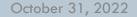


Nebraska Air Operating Permits

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 <u>NDEE.AirQuality@nebraska.gov</u>





- 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



- 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





- 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 <u>002.01C</u>)
 - <u>002.01C</u> 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.





- 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 <u>002.01C</u>



- Wait a minute... I thought permit expiration was covered in Chapter 7, Section <u>002.06</u>, 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





- 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.
UUG	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(-)(1) in section 002.05B.
READ ME	Chapter 1 Chapt	er 2 Chapter 3 Chapter 4 Chapter 5 Chapter 6 Chapter 7 Chapter 8 Cha



- Wait a minute...
 - Using the Title 129 crosswalk:
 - Step 2: Locate the old section number (002.06)

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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.
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READ ME	Chapter 1 Chapt	er 2 Chapter 3 Chapter 4 Chapter 5 Chapter 6 Chapter 7 Chapter 8 Cha



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 - Using the Title 129 crosswalk:
 - Step 3: See the new location in Column B (Chapter 6, Section <u>002.01C</u>)

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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)





- 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 <u>not</u> need to be included in Annual Emissions Inventory reporting <u>unless</u> the emissions data is requested by NDEE.

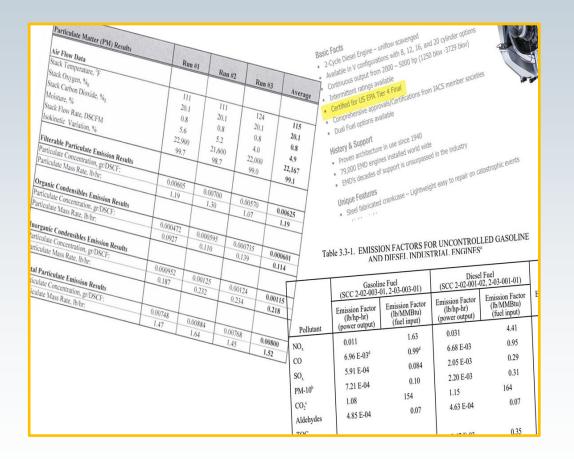
Inclusion of any activity in the following list does not absolve an applicant from compliance with any applicable requirements to which such activity or emission is otherwise subject. In addition, Title 129 provides that the NDEE may request, and the applicant or permittee is obligated to provide, any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







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

- AP-42



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

Project Informa	tion	
54) Type of Perm	nit:	
Class I		
	Synthetic Minor	
]	Natural Minor	
	e only: Are you requesting a permit shield?	
Yes	No (If Yes, complete Form 1.0, Section 1.2: F (If No, continue to step 56)	(enewal Permit Shield)
No; If the	ceed to step 57.	current operating permit was issued, skip to step 62.
57) Has your sou issued? Yes Yes	rce received any permits or determinations from I No If Yes, use the table below to provide a brid	of description of each construction permit (CP), n, no-permit-required (NPR) determination obtained
Date Issued	Туре	Brief Description
	CP OP LE NPR Other	
	CP OP LE NPR Other	



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

y on	Application – Operating Permit – Form 8.0 – Renewal This information is provided by the Nebraska Department of Environment and Energy to assist the public and regulate community.	
our simplified	Form #: 19-009 Applications and Forms	Revised: 6/28/2
rocess	Size File Name 270 KB2022 Form 8.0_Section 1.1_Renewal Air Operating Permit Application.pdf 409 KB2022 Form 8.0_Section 1.1_Renewal Air Operating Permit Application.doc 258 KB2022 Form 8.0_Section 1.2_Renewal Permit Shield.doc 193 KB2022 Form 8.0_Section 1.3_Renewal Facility Process Changes.docx	Get Adobe [.]
a. Identify specifically which	isting Operating Permit EE, it is recommended for the source to complete the following: h portions of the existing air operating permit requiring change(s). highlight the permit condition(s) or language that needs to be chang	ed.
	neath where the condition(s) or language needs to be changed <u>inclu</u> ad <u>bolded italicized underlined</u> font for each proposed suggested lar	



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





- 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

60) Compliance Certification	
	elief formed after reasonable inquiry, the source that emits air that is subject to the applicable requirements identified in
 Is in compliance with all applicable requirements Will continue to comply with all applicable requi 	s, except as described in Sections 4.1, 4.2, and/or 4.3; irements; and,
3. Will comply with all applicable requirements for	which compliance is not currently achieved.
61) Truth and Accuracy Certification	
	rmation and belief formed after reasonable inquiry, the lity Operating Permit application are true, accurate, and ition are identical in content.
	ic copy is submitted with the hard copy application) rmation and belief formed after reasonable inquiry, the copy of the Air Quality Operating Permit application are
63) Responsible Official Certification (see instructions for	or signatory requirements):
	Title
Typed or Printed Name of Responsible Official	



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

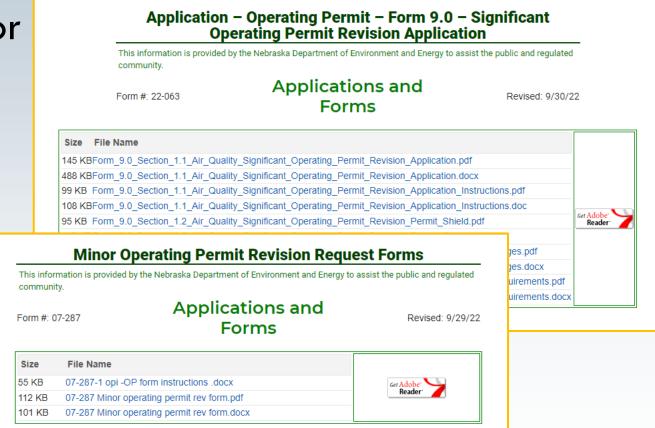
- Permit and accompanying documents finalized and issued
- Permit package sent to facility
 - Operating Permit
 - Fact Sheet
 - Attachments
- Tip: Review and understand permit
- Tip: Keep permit on file and available for reference





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





Questions?

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

