other similar programs or procedures.” The Department does not administer the programs or procedures listed. Therefore, the minor revision cannot involve such a change. This criterion had to be included in the form because Title 129 requires certification for all the above criteria.

The Department will notify the source of their determination within 90 of our receipt of this form, if the form is completed as required.

Construction Permit Revision Requirements



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Below is guidance as to what each of the requirements in Title 129, Chapter 15 mean. This guidance may not be all inclusive, so, if you have questions as to whether or not the revision you are requesting falls under one or more of the requirements, please contact the Department.

INSTRUCTIONS:

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Construction Permit Revision Requirements (continued)

- 1) “The minor permit revision will not cause an emission limit in the original construction permit to be exceeded (003.02A).” The minor permit revision procedures can be used to modify or install equipment provided a construction permit is not required under Title 129, Chapters 17 or 19. However, if there is an emission limit in the original construction permit it cannot be increased through the minor revision process.
- 2) “The minor permit revision will not cause an applicable requirement included in an operating permit to which the source is subject to be violated (003.02B).” If the minor permit revision to the construction permit will cause an applicable requirement included in an operating permit to be violated, then this form needs to be filled out for both types of revisions (see section 19 of this form). However, the criteria in the previous section will also have to be met. If you are requesting a change to both types of permits, you can state that your request meets this requirement.
- 3) “The minor permit revision will not cause an emissions limit, equipment, or operational standard applicable to the source to be exceeded (003.02C).” The department will determine whether the proposed change will cause an equipment or operational standard to be exceeded. A general rule of thumb is that if the proposed revision relaxes or makes an activity less frequent, it will not be processed as a minor revision. For example, if the permit specifies three baghouses and the source wants to replace them with one, it would not qualify as a minor revision.
- 4) “The minor permit revision will not cause an emissions limit, equipment, or operational standard assumed to avoid a classification that would render the source subject to an otherwise applicable requirement to be exceeded (003.02D).” The department will determine whether the proposed change will cause an equipment or operational standard assumed to avoid an otherwise applicable requirement will be exceeded. A general rule of thumb is that if the proposed revision relaxes or makes an activity less frequent, it will not qualify as a minor revision. For example, if the permit specifies that the source only use water-based paint so there are no BACT requirements for their hazardous air pollutants, the source cannot switch to solvent-based paint using the minor permit revision process.
- 5) “The nature of the constructed facility will be consistent with that described in the original public notice materials if the minor permit revision is approved (003.02E).” The department will determine whether the proposed change will result in the nature of the constructed facility being consistent with that described in the original public notice materials. While the department will make this determination, the source should review these permit materials to identify any potential inconsistencies. If there appears to be an inconsistency, the source should be prepared to explain how this provision is being met.

Responsible Official Certification Statement

25) The Responsible Official for the facility is required by Title 129, Chapter 15, Section 003.03C to certify, in accordance with Chapter 7, section 008, for operating permits or Chapter 17,



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section 004 for construction permits, that the proposed revision meets the criteria in section 003.01 and/or 003.02 for use of the minor revision procedures and request that such procedures be used. The minor revision request will be considered incomplete without a proper signature.

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Responsible Official Certification Statement (continued)

A Responsible Official can be:

- a) For a corporation:
 - i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function; or,
 - ii) Any other person who performs similar policy or decision-making functions for the corporation; or,
 - iii) A duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - a) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or,
 - b) The delegation of authority to such representatives is approved in advance by the NDEQ.
- b) For a partnership of sole proprietorship:
 - i) A general partner or the proprietor, respectively;
- c) For a municipality, State, Federal, or other public agency:
 - i) Either a principal executive officer or ranking elected official. For the purposes of this application, the principal executive officer of a Federal agency included the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or,
- d) For affected sources:
 - i) The designated representative in so far as actions, standards, requirements, or prohibitions under Chapter 26, of Title 129, are concerned; and,
 - ii) The designated representative for any other purposes under the Title V program.