

## II. GENERAL CONSTRUCTION PERMIT CONDITIONS

- (A) The permittee shall provide the following notifications to the NDEQ:
- (1) The date construction, reconstruction, or modification commenced as defined in Chapter 1. Notification shall be received by NDEQ no later than 30 days after such date and include a summary description ~~and whether the requirement to commence of the event associated with the commencement of construction. The permittee may use either of the following to determine that~~ construction ~~was met through~~ commenced (Title 129, Chapter 17, Section 012):
    - (a) Initiating physical on-site construction activities of a permanent nature that meet the definition of “begin actual construction” or
    - (b) Entering into binding agreements or contractual obligations. If this option is used, the notice shall also include a brief summary of each binding agreement or contractual obligation entered into, the date of the agreement or contract, and why the agreement or contract cannot be cancelled or modified without substantial loss to the permittee.
  - (2) Notification of the date on which the source or modification first becomes operational, shall be received by the NDEQ within fifteen (15) days after such date (Title 129, Chapter 7, Section 002.03).
  - (3) Any emissions due to malfunctions, unplanned shutdowns, and ensuing start-ups that are, or may be, in excess of applicable emission limits shall be reported to the NDEQ in accordance with Title 129, Chapter 35, Section 005.
- (B) Approval to construct, reconstruct, and/or modify the source will become invalid if a continuous program of construction is not commenced within 18 months after the date of issuance of the construction permit ~~except upon a showing by the permittee that the complexity of the construction, reconstruction and/or modification requires additional time, or~~ if construction, ~~reconstruction or modification~~ is discontinued for a period of 18 months or more, or if construction, ~~reconstruction and/or modification~~ is not completed within a reasonable period of time (Title 129, Chapter 17, Section 012).
- (C) This permit is not transferable to another source or location, unless otherwise specified in this permit (Title 129, Chapter 17).
- (D) Holding of this permit does not relieve the permittee of the source from the responsibility to comply with all applicable portions of the Nebraska Air Quality Regulations and any other requirements under local, State, or Federal law. Any permit noncompliance shall constitute a violation of the Nebraska Environmental Protection Act and the Federal Clean Air Act, and is grounds for enforcement action or permit revocation (Title 129, Chapter 41 and Chapter 17, Section 011).
- (E) Any permittee who failed to submit any relevant facts or who submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. If the permittee wishes to make changes at the source that will result in change(s) to values, specifications, and/or locations of emission points that were indicated in the permit application (or other supplemental information provided by the permittee and reviewed by the NDEQ in issuance of this permit), the permittee must receive approval from the NDEQ before the change(s) can be made. In addition, any modification which may result in an adverse change to the air quality impacts predicted by atmospheric dispersion modeling (such as changes in stack parameters or increases in emission rates, potential emissions, or actual emissions) shall have prior approval from the NDEQ. The permittee shall provide all necessary information to verify that there are

no substantive changes affecting the basis upon which this permit was issued. Information may include, but not be limited to, additional engineering, modeling, and ambient air quality studies (Title 129, Chapter 17, Sections 006, 007, and 008).

- (F) When requested by the NDEQ, the permittee shall submit completed emission inventory forms for the preceding year to the NDEQ by March 31 of each year (Title 129, Chapter 6).
- (G) Conditions under which this permit will be reopened, revoked and reissued or terminated for cause, include but are not limited to (Title 129, Chapter 15, Section 006.01):
  - (1) A determination by the Director or the Administrator of USEPA that:
    - (a) The permit must be revoked and reissued to ~~ensure~~assure compliance with the applicable requirements;
    - (b) The permit contains a material mistake or that inaccurate statements were made in the emissions standards or other terms or conditions of the permit;
    - (c) An applicable requirement or applicable requirement under the Federal Clean Air Act applies which was not identified by the permittee in its application.
- (H) The following conditions apply to the verification of NAAQS modeling analysis (Title 129, Chapter 4):

~~{Delete Condition H if modeling is not completed.}~~

- (1) ~~The stack dimensions of the following emission points shall be constructed as indicated below:~~

~~The stack dimensions of the emission points identified in the air dispersion modeling analysis shall be constructed such that the reliability of the air dispersion modeling analysis associated with the permit application is maintained. A site survey, or similar documentation containing the as-built stack dimensions, shall be maintained on-site and kept for the life of the source. If the as-built stack dimensions do not meet the criteria in the following table, the permittee shall notify the NDEQ prior to start-up of any emission unit associated with a stack not meeting the above criteria and, if requested by NDEQ, submit a revised air dispersion modeling analysis to NDEQ to ensure that the source will not interfere with the attainment or maintenance of the ambient air quality standards in Title 129 Chapter 4.~~

<b>Emission Point ID#</b>	<b>Emission Point Name</b>	<b>Minimum Stack Height (ft)</b>	<b>Stack Exit Point Maximum Inside Diameter (m)</b>

~~A site survey, or similar documentation containing the as-built stack dimensions, shall be maintained on-site and kept for the life of the source. If stack dimensions do not comply with the table above, the permittee shall notify the NDEQ prior to start-up of any emission unit and, if requested, submit a revised air dispersion modeling analysis to the NDEQ to ensure that the source will not interfere with the attainment or maintenance of the ambient air quality standards in Chapter 4.~~

- (2) The permittee shall sufficiently restrict public access to the source at the ambient air boundary relied upon in the air dispersion modeling analysis for the NAAQS

compliance demonstration. ~~The vertices of the boundary shall be located at the coordinates indicated below:~~

<del>Fence-line Vertex ID#</del>	<del>UTM X (m)</del>	<del>UTM Y (m)</del>
<del>SW</del>		
<del>SE</del>		
<del>NE</del>		
<del>NW</del>		

A site survey, or similar documentation containing the locations of the boundary vertices, shall be maintained on-site and kept for the life of the source. If the boundary dimensions do not comply with the ~~table above~~ boundary information in the air dispersion model (plus or minus 5 meters), the permittee shall notify the NDEQ prior to start-up of any emission unit and, if requested, submit a revised air dispersion modeling analysis to the NDEQ to ensure that the source will not interfere with the attainment or maintenance of the ambient air quality standards in Chapter 4.