

Updates to Title 129 Nebraska's Air Quality Regulations

An Overview, and What It Means For You

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Today's Presentation

- Title 129 Development
- Key Changes
- Title Reorganization
- State Implementation Plan (SIP) Adoption
- What This All Means for YOU
- Questions



WHAT'S NEW?

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

Development of Title 129 Proposal

- Executive Order No. 17-04, signed in July 2017
- Development began in 2018
 - Collaboration back-and-forth with EPA and the Governor's Policy Research Office
 - Worked closely with EPA throughout to facilitate State Implementation Plan (SIP) approval – more on this later
- Informal Outreach in 2021
- Formal Outreach and EQC Meeting in 2022

Key Changes

- Code of Federal Regulations (CFR) are Incorporated By Reference (more on this later);
- Added necessary definitions, and remove definitions that no longer appear within the Title;
- Added permissible pre-permit state construction permit activities; ...

Key Changes

- Provided flexibility to Operating Permit Class II permit lifetimes;
- Address some transfer of ownership issues; and
- Updated references to the National Ambient Air Quality Standards (NAAQS) and other federal standards to 2020

Key Changes – Definition Additions

- Common Control
 - 002.06 “Common control” means one person or a number of persons acting together through ownership, management, contract, or otherwise to control pollutant emitting activities.
- Support Facility
 - 002.100 “Support Facility” means a facility which conveys, stores, or otherwise assists in the production of a stationary’s source’s primary product. The Department will make a determination on the status of a support facility relationship...

Key Changes –

Permissible Preconstruction Activities

- Applies to minor New Source Review (NSR) permits only
 - Clarifies requirements that need to be met if a source decides to conduct certain construction activities before a permit is issued
- DOES NOT apply to Major NSR sources, which are covered under Chapter 4 or who would be major before getting a permit that makes them minor

Key Changes – OP Class II Permit Durations

- Synthetic minor sources for a fixed term not to exceed 10 years
- True minor sources for the life of the source
- If the source is a municipal power plant, a mobile power generator, or has a general operating permits for an incinerator – permits are issued for the life of the source
- Director may still issue an operating permit for a shorter time

Key Changes – Transfer of Ownership

- Allows for a written certification to be provided to the Department from the new owner or operator which states acceptance of all active permits as issued in cases where the previous owner(s) cannot be located or are not in existence



Key Changes – Federal Rule Effective Dates

- All are now updated to July 1, 2020
 - Definitions
 - National Ambient Air Quality Standards
 - Visibility Protection
 - New Source Review
 - Acid Rain
 - Title V Program
 - NSPSs and NESHAPs

Title Reorganization

- Chapter Reorganization
 - Past version: 43 chapters
 - Revised version: 16 chapters
- Appendix Reorganization
 - Past version: three (3) appendices
 - Revised version: two (2) appendices
 - Removed Appendix III (duplicative of Appendix II)

Title Reorganization – Key Changes

- Chapter 3 – Construction Permits
- Chapter 4 – Prevention of Significant Deterioration of Air Quality
- Chapter 6 – Operating Permits
 - Previous chapters 5, 7, 8, 10, 11, 12, 13, 29, and 31
- Chapter 15 – Compliance
 - Previous chapters 20, 30, 32, 33, 34, 35, 36

Title Reorganization

- Chapter 1 – Definitions
- Chapter 2 – Nebraska Air Quality Standards
- Chapter 3 – Construction Permits
- Chapter 4 – PSD Permitting
- Chapter 5 – Acid Rain
- Chapter 6 – Operating Permits
- Chapter 7 – General Permits

Title Reorganization

- Chapter 8 – Permits by Rule
- Chapter 9 – Permit Revisions; Reopening
- Chapter 10 – Public Participation
- Chapter 11 – Emission Inventory Reporting
- Chapter 12 – New Source Performance Standards
- Chapter 13 – Hazardous Air Pollutants

Title Reorganization

- Chapter 14 – Incinerators
- Chapter 15 – Compliance
- Chapter 16 – Sulfur Compound and Nitrogen Oxides
Emissions Standards
- Appendix I – Hazardous Air Pollutants
- Appendix II – Air Pollution Emergency Episodes

