

**Environmental Protection Agency**

**§ 52.1420**

any requirement of an applicable implementation plan with respect to a stationary source.

[59 FR 64139, Dec. 13, 1994]

**§ 52.1391 Emission inventories.**

(a) The Governor of the State of Montana submitted the 1990 carbon monoxide base year emission inventories for Missoula and Billings on July 18, 1995, as a revision to the State Implementation Plan (SIP). The Governor submitted the 1990 carbon monoxide base year emission inventory for Great Falls on April 23, 1997, as a revision to the SIP. The inventories address emissions from point, area, on-road mobile, and non-road sources. These 1990 base year carbon monoxide inventories satisfy the nonattainment area requirements of the Clean Air Act of section 187(a)(1) for Missoula and section 172(c)(3) for Billings and Great Falls.

(b) As part of the Thompson Falls Air Pollution Control Plan (approved at § 52.1370(c)(60)), the Governor of Montana submitted a PM-10 emission inventory for the Thompson Falls area as a SIP revision. The PM-10 emission inventory covers the time period of July 1, 1990 through June 30, 1991.

[62 FR 65616, Dec. 15, 1997, as amended at 69 FR 3012, Jan. 22, 2004]

**Subpart CC—Nebraska**

**§ 52.1420 Identification of Plan.**

(a) Purpose and scope. This section sets forth the applicable SIP for Nebraska under section 110 of the CAA, 42 U.S.C. 7401 *et seq.*, and 40 CFR Part 51 to meet NAAQS.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d) and (e) of this section with an EPA approval date prior to November 5, 2003, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c), (d) and (e) of this section with EPA approval dates after November 5, 2003, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of November 5, 2003.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; the EPA, Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, NW. (Mail Code 6102T), Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) EPA-approved regulations.

**EPA-APPROVED NEBRASKA REGULATIONS**

Nebraska citation	Title	State effective date	EPA approval date	Explanation
<b>STATE OF NEBRASKA</b> Department of Environmental Quality				
<b>Title 129—Nebraska Air Quality Regulations</b>				
129-1 .....	Definitions .....	11/20/02	09/05/03, 68 FR 52694.	Section 001.02 is not SIP approved.
129-2 .....	Definition of Major Source .....	07/10/02	07/08/03, 68 FR 40530.	
129-3 .....	Region and Subregions .....	6/26/94	1/04/95, 60 FR 372.	
129-4 .....	Ambient Air Quality Standards ...	4/01/02	07/08/03, 68 FR 40530.	
		07/10/02		
129-5 .....	Operating Permit .....	11/20/02	9/05/03, 68 FR 52694 .....	
129-6 .....	Emissions Reporting .....	11/20/02	9/05/03, 68 FR 52694.	
129-7 .....	Operating Permits—Application	8/22/2000	5/29/02, 67 FR 37327.	
129-8 .....	Operating Permit Content .....	8/22/2000	5/29/02, 67 FR 37327.	

EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
129-9 .....	General Operating Permits for Class I and II Sources.	5/29/95	10/18/95, 60 FR 53872.	
129-10 .....	Operating Permits for Temporary Sources.	9/7/97	1/20/00, 65 FR 3134.	
129-11 .....	Operating Permits—Emergency; Defense.	5/29/95	10/18/95, 60 FR 53872.	
129-12 .....	Operating Permit Renewal and Expiration.	5/29/95	2/09/96, 61 FR 4899.	
129-13 .....	Class I Operating Permit—EPA Review; Affected States Review; Class II Permit.	5/29/95	10/18/95, 60 FR 53872.	
129-14 .....	Permits—Public Participation .....	5/29/95	10/18/95, 60 FR 53872.	
129-15 .....	Operating Permit Modification; Reopening for Cause.	5/29/95	10/18/95, 60 FR 53872.	
129-16 .....	Stack Heights; Good Engineering Practice (GEP).	12/15/1998	5/29/02, 67 FR 37327.	
129-17 .....	Construction Permits—When Required.	7/10/02	7/08/03, 68 FR 40530 .....	Refer to January 23, 2002, NDEQ letter to EPA regarding change to 129-17-014. Approved by EPA on May 29, 2002.
129-19 .....	Prevention of Significant Deterioration of Air Quality.	12/15/1998	5/29/02, 67 FR 37327.	
129-20 .....	Particulate Emissions; Limitations and Standards (Exceptions Due to Breakdowns or Scheduled Maintenance: See Chapter 35).	2/7/04	3/31/05, 70 FR 16429.	
129-21 .....	Controls for Transferring, Conveying, Railcar and Truck Loading at Rock Processing Operations in Cass County.	7/10/02	7/08/03, 68 FR 40530.	
129-22 .....	Incinerators; Emission Standards	9/7/97	1/20/00, 65 FR 3134.	
129-24 .....	Sulfur Compound Emissions, Existing Sources Emission Standards.	6/26/94	1/04/95, 60 FR 372.	
129-25 .....	Nitrogen Oxides (Calculated as Nitrogen Dioxide); Emissions Standards for Existing Stationary Sources.	9/7/97	1/20/00, 65 FR 3134.	
129-30 .....	Open Fires, Prohibited; Exceptions.	11/20/02	9/05/03, 68 FR 52694.	
129-32 .....	Dust; Duty to Prevent Escape of Compliance; Time Schedule for	6/26/94	1/04/95, 60 FR 372.	
129-33 .....	Emission Sources; Testing; Monitoring.	6/26/94	1/04/95, 60 FR 372.	
129-34 .....	Compliance; Exceptions Due to Startup, Shutdown, or Malfunction.	5/7/05	7/10/06, 71 FR 38776.	
129-35 .....	Control Regulations; Circumvention, When Excepted.	9/7/97	1/20/00, 65 FR 3134.	
129-36 .....	Compliance; Responsibility .....	6/26/94	1/04/95, 60 FR 372.	
129-37 .....	Emergency Episodes; Occurrence and Control, Contingency Plans.	6/26/94	1/04/95, 60 FR 372.	
129-38 .....	Visible Emissions from Diesel-powered Motor Vehicles.	6/26/94	1/04/95, 60 FR 372.	
129-39 .....	General Conformity .....	5/29/95	2/12/96, 61 FR 5297.	
129-40 .....	General Provision .....	12/15/1998	5/29/02, 67 FR 37327.	
129-41 .....	Permits-By-Rule .....	11/20/02, 4/8/03/ 5/7/05	7/10/06, 71 FR 38776.	
129-42 .....	Consolidated with Chapter 41 ....	5/29/95	2/09/96, 61 FR 4899.	
129-43 .....	Consolidated with Chapter 41 ....	5/29/95	2/09/96, 61 FR 4899.	
129-44 .....	Emergency Emission Reductions	6/26/94	1/04/94, 60 FR 372.	
Appendix I .....	Hazardous Air Pollutants (HAPS).	5/7/05	7/10/06, 71 FR 38776.	
Appendix II .....				

