

Nebraska Air Operating Permits

When Do I Renew, and What's New?

Kyle Morton, NDEE Permitting and Engineering Division

Ryan Green, NDEE Permitting and Engineering Division

Today's Presentation

- Renewal Process
- Tips
- Confidentiality
- Review Process
- Public Notice
- Issuance
- Revisions



Today's Presentation

- If you have questions during the presentation, please enter them in the chat box.
- For any questions you have after the presentations is over, please email your detailed question to NDEE.AirQuality@nebraska.gov

Operating Permits – Renewal Process

- Why Does My Permit Need to be Renewed?
 - An operating permit is the current ‘snapshot’ of facility operations for the permit’s term
 - Facility operations change during term
 - Regulations and applicability change during term
 - Control technology
 - Trends in:
 - New understanding of source/emission unit potential
 - National Ambient Air Quality Standards (NAAQS)
 - Compliance

Operating Permits – Renewal Process

- Class I permits have a fixed five-year term
- **What's New?**
 - Synthetic minor sources for a term not to exceed 10 years
 - True minor sources for the life of the source
 - If the source is a municipal power plant or a mobile power generator, or has a general operating permits for an incinerator – these permits may be issued for the life of the source
 - Director may still issue an operating permit for a shorter duration



WHAT'S
NEW?

Operating Permits – Renewal Process

- When Do I Renew?
 - Permit expiration – application must be submitted no less than 6 months and no more than 18 months prior to expiration date (Chapter 6, Section 002.01C)
 - 002.01C For purposes of permit renewal, a timely application is one that is submitted at least six months prior to the date of permit expiration or such longer time as may be approved by the Director after notice to the permittee that ensures that the permit will not expire before the permit is renewed. In no event shall this time be greater than 18 months.

Operating Permits – Renewal Process

- When Do I Renew?
 - Timely submittal ensures continuous compliance
 - ‘Application Shield’
 - Facility in compliance provided they follow expired permit until renewed permit issued
 - Late Applications
 - No Application Shield
 - Facility out of compliance; operating without a permit
 - Chapter 6, Section 002.01C

Operating Permits – Renewal Process

- ***Wait a minute...*** I thought permit expiration was covered in Chapter 7, Section 002.06, not Chapter 6???
- Using the Title 129 crosswalk:
 - Step 1: Click on the tab corresponding to the previous chapter reference (in this case, Chapter 7)
 - Step 2: Locate the old section number (002.06)
 - Step 3: See the new location in Column B (Chapter 6, Section 002.01C)
 - Step 4: View any additional information provided in Column C

Operating Permits – Renewal Process

- ***Wait a minute...***
 - Using the Title 129 crosswalk:
 - Step 1: Click on the tab corresponding to the previous chapter reference (in this case, Chapter 7)

Chapter 7		
Original Section	New Chapter and Section	Special Notes
Chapter title	Ch 6, 002	Chapter 7 is now section 002 of Chapter 6.
001	Ch 6, 002.01	
001	Ch 6, 002.01A	Incorporated CFR reference into section "The owner or operator of a source that becomes subject to the Class I operating permit program at any time following the effective date of these regulations will file an application pursuant to 40 CFR Part 70.5(a)(1)". Deleted the last sentence, as part of its content was incorporated into the new language inserted, and the reference to Class II permits was moved into section 002.01A.
001	Ch 6, 002.01B	
002 - 002.03	n/a	Deleted - see reference to CFR Part 70.5(a)(1) in section 002.01A.
002.04	n/a	Deleted - dates have passed and language is no longer needed.
002.05 - 002.05B	n/a	Deleted - dates have passed and language is no longer needed.
002.06	Ch 6, 002.01C	
002.07	n/a	Deleted - dates have passed and language is no longer needed.
003	Ch 6, 002.02	Deleted - Incorporated by reference 40 CFR Part 70.5(a)(2).
003.01 - 003.04	n/a	Deleted - see reference to CFR Part 70.5(a)(1) in section 002.02.
004	Ch 6, 002.03	
005	Ch 6, 002.04	Added the term "operating" for clarification. Added the language "Applicant will comply with requirements in 40 CFR Part 70.5(b)" to reference the CFR and remainder of the language in this section is deleted.
006	Ch 6, 002.05	
006.01	Ch 6, 002.05A	
006.02	Ch 6, 002.05B	Added language to clarify the information in 40 CFR Part 70.5(c)(1) through (c)(10) is incorporated, and that will be the minimum amount required.
006.02A	n/a	Deleted - see reference to CFR Part 70.5(c)(1) in section 002.05B.
<div> READ ME Chapter 1 Chapter 2 Chapter 3 Chapter 4 Chapter 5 Chapter 6 Chapter 7 Chapter 8 </div>		

Operating Permits – Renewal Process

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Operating Permits – Renewal Process

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Operating Permits – Renewal Tips

- The permitting process can vary in time, depending on various factors
 - Construction projects nearing completion
 - Numerous changes to OP
 - Lack of information
 - Lags in correspondence
 - Staffing levels
- The following are some common tips facilities can take...