Nebraska's SIP

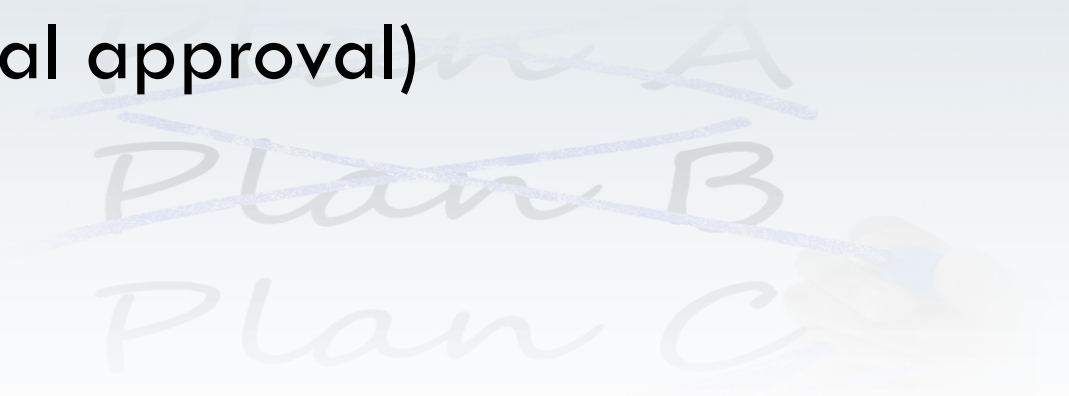
- What is a SIP?
 - A State Implementation Plan (SIP) is a collection of regulations and documents used by a state, territory, or local air district to implement, maintain, and enforce the requirements of the Clean Air Act (CAA)
- SIPs are revised when state or federal regulations are changed
 - Nebraska's EPA-approved SIPs are available at www.epa.gov/sips-ne

Nebraska's SIP – How is it Approved?

- State submits a request to EPA to revise the SIP
 - Request includes new regulations and documentation to show CAA requirements are met (state adoption, public participation, etc.)
- EPA reviews for completeness and compliance with Clean Air Act requirements
 - Returned to state if incomplete and/or requirements not met

Nebraska's SIP – How is it Approved?

- EPA publishes proposed action in the Federal Register
 - Open to public comments for at least 30 days
- Final action is published after the comment period (approval, disapproval, or partial approval)



Nebraska's SIP – During the “SIP Gap”

- This is the time between the effective date of new state regulations and EPA approval of the SIP revision
- Two different sets of requirements could apply to sources during this time
 - The new state regulations are enforceable by the State (NDEE)
 - Federal and state regulations in the current EPA-approved SIP are enforceable by EPA

Nebraska's SIP – What If...

- What if regulations aren't approved into the SIP?
 - EPA may disapprove the SIP revision
 - State regulations are still enforceable by the State (NDEE)
 - Coordination with EPA when developing state regulations helps prevent this situation

Nebraska's SIP – What If...

- Why aren't some state regulations approved into the SIP?
 - Some are subject to non-SIP sections of the CAA
 - NSPS (Chapter 12) – approved pursuant to CAA section 111(d)
 - Operating Permit fees (Chap 6, Section 009) – approved pursuant to Title V of the CAA

What this all means for You

- New Air Page on NDEE Website <http://dee.ne.gov>
 - Main page has been updated, including a link to a new webpage and a new crosswalk tool to help you (more on this shortly)
- NDEE Guidance Documents
 - All are updated to the new Title 129 references
- NDEE Permits and Applications
 - All are updated to the new Title 129 references



What This All Means for You

- What about my existing construction permits?
 - Will remain with the old Title 129 references unless sources come in for a minor or major revision
 - During a revision, any superseded permit conditions will use the new Title 129 references
- What about any new construction or operating permits?
 - Any new construction permits will use the new Title 129 references
 - Operating permits will use the new Title 129 references, but will include the relevant construction permit references (new or old)

What This All Means for You – Class II OPs

- What about my existing Class II operating permit?
 - If your source has a Class II permit that may be eligible for a 10 year or lifetime duration, these permits durations will not retroactively change
 - Any Class II sources eligible to have a permit duration extension will see those new durations go into effect when their permit is renewed