**Environmental Protection Agency**

**§ 52.1420**

**EPA-APPROVED NEBRASKA REGULATIONS—Continued**

Nebraska citation	Title	State effective date	EPA approval date	Explanation
<b>Title 115—Rules of Practice and Procedure</b>				
115-1	Definitions of Terms	8/08/93	1/04/95, 60 FR 372.	
115-2	Filing and Correspondence	8/08/93	1/04/95, 60 FR 372.	
115-3	Public Records Availability	8/08/93	1/04/95, 60 FR 372.	
115-4	Public Records Confidentiality	8/08/93	1/04/95, 60 FR 372.	
115-5	Public Hearings	8/08/93	1/04/95, 60 FR 372.	
115-6	Voluntary Compliance	8/08/93	1/04/95, 60 FR 372.	
115-7	Contested Cases	8/08/93	1/04/95, 60 FR 372.	
115-8	Emergency Proceeding Hearings	8/08/93	1/04/95, 60 FR 372.	
115-9	Declaratory Rulings	8/08/93	1/04/95, 60 FR 372.	
115-10	Rulemaking	8/08/93	1/04/95, 60 FR 372.	
115-11	Variations	8/08/93	1/04/95, 60 FR 372.	
<b>Lincoln-Lancaster County Air Pollution Control Program Article 1—Administration and Enforcement</b>				
Section 1	Intent	5/16/95	2/14/96, 61 FR 5701.	
Section 2	Unlawful Acts—Permits Required.	5/16/95	2/14/96, 61 FR 5701.	
Section 3	Violations—Hearing—Orders	5/16/95	2/14/96, 61 FR 5701.	
Section 4	Appeal Procedure	5/16/95	2/14/96, 61 FR 5701.	
Section 5	Variance	5/16/95	2/14/96, 61 FR 5701.	
Section 7	Compliance—Actions to Enforce—Penalties for Non-Compliance.	5/16/95	2/14/96, 61 FR 5701.	
Section 8	Procedure for Abatement	5/16/95	2/14/96, 61 FR 5701.	
Section 9	Severability	5/16/95	2/14/96, 61 FR 5701.	
<b>Article 2—Regulations and Standards</b>				
Section 1	Definitions	8/11/98	1/20/00, 65 FR 3134.	
Section 2	Major Sources—Defined	8/11/98	1/20/00, 65 FR 3134.	
Section 4	Ambient Air Quality Standards	5/16/95	2/14/96, 61 FR 5701.	
Section 5	Operating Permits—When Required.	8/11/98	1/20/00, 65 FR 3134.	
Section 6	Emissions Reporting—When Required.	8/11/98	1/20/00, 65 FR 3134.	
Section 7	Operating Permits—Application	8/11/98	1/20/00, 65 FR 3135.	
Section 8	Operating Permit—Content	8/11/98	1/20/00, 65 FR 3135.	
Section 9	General Operating Permits for Class I and II Sources.	5/16/95	2/14/96, 61 FR 5701.	
Section 10	Operating Permits for Temporary Services.	5/16/95	2/14/96, 61 FR 5701.	
Section 11	Emergency Operating Permits—Defense.	5/16/95	2/14/96, 61 FR 5701.	
Section 12	Operating Permit Renewal and Expiration.	5/16/95	2/14/96, 61 FR 5701.	
Section 14	Permits—Public Participation	5/16/95	2/14/96, 61 FR 5701.	
Section 15	Operating Permit Modifications—Reopening for Cause.	8/11/98	1/20/00, 65 FR 3135.	
Section 16	Stack—Heights—Good Engineering Practice (GEP).	5/16/95	2/14/96, 61 FR 5701.	
Section 17	Construction Permits—When Required.	8/11/98	1/20/00, 65 FR 3135.	
Section 19	Prevention of Significant Deterioration of Air Quality.	5/16/95	2/14/96, 61 FR 5701.	
Section 20	Particulate Emissions—Limitations and Standards.	3/31/97	1/20/00, 65 FR 3135.	
Section 22	Incinerator Emissions	5/16/95	2/14/96, 61 FR 5701.	
Section 24	Sulfur Compound Emissions—Existing Sources—Emission Standards.	5/16/95	2/14/96, 61 FR 5701.	
Section 25	Nitrogen Oxides (Calculated as Nitrogen Dioxide)—Emissions Standards for Existing Stationary Sources.	5/16/95	2/14/96, 61 FR 5701.	
Section 32	Dust—Duty to Prevent Escape of.	3/31/97	1/20/00, 65 FR 3135.	
Section 33	Compliance—Time Schedule for Emission Sources—Testing—Monitoring.	5/16/95	2/14/96, 61 FR 5701.	
Section 34	Emission Sources—Testing—Monitoring.	5/16/95	2/14/96, 61 FR 5701.	

EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
Section 35 .....	Compliance—Exceptions Due to Startup Shutdown or Malfunction.	5/16/95	2/14/96, 61 FR 5701.	
Section 36 .....	Control Regulations—Circumvention—When Expected.	5/16/95	2/14/96, 61 FR 5701.	
Section 37 .....	Compliance—Responsibility of Owner/Operator Pending Review by Director.	5/16/95	2/14/96, 61 FR 5701.	
Section 38 .....	Emergency Episodes—Occurrence and Control—Contingency Plans.	5/16/95	2/14/96, 61 FR 5701.	
Appendix .....	Emergency Emission Reduction Regulations.	5/16/95	2/14/96, 61 FR 5701.	
<b>City of Omaha Chapter 41—Air Quality Control Article I In General</b>				
41-2 .....	Adoption of State Regulations with Exceptions.	4/1/98	1/20/00, 65 FR 3135.	
41-4 .....	Enforcement—Generally .....	5/29/95	2/14/96, 61 FR 5701.	
41-5 .....	Same Health Department .....	5/29/95	2/14/96, 61 FR 5701.	
41-6 .....	Residential Exemptions .....	5/29/95	2/14/96, 61 FR 5701.	
41-9 .....	Penalties .....	5/29/95	2/14/96, 61 FR 5701.	
41-10 .....	Civil Enforcement .....	5/29/95	2/14/96, 61 FR 5701.	
<b>Article II—Permitting of Air Contaminant Sources</b>				
41-23 .....	Prerequisite to Approval .....	5/29/95	2/14/96, 61 FR 5701.	
41-27 .....	Signature Required; Guarantee .....	5/29/95	2/14/96, 61 FR 5701.	
41-38 .....	Funds .....	5/29/95	2/14/96, 61 FR 5701.	
41-40 .....	Fees—When Delinquent .....	5/29/95	2/14/96, 61 FR 5701.	
<b>Article IV—Waste Incinerators Division 1. Generally</b>				
41-60 .....	Definitions .....	5/29/95	2/14/96, 61 FR 5701.	
41-61 .....	Violations .....	5/29/95	2/14/96, 61 FR 5701.	
<b>Article IV—Waste Incinerators Division 2. Emissions</b>				
41-70 .....	New or Modified Facilities .....	5/29/95	2/14/96, 61 FR 5701.	
41-71 .....	Existing Facilities .....	5/29/95	2/14/96, 61 FR 5701.	
41-72 .....	Emission Testing .....	5/29/95	2/14/96, 61 FR 5701.	
<b>Article IV—Waste Incinerators Division 3. Design</b>				
41-80 .....	New or Modified Waste Incinerators.	5/29/95	2/14/96, 61 FR 5701.	
41-81 .....	Existing Incinerators .....	5/29/95	2/14/96, 61 FR 5701.	

(d) EPA-approved state source-specific permits.

EPA-APPROVED NEBRASKA SOURCE—SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
(1) Gould, Inc.	677	11/9/83	1/31/85, 50 FR 4510.	
(2) Asarco, Inc..	1520	6/6/96	3/20/97, 62 FR 13329 .....	The EPA did not approve paragraph 19.

(e) EPA-approved nonregulatory provisions and quasi-regulatory measures.