Putting the Application Together – Tips

- Submit a timely application!
 - Pre-application meeting
 - Permitting assistance
- Identify emission points and units consistently
 - Emission unit: stationary source generating emissions (e.g., diesel generator)
 - Emission point: emission stack for emission unit(s)

Application Process – Tips

- Identify insignificant activities
 - Section 1.3 of OP application
 - Low emitting equipment
 - Space heaters
 - Storage tanks
 - Excerpt: See Section 1.3 instructions for exhaustive list
 - What to include and not to include in application

PART 1 - INSIGNIFICANT ACTIVITIES INCLUDED IN AN OP APPLICATION:

In accordance with Title 129, Chapter 7, Sections 006.03 and 006.04, the NDEE has determined that the following listed insignificant activities must be included in an OP application. Use Form 1.0, Section 1.3, Table 1. However, the emissions associated with the following activities do not need to be included in Annual Emissions Inventory reporting unless the emissions data is requested by NDEE.

Inclusion of any activity in the following list does not absolve an applicant from compliance with any applicable requirements to which such activity or emission is otherwise subject. In addition, Title 129 provides that the NDEE may request, and the applicant or permittee is obligated to provide, any additional information including information about any insignificant activity listed.

1a) Comfort cooling towers

1b) Process cooling towers with a circulating water flow rate less than 2,000 gallons per minute. In the Insignificant Activity Description column of the Table 1 found in Section 1.3, Form 1.0, include the circulating water flow rate, total dissolved solids concentration, estimated drift loss, and average hours or days in service.

1c) Space heaters. In the Insignificant Activity Description column of Table 1 found in Section 1.3, Form 1.0, include the heat input rating, fuel type, including a summary of annual fuel use for space heating, and number of heaters with the same rating and fuel type.

1d) Fuel storage and distribution equipment, including storage vessels (tanks), with aggregate annual throughput of less than 1 million gallons for the entire source. Records verifying aggregate annual fuel oil throughput must be maintained for five (5) years and made available to NDEE or USEPA within forty-eight (48) hours of a request for documentation of annual throughput. **Please note that gasoline storage tanks at area sources of HAPs ("area sources" is defined in Title 129, Chapter 1) cannot be considered insignificant activities because these tanks are subject to NESHAP Subpart CCCCCC (40 CFR 63.11111); therefore, the applicable requirements for affected units under this subpart must be incorporated into an OP.**

Application Process – Tips

Particulate Matter (PM) Results				
Air Flow Data	Run #1	Run #2	Run #3	Average
Stack Temperature, °F	111	111	124	115
Stack Oxygen, % ₂	20.1	20.1	20.1	20.1
Stack Carbon Dioxide, % ₂	0.8	0.8	0.8	0.8
Moisture, %	5.6	5.2	4.0	4.9
Stack Flow Rate, DSCFM	22,900	21,600	22,000	22,167
Isokinetic Variation, %	99.7	98.7	99.0	99.1
Filterable Particulate Emission Results				
Particulate Concentration, gr/DSCF:	0.00605	0.00700	0.00570	0.00625
Particulate Mass Rate, lb/hr:	1.19	1.30	1.07	1.19
Organic Condensibles Emission Results				
Particulate Concentration, gr/DSCF:	0.000472	0.000595	0.000735	0.000601
Particulate Mass Rate, lb/hr:	0.0927	0.110	0.139	0.114
Inorganic Condensibles Emission Results				
Particulate Concentration, gr/DSCF:	0.000952	0.00125	0.00124	0.00115
Particulate Mass Rate, lb/hr:	0.187	0.232	0.234	0.218
Total Particulate Emission Results				
Particulate Concentration, gr/DSCF:	0.00748	0.00884	0.00768	0.00800
Particulate Mass Rate, lb/hr:	1.47	1.64	1.45	1.52