What This All Means for You – Navigating the Changes

- How do I navigate the revised regulations?
 - A crosswalk document is available for use to locate content in the revised regulations

<http://dee.ne.gov/Publica.nsf/Pages/22-069>



Department of Environment and Energy

Water Land Energy

Publications & Forms

Title 129 - Nebraska Air Quality Regulations Update and Crosswalk

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

Form #: 22-069 **Tools** Revised: 9/29/22

Size	File Name
166 KB	22-069 New Title129 Crosswalk.xlsx
2,772 KB	22-069-1 Revisions to Title 129 - An Overview.pptx
3,991 KB	22-069-2 Superseded Version of Title 129.pdf

[Title 129 - Nebraska Air Quality Regulations](#) protects air quality throughout the state by maintaining National Ambient Air Quality Standards (NAAQS). NDEE does this by implementing an ambient air quality monitoring program; implementing and complying with federal air regulations; and issuing and enforcing permits with monitoring, testing, reporting, and recordkeeping requirements to prevent noncompliance with the NAAQS. Title 129 is primarily based on regulations developed by the Environmental Protection Agency (EPA) to address the Clean Air Act

What This All Means for You – Navigating the Changes

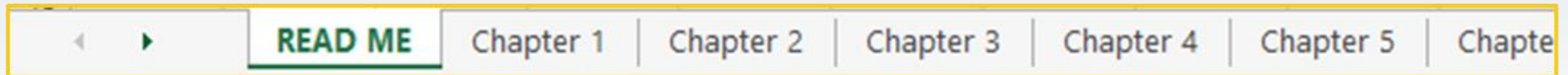
- The Crosswalk Tool:

“HEY SIRI”

[illegible]

What This All Means for You – Using the Crosswalk

- Step 1: Click on the tab corresponding to the chapter of the previous version of Title 129 referenced in your permit



What This All Means for You – Using the Crosswalk

- Step 2: Locate the old section number (Column A)
- Step 3: See the new location (Column B)
- Step 4: View additional information provided in Column C

	A	B	C
1	Chapter 3		
2	Original Section	New Chapter and Section	Special Notes
3	Chapter title	Ch 2, 004	Chapter title "Regions and Subregions: How Classified" incorporated into revised section 004.

What This All Means for You – Example 1

- How do I use the crosswalk?
- Where did Chapter 20, Section 004 move to?


point EP-2, EP-4, EP-5 and EP-6 when each emission unit is operating under normal conditions. These surveys shall be conducted after the normal start-up period or 30 minutes after initial start-up, whichever is sooner, and shall be conducted during daylight hours [Title 129, Chapter 8, Sections 004.01B and 015; Chapter 20, Section 004]

- (i) For deviation reporting purposes, visible emissions (excluding water vapor) from any emission point shall be considered a deviation and shall be reported in accordance with Condition II.(A).
- (e) To comply with Condition III.(A)(2)(c), emission units EU-2, EU-4, EU-5, and EU-6 shall each be equipped with a non-resettable hour meter to monitor the operating hours of each emission unit. [Title 129, Chapter 8, Sections 004.01 and 015].

(5) Recordkeeping and Reporting Requirements:

- (a) The source shall comply with all applicable recordkeeping and reporting requirements in NESHAP ZZZZ for emission units EU-2, EU-4, EU-5 and EU-6 [Title 129, Chapter 28, Section 001.88].
- (b) The source shall keep records of: [Title 129, Chapter 8, Section 004.02 and 015]
 - (i) The total kWh generated by emission units EU-2, EU-4, EU-5, and EU-6 combined for each month and each period of twelve (12) consecutive rolling calendar months.
 - (ii) All fuel deliveries, including the delivery date and type of fuel.
 - (iii) The hours of operation of each emission unit EU-2, EU-4, EU-5, and EU-6, as measured on the non-resettable hour meter for each month and each calendar year.

