

Beryllium, Mercury and Vinyl Chloride. These four pollutants will now be regulated under section 112 (g) of the Act. In accordance with 40 CFR 51.166(b)(23)(i), three categories of pollutants have been added to this definition: Municipal waste combustor organics, Municipal waste combustor metals, and Municipal waste combustor acid gases.

4. The definition of "Major Source" incorporates the previously approved definition, and expands it in accordance with 40 CFR 70.2 and section 112 of the Act. It also defines major source for nonattainment areas and for emissions offsets. Finally, in accordance with 40 CFR 52.21 which is incorporated by reference, this also defines major source for the purposes of prevention of significant deterioration.

B. Ambient Air Quality Standards

Standards for total suspended particulate (TSP) have been deleted. A July 1, 1987, **Federal Register** document changed the indicator for both the primary and secondary standards from TSP to PM₁₀. The state of Nebraska originally elected to maintain both standards, although only the standard for PM₁₀ is required. The state now deletes this TSP standard.

C. Class II Operating Permit Program

By making the Class II operating permit program part of the SIP and legally requiring in the SIP that permittees comply with such permits, any violation of such a permit will be enforceable under the Clean Air Act and subject to EPA enforcement. One effect of this rule is that any limitation on potential-to-emit (PTE) criteria pollutants will be recognized and be enforceable by EPA. Thus, sources may voluntarily restrict their potential emissions and be issued a Class II permit to avoid the more extensive requirements of title V.

In the **Federal Register** document dated June 28, 1989 (54 FR 27281), EPA outlines five criteria that a state must meet in order to achieve a Federally enforceable operating permit program which is approved into the SIP. These criteria apply to both the Class II program and to the request for approval under section 112(l). The state of Nebraska has met this criteria by: (1) Submitting this program for approval; (2) imposing a legal obligation that operating permit holders adhere to the terms and limitations of their permits; (3) requiring that all emissions limitations, controls, and other requirements imposed by permits will be at least as stringent as any other applicable limitations and requirements

contained in or enforceable under the SIP; (4) further requiring the limitations, controls, and requirements of the permits to be permanent, quantifiable, and otherwise enforceable as a practical matter; and (5) providing that the permits issued are subject to public participation and EPA review. The reader may consult the TSD for a fuller description of how the state has met these criteria.

D. Revised Thresholds

The state has revised the thresholds for minor NSR permitting so that the same thresholds apply for both Class II operating permits as well as NSR. Sources with the PTE equal to or greater than these thresholds must obtain a construction permit from the state. Sources with a PTE below these thresholds are still subject to state and Federal regulations, but are not required to have an operating or NSR permit. The following chart outlines these threshold changes (note: some thresholds have been converted from pounds per hour to an annual rate):

	Previous SIP	Current SIP
TSP ¹	43.7 TPY	25 TPY
PM ₁₀	10 TPY	15 TPY
SO ₂	8.76 TPY	40 TPY
NO _x	9.1 TPY	40 TPY
VOC	65.7 TPY	40 TPY
CO	100 TPY	50 TPY
HAP	2.5 TPY	2.5 TPY
Lead	0.6 TPY

¹ Although the national ambient air quality standard for TSP has been changed to PM₁₀ by EPA, Nebraska is retaining TSP increments. The threshold standard is based on 40 CFR 52.21 as are the other standards.

With respect to the three thresholds which have been increased, the state has indicated that air quality screen modeling is routinely performed for criteria pollutants before construction permits are issued. In a letter from the state dated November 7, 1994, Nebraska indicates that the evidence available from the cumulative pool of modeling results clearly demonstrates that sources with pollutant potentials, less than the new thresholds, do not threaten the maintenance of the ambient air quality standards.

E. 112(l) Authority

The state has also requested that the provisions of Title 129 that pertain to Class II operating permits be approved pursuant to section 112(l) of the Act. By approving the Class II permit program under section 112(l), permittees must comply with such permits relating to hazardous air pollutants, and any violation of such a permit will be

enforceable under the Clean Air Act and subject to EPA enforcement. One effect of this rule is that any limitation on PTE hazardous pollutants will be recognized and be enforceable by EPA. Thus, sources may voluntarily restrict their potential emissions and be issued a Class II permit and avoid the more extensive requirements of Title V.

In addition to meeting the criteria of the June 28, 1989, **Federal Register** document, the state has also met specific criteria for approval under 112(l) which include:

1. Adequate authority within the program to ensure compliance by all sources with each applicable standard, regulation, or requirement established by the Administrator. The state provided an Attorney General's statement which ensures necessary legal authority and compliance by all sources within the state.

2. Adequate authority to implement the program. The state has submitted copies of state statutes, regulations, and other requirements which contain the appropriate provisions demonstrating authority to implement and enforce the state rule upon approval.

3. Adequate resources to implement the program. The state has committed to provide adequate resources for this part of its program.

4. An expeditious schedule for implementing the program and ensuring compliance by the affected sources. Class II permit applications are due within 12 months of the effective date of Title 129 (December 1994).

The reader may consult the TSD for a fuller description of how the state meets the criteria for approval under 112(l).

F. Emissions Reporting

The state is requiring an annual emissions inventory by each July 1 which describes the emissions of the past calendar year. These inventories will include the source's administrative information (name, address, etc.), a description of the facilities and hours of operation, nature and amounts of fuel, rate of discharge, and time duration of contaminant emissions. Sources are responsible to report the actual quantity of emissions, including documentation of the measurement method, for any single regulated air pollutant in a greater quantity than one ton and for any combination of regulated air pollutants in a quantity greater than two and one-half tons.

G. Construction Permits

With respect to preconstruction review, Title 129 contains provisions to ensure that any construction or