- Basic Facts**
- 2-Cycle Diesel Engine – uniflow scavenged
 - Available in V configurations with 8, 12, 16, and 20 cylinder options
 - Continuous output from 2000 – 5000 hp (1250 blow -3729 bkw)
 - Intermittent ratings available
 - Certified for US EPA Tier 4 Final
 - Comprehensive approvals/Certifications from IACS member societies
 - Dual Fuel options available
- History & Support**
- Proven architecture in use since 1940
 - 79,000 EMD engines installed world wide
 - EMD's decades of support is unsurpassed in the industry
- Unique Features**
- Steel fabricated crankcase – Lightweight easy to repair on catastrophic events

Table 3.3-1. EMISSION FACTORS FOR UNCONTROLLED GASOLINE AND DIESEL INDUSTRIAL ENGINES^a

Pollutant	Gasoline Fuel (SCC 2-02-003-01, 2-03-003-01)		Diesel Fuel (SCC 2-02-001-02, 2-03-001-01)	
	Emission Factor (lb/hp-hr) (power output)	Emission Factor (lb/MMBtu) (fuel input)	Emission Factor (lb/hp-hr) (power output)	Emission Factor (lb/MMBtu) (fuel input)
NO _x	0.011	1.63	0.031	4.41
CO	6.96 E-03 ^d	0.99 ^d	6.68 E-03	0.95
SO _x	5.91 E-04	0.084	2.05 E-03	0.29
PM-10 ^b	7.21 E-04	0.10	2.20 E-03	0.31
CO ₂ ^c	1.08	154	1.15	164
Aldehydes	4.85 E-04	0.07	4.63 E-04	0.07
THC				0.35

- Include calculations and emission factor citations
- Sources:
 - Emission tests
 - Manufacturer certification
 - AP-42

Application Process – Tips

- Identify any changes during permit term
 - New/revised construction permits
 - Partial modifications to operating permit sections
- Identify no changes during permit term

Project Information		
54) Type of Permit: <input type="checkbox"/> Class I <input type="checkbox"/> Class II – Synthetic Minor <input type="checkbox"/> Class II – Natural Minor		
55) Class I source only: Are you requesting a permit shield? <input type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, complete Form 1.0, Section 1.2: Renewal Permit Shield) (If No, continue to step 56)		
56) Have there been any changes to the source since your current operating permit was issued? <input type="checkbox"/> No; If there have been no changes to the source since your current operating permit was issued, skip to step 62. <input type="checkbox"/> Yes; Proceed to step 57.		
Permitting Information		
57) Has your source received any permits or determinations from NDEE since your current operating permit was issued? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, use the table below to provide a brief description of each construction permit (CP), operating permit (OP) revision, low emitter (LE) determination, no-permit-required (NPR) determination obtained from the NDEE, as well as any re-openings or amendments (attach additional sheets if needed).		
Date Issued	Type	Brief Description
	<input type="checkbox"/> CP <input type="checkbox"/> OP <input type="checkbox"/> LE <input type="checkbox"/> NPR <input type="checkbox"/> Other	
	<input type="checkbox"/> CP <input type="checkbox"/> OP <input type="checkbox"/> LE <input type="checkbox"/> NPR <input type="checkbox"/> Other	

Application Process – Tips

- Make it easy on yourself!
 - Check out our simplified renewal process
 - Form 8

Application – Operating Permit – Form 8.0 – Renewal


This information is provided by the Nebraska Department of Environment and Energy to assist the public and regulated community.

Form #: 19-009

Applications and Forms

Revised: 6/28/22

Size	File Name
270 KB	2022 Form 8.0_Section 1.1_Renewal Air Operating Permit Application.pdf
409 KB	2022 Form 8.0_Section 1.1_Renewal Air Operating Permit Application.doc
258 KB	2022 Form 8.0_Section 1.2_Renewal Permit Shield.doc
193 KB	2022 Form 8.0_Section 1.3_Renewal Facility Process Changes.docx



Documenting Changes to the Existing Operating Permit

65) To identify changes to the NDEE, it is recommended for the source to complete the following:

- Identify specifically which portions of the existing air operating permit requiring change(s).
 - On the existing permit highlight the permit condition(s) or language that needs to be changed.
- On the existing permit, beneath where the condition(s) or language needs to be changed include proposed suggested language use ***red bolded italicized underlined*** font for each proposed suggested language change(s).