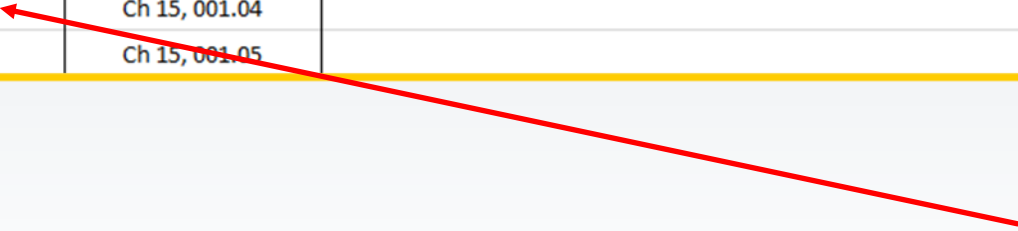
- Step 1:
Search for
the correct
chapter tab



What This All Means for You – Example 1

- Step 2: Find the old chapter and section reference in Column A

A	B	C
Chapter 20		
Original Section	New Chapter and Section	Special Notes
Chapter title	Ch 15, 001	Chapter 20 is now section 001 of Chapter 15.
001	Ch 15, 001.01	
001.01	Ch 15, 001.01A	
002	Ch 15, 001.02	
003	Ch 15, 001.03	
004	Ch 15, 001.04	
005	Ch 15, 001.05	



What This All Means for You – Example 1

- Step 3: Find the new chapter and section reference in Column B


A	B	C
Chapter 20		
Original Section	New Chapter and Section	Special Notes
Chapter title	Ch 15, 001	Chapter 20 is now section 001 of Chapter 15.
001	Ch 15, 001.01	
001.01	Ch 15, 001.01A	
002	Ch 15, 001.02	
003	Ch 15, 001.03	
004	Ch 15, 001.04	
005	Ch 15, 001.05	

- Chapter 20, Section 004 is now found in Chapter 15, Section 001.04

What This All Means for You – Example 1

- Step 4: Any special notes are found in Column C

A	B	C
Chapter 20		
Original Section	New Chapter and Section	Special Notes
Chapter title	Ch 15, 001	Chapter 20 is now section 001 of Chapter 15.
001	Ch 15, 001.01	
001.01	Ch 15, 001.01A	
002	Ch 15, 001.02	
003	Ch 15, 001.03	
004	Ch 15, 001.04	
005	Ch 15, 001.05	



What This All Means for You – Example 2

- How do I use the crosswalk?
- Where did Chapter 28, Section 001.88 move to?

point EP-2, EP-4, EP-5 and EP-6 when each emission unit is operating under normal conditions. These surveys shall be conducted after the normal start-up period or 30 minutes after initial start-up, whichever is sooner, and shall be conducted during daylight hours [Title 129, Chapter 8, Sections 004.01B and 015; Chapter 20, Section 004]

- (i) For deviation reporting purposes, visible emissions (excluding water vapor) from any emission point shall be considered a deviation and shall be reported in accordance with Condition II.(A).
- (e) To comply with Condition III.(A)(2)(c), emission units EU-2, EU-4, EU-5, and EU-6 shall each be equipped with a non-resettable hour meter to monitor the operating hours of each emission unit. [Title 129, Chapter 8, Sections 004.01 and 015].

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- (b) The source shall keep records of: [Title 129, Chapter 8, Section 004.02 and 015]
 - (i) The total kWh generated by emission units EU-2, EU-4, EU-5, and EU-6 combined for each month and each period of twelve (12) consecutive rolling calendar months.
 - (ii) All fuel deliveries, including the delivery date and type of fuel.
 - (iii) The hours of operation of each emission unit EU-2, EU-4, EU-5, and EU-6, as measured on the non-resettable hour meter, for each month and each calendar year.

What This All Means for You – Example 2

- Step 1:
Search for
the correct
chapter tab

Crosswalk Legend											
DISCLAIMER: This crosswalk document was prepared as a helpful tool and, while it is intended to capture all proposed changes to Title 129, the accuracy of the crosswalk cannot be guaranteed. Contact the NDEE Air Program at (402) 471-2186 or by email at NDEE.AirQuality@nebraska.gov if you have any questions.											
This document provides a guide to the proposed reorganization of Title 129. Each tab is labeled using the CURRENT Title 129 Chapter/Appendix, and describes the new location (Chapter/Section).											
GLOSSARY											
CFR	Code of Federal Regulations										
EPA	Environmental Protection Agency										
GPRO	Governor's Policy Research Office										
PSD	Prevention of Significant Deterioration										
SIP	State Implementation Plan										
◀	▶	...	Chapter 21	Chapter 22	Chapter 23	Chapter 24	Chapter 25	Chapter 26	Chapter 27	Chapter 28	Ch...