**Environmental Protection Agency**

**§ 52.1420**

**EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS**

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
(1) Air Quality Implementation Plan .....	Statewide .....	1/28/72	5/31/72, 37 FR 10842.	
(2) Confirmation That the State Does Not Have Air Quality Control Standards Based on Attorney General's Disapproval..	Statewide .....	4/25/72	5/31/72, 37 FR 10842.	
(3) Request for Two-Year Extension to Meet the Primary NO <sub>x</sub> Standard..	Omaha .....	1/24/72	7/27/72, 37 FR 15080.	
(4) Clarification of Section 11 of the State's Plan..	Statewide .....	2/16/72	7/27/72, 37 FR 15080.	
(5) Letters Clarifying the Application of the States Emergency Episode Rule..	Omaha .....	10/2/72	5/14/73, 38 FR 12696.	
(6) Analysis of Ambient Air Quality in Standard Metropolitan Statistical Areas and Recommendations for Air Quality Maintenance Areas.	Omaha, Lincoln, Sioux City.	5/9/74	6/2/75, 40 FR 23746.	
(7) Amended State Law (LB1029) Giving the Department of Environmental Quality Authority to Require Monitoring of Emissions, Reporting of Emissions and Release of Emissions Data.	Statewide .....	2/10/76	6/23/76, 41 FR 25898.	
(8) Air Monitoring Plan .....	Statewide .....	6/19/81	10/6/81, 46 FR 49122.	
(9) TSP Nonattainment Plan .....	Douglas and Cass Counties.	9/25/80	3/28/83, 48 FR 12715.	
(10) Plan for Intergovernmental Consultation and Coordination and for Public Notification..	Statewide .....	8/9/82	7/5/83, 48 FR 30631.	
(11) Lead Plan .....	Statewide except Omaha.	1/9/81 8/5/81 1/11/83	11/29/83, 48 FR 53697.	The plan was approved except that portion pertaining to Omaha.
(12) Lead Nonattainment Plan .....	Omaha .....	7/24/84 11/17/83 8/1/84	1/31/85, 50 FR 4510.	
(13) CO Nonattainment Plan .....	Omaha .....	4/3/85	9/15/86, 51 FR 32640.	
(14) CO Nonattainment Plan .....	Lincoln .....	4/3/85	9/19/86, 51 FR 33264.	
(15) Revised Lead Nonattainment Plan .....	Omaha .....	2/2/87	8/3/87, 52 FR 28694.	
(16) Letter Pertaining to NO <sub>x</sub> Rules and Analysis Which Certifies the Material Became Effective on February 20, 1991..	Statewide .....	3/8/91	7/2/91, 56 FR 30335.	State submittal date is date of the letter.
(17) Small Business Assistance Program ..	Statewide .....	11/12/92	8/30/93, 58 FR 45452.	
(18) Class II Operating Permit Program Including Letter Committing to Submit Information to RACT/BACT/LAER Clearinghouse, Letter Regarding Availability of State Operating Permits to the EPA and Specified Emissions Limits in Permits, and Letter Regarding the Increase in New Source Review Thresholds..	Statewide .....	2/16/94	1/4/95, 60 FR 372.	
(19) Letter from City of Omaha Regarding Authority to Implement Section 112(l) and Letter from the State Regarding Rule Omissions and PSD Program Implementation..	Omaha, Lincoln .....	9/13/95, 11/9/95	2/14/96, 61 FR 5725.	State submittal dates are dates of letters.
(20) Lincoln Municipal Code, Chapter 8.06.140 and 8.06.145..	City of Lincoln .....	2/5/99	1/20/00, 65 FR 3135.	
(21) Lancaster Co. Resolution 5069, Sections 12 and 13..	Lancaster County ...	2/5/99	1/20/00, 65 FR 3135.	
(22) Nebraska Lead Maintenance SIP .....	Omaha .....	1/18/01	4/20/01, 66 FR 20199.	

[64 FR 7103, Feb. 12, 1999, as amended at 65 FR 3133, Jan. 20, 2000; 66 FR 20199, Apr. 20, 2001; 67 FR 37327, May 29, 2002; 68 FR 40530, July 8, 2003; 68 FR 52694, Sept. 5, 2003; 68 FR 67046, Dec. 1, 2003; 70 FR 16429, Mar. 31, 2005; 71 FR 38779, July 10, 2006]