Application Process – Confidentiality

- Claims of Confidentiality related to trade secrets might be made in limited circumstances for records furnished to or obtained by NDEE.
- NDEE's formal procedures for addressing confidentiality claims is described in Title 115 – Rules of Practice and Procedure
 - See also: 'Confidentiality Claims' guidance document

Application Process – Confidentiality

- Not a guarantee!
 - What cannot be held confidential?
 - Name of owner/operator
 - Location of facility
 - Emissions information such as:
 - PTE
 - Actual emission rates (tpy)
 - Pollutants being emitted

Application Process – Tips

- Ensure permit application is complete and accurate
 - Responsible Official (RO) Certification Statement
- Duty to supplement and correct
 - Be proactive
 - Respond to inquiries for additional information

Responsible Official Certification Statements	
60) Compliance Certification	
<input type="checkbox"/> I hereby certify that, based on information and belief formed after reasonable inquiry, the source that emits air pollutants, which is identified in this application and that is subject to the applicable requirements identified in Sections 4.1, 4.2, and/or 4.3:	
1. Is in compliance with all applicable requirements, except as described in Sections 4.1, 4.2, and/or 4.3;	
2. Will continue to comply with all applicable requirements; and,	
3. Will comply with all applicable requirements for which compliance is not currently achieved.	
61) Truth and Accuracy Certification	
<input type="checkbox"/> I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained in this Air Quality Operating Permit application are true, accurate, and complete. I certify that all hard copies of this application are identical in content.	
62) Electronic Copy Certification (only when an electronic copy is submitted with the hard copy application)	
<input type="checkbox"/> I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained in the electronic copy of the Air Quality Operating Permit application are identical in content to the hard copy submittal.	
63) Responsible Official Certification (see instructions for signatory requirements):	
Typed or Printed Name of Responsible Official	Title
Signature of Responsible Official	Date (mm/dd/yyyy)

Permit Renewal – NDEE Process

- Receipt of application
 - Project number assigned
 - Application review for technical completeness
 - Assigned to permit writer; initial contact
 - Drafting begins
- Tips
 - Respond to permit writer questions in timely manner
 - Be proactive

Permit Renewal – Review Process

- Operating Permit package - draft reviews prior to public notice
 - Peer review
 - Compliance review
 - Source review
- Tips
 - Be proactive; read and make comments on the draft permit
 - Understand the permit thoroughly

Permit Renewal – Public Notice

- 30-day Public Notice begins
- Possible reviews/delays
 - EPA review – 45 days – Class I
 - Objections within 60 days of end of EPA's 45-day review – Class I
 - Request for Public Hearing
 - Response to comments from Public Notice and/or hearing
- Plan ahead!

Permit Renewal – Permit Issuance

- Permit and accompanying documents finalized and issued
- Permit package sent to facility
 - Operating Permit
 - Fact Sheet
 - Attachments
- Tip: Review and understand permit
- Tip: Keep permit on file and available for reference

What about a Permit Revision?

- There are now both minor and significant permit revision request forms
- Significant revisions now use Form 9
- Minor revisions still use the forms they did previously

Application – Operating Permit – Form 9.0 – Significant Operating Permit Revision Application

This information is provided by the Nebraska Department of Environment and Energy to assist the public and regulated community.

Form #: 22-063

Applications and Forms

Revised: 9/30/22

Size	File Name
145 KB	Form_9.0_Section_1.1_Air_Quality_Significant_Operating_Permit_Revision_Application.pdf
488 KB	Form_9.0_Section_1.1_Air_Quality_Significant_Operating_Permit_Revision_Application.docx
99 KB	Form_9.0_Section_1.1_Air_Quality_Significant_Operating_Permit_Revision_Application_Instructions.pdf
108 KB	Form_9.0_Section_1.1_Air_Quality_Significant_Operating_Permit_Revision_Application_Instructions.doc
95 KB	Form_9.0_Section_1.2_Air_Quality_Significant_Operating_Permit_Revision_Permit_Shield.pdf

Get Adobe Reader

Minor Operating Permit Revision Request Forms

This information is provided by the Nebraska Department of Environment and Energy to assist the public and regulated community.

Form #: 07-287

Applications and Forms

Revised: 9/29/22

Size	File Name
55 KB	07-287-1 opi -OP form instructions .docx
112 KB	07-287 Minor operating permit rev form.pdf
101 KB	07-287 Minor operating permit rev form.docx

Get Adobe Reader

Questions?

- Visit the NDEE Assistance Webpage:
 - <http://dee.ne.gov/NDEQProg.nsf/OnWeb/Assistance>
- Email the Air Program:
 - NDEE.AirQuality@nebraska.gov
- Call Us: (402) 471-2186