What This All Means for You – Example 2

- Step 2: Find the old chapter and section reference in Column A

Chapter 28		
Original Section	New Chapter and Section	Special Notes
Chapter title	Ch 13, 002	Chapter 28 is now in sections 002 and 003 of Chapter 13.
001	Ch 13, 002	Renumbered consistent with formatting. Updated all previously adopted and incorporated NESHAPS in 40 CFR Part 63, from July 1, 2013 to July 1, 2020.
001.01 - 001.122	Ch 13, 002.01 - 002.121	Reorganized based on Subpart name.
001.90	n/a	Deleted - was a reserved placeholder.
002	n/a	Deleted - language unnecessary as it placed no requirements on the public.
003	Ch 13, 003	
003.01	Ch 13, 003.01	
003.01A	Ch13, 003.01A	
003.01B	Ch13, 003.01B	
003.01C	Ch13, 003.01C	
003.01D	Ch13, 003.01D	
003.01D1	Ch13, 003.01D1	

What This All Means for You – Example 2

- Step 3: Find the new chapter and section reference in Column B

Chapter 28		
Original Section	New Chapter and Section	Special Notes
Chapter title	Ch 13, 002	Chapter 28 is now in sections 002 and 003 of Chapter 13.
001	Ch 13, 002	Renumbered consistent with formatting. Updated all previously adopted and incorporated NESHAPs in 40 CFR Part 63, from July 1, 2013 to July 1, 2020.
001.01 - 001.122	Ch 13, 002.01 - 002.121	Reorganized based on Subpart name.
001.90	n/a	Deleted - was a reserved placeholder.
002	n/a	Deleted - language unnecessary as it placed no requirements on the public.
003	Ch 13, 003	
003.01	Ch 13, 003.01	
003.01A	Ch13, 003.01A	
003.01B	Ch13, 003.01B	
003.01C	Ch13, 003.01C	
003.01D	Ch13, 003.01D	
003.01D1	Ch13, 003.01D1	

What This All Means for You – Example 2

- Step 4: Any special notes are found in Column C

Chapter 28		
Original Section	New Chapter and Section	Special Notes
Chapter title	Ch 13, 002	Chapter 28 is now in sections 002 and 003 of Chapter 13.
001	Ch 13, 002	Renumbered consistent with formatting. Updated all previously adopted and incorporated NESHAPs in 40 CFR Part 63, from July 1, 2013 to July 1, 2020.
001.01 - 001.122	Ch 13, 002.01 - 002.121	Reorganized based on Subpart name.
001.90	n/a	Deleted - was a reserved placeholder.
002	n/a	Deleted - language unnecessary as it placed no requirements on the public.
003	Ch 13, 003	
003.01	Ch 13, 003.01	
003.01A	Ch13, 003.01A	
003.01B	Ch13, 003.01B	
003.01C	Ch13, 003.01C	
003.01D	Ch13, 003.01D	
003.01D1	Ch13, 003.01D1	

What This All Means for You – Example 2

- Reading down
Section 002,
we find
NESHAP ZZZZ
is now found
in Chapter
13, Section
002.78

002.74 Subpart VVV - Boat Manufacturing

002.75 Subpart WWW - Reinforced Plastics Composite Manufacturing

002.76 Subpart XXXX - Tire Manufacturing

002.77 Subpart YYYY - Stationary Combustion Turbines

002.78 Subpart ZZZZ - Reciprocating Internal Combustion Engines

002.79 Subpart AAAAA - Lime Manufacturing

002.80 Subpart DDDDD - Industrial, Commercial and Institutional Boilers and Process Heaters (major sources)

What This All Means for You – Using the CFR

- ...but what if the crosswalk, or the Section says the previous language was incorporated by reference?

002.89 "Responsible official" means the definition found at 40 CFR § 70.2.

002.90 "Significant" means, as pertains to a modification in a nonattainment area, a net increase in actual emissions by a rate that would equal or exceed the rates specified in 40 CFR Part 51 Appendix S, II.A.10.

002.91 "Source" means any property, real or personal, or person contributing to air pollution.

002.92 "Stack" means the definition found at 40 CFR § 51.100(ff).

