

## Title 129 - Nebraska Air Quality Regulations

### Chapter 13 - CLASS I OPERATING PERMIT - EPA REVIEW; AFFECTED STATES REVIEW; CLASS II PERMIT

001 Unless the Administrator waives or modifies this requirement, the Department shall provide to the Administrator of EPA a copy of each Class I permit application or modification, each proposed Class I permit, and each final Class I permit. The Department may require the permit applicant to provide a copy of the permit application, including the compliance plan, directly to the Administrator of EPA.

002 The Department shall give notice of each draft Class I permit to any affected state on or before the time that the Department provides notice to the public. The Department shall notify the Administrator of EPA and any affected State in writing of the reasons for any refusal by the Department to accept all recommendations for the proposed permit that the affected State submitted.

003 The Department shall not issue a Class I permit if the Administrator of EPA objects to its issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information.

004 If the Administrator of EPA objects to a Class I permit as a result of a petition for review filed pursuant to Section 505(b)(2) of the Act, the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review shall not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45 day EPA review period and prior to an EPA objection.

005 If the Department has issued a Class I permit to which EPA objects as a result of a petition for review filed pursuant to Section 505(b)(2) of the Act, the permit may be reopened in accordance with the procedures in Chapter 15, section 006.

006 Prohibition on Default Issuance.

006.01 Notwithstanding the time period specified in Chapter 7, section 009, no Class I operating permit, including a permit renewal or revision, shall be issued until:

006.01A Affected States and the Administrator have had an opportunity to review the proposed permit.

006.01B The Director has acted on the application.

Chapter 13

006.02 No Class II operating permit, including a permit renewal or revision, shall be issued until the Director has acted on the application.

Enabling Legislation:Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 13, Nebraska Department of Environmental Quality

EPA Rulemakings

CFR: 40 C.F.R. 70, Appendix A, State of Nebraska (a)  
 FRM: 60 FR 53872 (10/18/95)  
 PRM: 60 FR 12521 (3/7/95)  
 State Submission: 11/15/93  
 State Proposal: 12/2/94  
 State Final: 5/29/95  
 APDB File: NE-32  
 Description: The EPA fully approved the operating permits program submitted by the state of Nebraska for the purpose of complying with Federal requirements for an approvable state program to issue operating permits to all major stationary sources and certain other sources. The EPA also approved, under section 112(1), the state's program for accepting delegation of section 112 standards to enforce air toxics regulations.

---

CFR: 40 C.F.R. 52.1420(c)(41)  
 FRM: 60 FR 372 (01/04/95)  
 PRM: 60 FR 418 (01/04/95)  
 State Submission: 2/16/94  
 State Proposal: 9/16/93  
 State Final: 6/26/94  
 APDB File: NE-31  
 Description: As part of the overall recodification of the Nebraska rules, the EPA approved a new rule which governs the EPA and affected states' review of SIP-based operating permits. The EPA also approved the rule pursuant to section 112(1) of the Clean Air Act so that it would be enforceable with respect to hazardous air pollutants.

---

Difference Between the State and EPA-Approved Regulation

None.