002.93 "Stack in existence" means the definition found at 40 CFR § 51.100(gg).

What This All Means for You – Using the CFR

- How do I find the Code of Federal Regulations (CFR)?

The screenshot displays the eCFR website interface. At the top, a yellow banner reads: "Welcome to the new eCFR! Check out our [Getting Started](#) guide to make the most of the new site." Below this is a navigation bar with links: Home, Browse, Search, Recent Changes, Corrections, Reader Aids, My eCFR, and a search box labeled "Search the eCFR". A "Sign In / Sign Up" link is also present.

The main header features the National Archives logo on the left, the title "Code of Federal Regulations" in large blue font, and the subtitle "A point in time eCFR system" below it. To the right is the official seal of the United States.

A blue horizontal bar highlights "Title 40". Below this, a light blue box states: "Displaying title 40, up to date as of 8/25/2022. Title 40 was last amended 8/25/2022." with a link to "view historical versions". A grey box below that says: "There have been changes in the last two weeks to Subchapter C." with a link to "view changes".

A search box labeled "Go to CFR Reference" contains the text "ex: 1 CFR 1.1" and a "Go" button.

Breadcrumbs show the path: "Title 40 / Chapter I / Subchapter C". Navigation links "Previous", "Next", and "Top" are on the right.

The "ECFR CONTENT" section shows a tree structure:

- Title 40 Protection of Environment
 - Chapter I Environmental Protection Agency
 - Subchapter C Air Programs
 - Part 50 National Primary and Secondary Ambient Air Quality Standards (50.1 – 50.19)
 - Part 51 Requirements for Preparation, Adoption, and Submittal of (51.1 – 51.1319)

On the left side of the content area are links for "Details", "Print", and "Search". A "Site Feedback" button is in the bottom right corner.

What This All Means for You – Using the CFR

- Step 1: Access the electronic CFR at the URL
 - <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C>



What This All Means for You – Using the CFR

- Step 2: Click on the “Part” applicable to the reference in the NEW Title 129

The screenshot shows the eCFR website interface. At the top, there is a search bar labeled "Go to CFR Reference" with the example text "ex: 1 CFR 1.1" and a "Go" button. Below this, the breadcrumb navigation reads "Title 40 / Chapter I / Subchapter C". To the right of the breadcrumb are links for "Previous", "Next", and "Top".

The main content area is titled "ECFR CONTENT" and displays a hierarchical table of contents. The left sidebar contains navigation options: Details, Print, Search, Subscribe, Timeline, Go to Date, Published Edition, and Developer Tools. The table of contents lists the following items:

	Part / Section
▼ Title 40 Protection of Environment	1 – 1099
▼ Chapter I Environmental Protection Agency	50 – 99
▼ Subchapter C Air Programs	50.1 – 50.19
▶ Part 50 National Primary and Secondary Ambient Air Quality Standards	51.1 – 51.1319
▶ Part 51 Requirements for Preparation, Adoption, and Submittal of Implementation Plans	52.01 – 52.2999
▶ Part 52 Approval and Promulgation of Implementation Plans	53.1 – 53.66
▶ Part 53 Ambient Air Monitoring Reference and Equivalent Methods	54.1 – 54.3
▶ Part 54 Prior Notice of Citizen Suits	55.1 – 55.15
▶ Part 55 Outer Continental Shelf Air Regulations	56.1 – 56.7
▶ Part 56 Regional Consistency	57.101 – 57.816
▶ Part 57 Primary Nonferrous Smelter Orders	58.1 – 58.61
▶ Part 58 Ambient Air Quality Surveillance	59.1 – 59.699
▶ Part 59 National Volatile Organic Compound Emission Standards for Commercial Products	60.1 – 60.5805a
▶ Part 60 Standards of Performance for New Stationary Sources	61.01 – 61.359
▶ Part 61 National Emission Standards for Hazardous Air Pollutants	62.01 – 62.16730
▶ Part 62 Approval and Promulgation of State Plans for Designated Facilities and Pollutants	63.1 – 63.12099
▶ Part 63 National Emission Standards for Hazardous Air Pollutants for Source Categories	64.1 – 64.10
▶ Part 64 Compliance Assurance Monitoring	

A tooltip is visible over the "Part 60" entry, showing two options: "View Table of Contents for Part 60" and "View Text of Part 60". At the bottom right, there is a "Site Feedback" button. The URL in the address bar is "title-40/chapter-I/subchapter-C/part-60?toc=1".

What This All Means for You – Using the CFR

- Step 3: Click on the “Subpart” applicable to the part/section you wish to access or “View Full Text”

Displaying title 40, up to date as of 8/25/2022. Title 40 was last amended 8/25/2022. [view historical versions](#)

Go to CFR Reference [Go](#)

Title 40 / Chapter I / Subchapter C / Part 60 [View Full Text](#) [Previous](#) / [Next](#) / [Top](#)

ECFR CONTENT

Details
Print
Search
Subscribe
Timeline
Go to Date
Published Edition
Developer Tools

	Part / Section
▼ Title 40 Protection of Environment	1 – 1099
▼ Chapter I Environmental Protection Agency	50 – 99
▼ Subchapter C Air Programs	60.1 – 60.5805a
View Table of Contents for Subpart B	60.1 – 60.19
View Text of Subpart B	60.20 – 60.29
► Subpart B Adoption and Submittal of State Plans for Designated Facilities	60.20a – 60.29a
► Subpart Ba Adoption and Submittal of State Plans for Designated Facilities	60.30 – 60.31
► Subpart C Emission Guidelines and Compliance Times	60.30b – 60.39b
Subpart Ca [Reserved]	60.30c – 60.36c
► Subpart Cb Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994	60.30d – 60.32d
► Subpart Cc Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	60.30e – 60.39e
► Subpart Cd Emissions Guidelines and Compliance Times for Sulfuric Acid Production Units	
► Subpart Ce Emission Guidelines and Compliance Times for	

What This All Means for You – Using the CFR

- Step 4: Select “View Full Text” or specific subsection (§)

The screenshot displays the ECFR Content page for Title 40, Chapter I, Subchapter C, Part 60, Subpart Cb. The breadcrumb trail at the top reads: Title 40 / Chapter I / Subchapter C / Part 60 / Subpart Cb. A red circle highlights the "View Full Text" link next to Subpart Cb. The left sidebar contains navigation options: Details, Print, Search, Subscribe, Timeline, Go to Date, Published Edition, and Developer Tools. The main content area lists the following sections:

- § 60.30b Scope and delegation of authority.
- § 60.31b Definitions.
- § 60.32b [Redacted]
- § 60.33b Emission guidelines for municipal waste combustor metals, acid gases, organics, and nitrogen oxides.
- § 60.34b Emission guidelines for municipal waste combustor operating practices.
- § 60.35b Emission guidelines for municipal waste combustor operator training and certification.
- § 60.36b Emission guidelines for municipal waste combustor fugitive ash emissions.
- § 60.37b Emission guidelines for air curtain incinerators.
- § 60.38b Compliance and performance testing.
- § 60.39b Reporting and recordkeeping guidelines and compliance schedules.

Below the list, there are two tables:

- Table 1 to Subpart Cb of Part 60**
Nitrogen Oxides Guidelines for Designated Facilities
- Table 2 to Subpart Cb of Part 60**
Nitrogen Oxides Limits for Existing Designated Facilities Included in an Emissions Averaging Plan at a Municipal Waste Combustor Plant^b

What This All Means for You – Example 3

- What is the CFR definition of “Responsible Official”?

002.89 "Responsible official" means the definition found at 40 CFR § 70.2.

002.90 "Significant" means, as pertains to a modification in a nonattainment area, a net increase in actual emissions by a rate that would equal or exceed the rates specified in 40 CFR Part 51 Appendix S, II.A.10.

002.91 "Source" means any property, real or personal, or person contributing to air pollution.

002.92 "Stack" means the definition found at 40 CFR § 51.100(ff).

002.93 "Stack in existence" means the definition found at 40 CFR § 51.100(gg).

What This All Means for You – Example 3

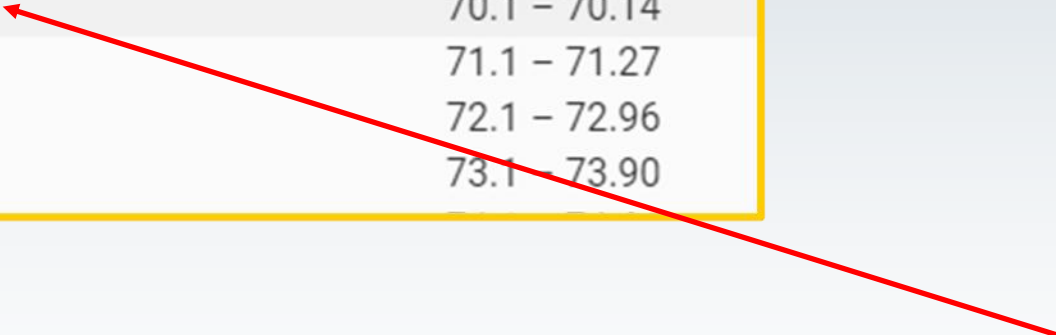
- Step 1: Access the electronic CFR at the URL
 - <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C>



What This All Means for You – Example 3

- Step 2: Click on the “Part” applicable to the reference in the NEW Title 129

▶ Part 68 Chemical Accident Prevention Provisions	68.1 – 68.220
▶ Part 69 Special Exemptions from Requirements of the Clean Air Act	69.11 – 69.52
▶ Part 70 State Operating Permit Programs	70.1 – 70.14
▶ Part 71 Federal Operating Permit Programs	71.1 – 71.27
▶ Part 72 Permits Regulation	72.1 – 72.96
▶ Part 73 Sulfur Dioxide Allowance System	73.1 – 73.90



What This All Means for You – Example 3

- Step 3: Click on the “Subpart” applicable to the part/section you wish to access or “View Full Text”

▶ Part 68	Chemical Accident Prevention Provisions	68.1 – 68.220
▶ Part 69	Special Exemptions from Requirements of the Clean Air Act	69.11 – 69.52
▶ Part 70	State Operating Permit Programs	70.1 – 70.14
▶ Part 71	Federal Operating Permit Programs	71.1 – 71.27
▶ Part 72	Permits Regulation	72.1 – 72.96
▶ Part 73	Sulfur Dioxide Allowance System	73.1 – 73.90

What This All Means for You – Example 3

- Step 4: Select “View Full Text” or specific subsection (§)
 - In this case, 40 CFR 70.2

The screenshot displays the Nebraska Department of Environment and Energy website interface. At the top, the breadcrumb trail reads "Title 40 / Chapter I / Subchapter C / Part 70". Navigation links for "Previous", "Next", and "Top" are visible. A left sidebar contains links for "Table of Contents", "Details", "Print/PDF", "Display Options", and "Subscribe". The main content area is titled "§ 70.2 Definitions." and includes a paragraph stating that definitions apply to part 70. Below this, three terms are defined: "Act" (Clean Air Act), "Affected source" (regulations under title IV), and "Affected States" (all States). The "Affected States" definition includes two numbered points: (1) States whose air quality may be affected and contiguous to the State, and (2) States within 50 miles of the permitted source. A red arrow points to the "§ 70.2 Definitions." title.

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§ 70.2 Definitions.

The following definitions apply to part 70. Except as specifically provided in this section, terms used in this part retain the meaning accorded them under the applicable requirements of the Act.

Act means the Clean Air Act, as amended, [42 U.S.C. 7401](#), et seq.

Affected source shall have the meaning given to it in the regulations promulgated under title IV of the Act.

Affected States are all States:

- (1) Whose air quality may be affected and that are contiguous to the State in which a part 70 permit, permit modification or permit renewal is being proposed; or
- (2) That are within 50 miles of the permitted source.

What This All Means for You – Example 3

- Step 4: Select “View Full Text” or specific subsection (§)
 - Scroll down to the specific subsection

The screenshot displays a web page with a navigation menu on the left and a main content area. The navigation menu includes links for 'Table of Contents', 'Details', 'Print/PDF', 'Display Options', and 'Subscribe'. The main content area shows the following text:

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regulation under section 112(r) of the Act; or

(4) Greenhouse gases.

Renewal means the process by which a permit is reissued at the end of its term.

Responsible official means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or 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:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representatives is approved in advance by the

A red arrow points from the right side of the page to the 'Responsible official' definition.

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