

I. STANDARD CONDITIONS

- (A) Regulatory authority:
 - (1) Title 40 Protection of Environment, Code of Federal Regulations that apply to the source including those not currently delegated to Nebraska or not yet included in Title 129; and
 - (2) Title 129 as amended July 20, 2016.
- (B) The permittee shall allow the NDEQ, USEPA or an authorized representative, upon presentation of credentials (Neb. Rev. Statute §81-1504; [Title 129, Chapter 8, Section 012.02](#)) to:
 - (1) Enter upon the permittee's premises ~~at~~ during reasonable ~~times~~ hours, where a source subject to this permit is located, emissions-related activity is conducted, or where records must be kept under the conditions of this permit, for the purpose of ensuring compliance with this permit or applicable requirements;
 - (2) Have access to and copy, ~~at~~ during reasonable ~~times~~ hours, any records that must be kept under the conditions of this permit, for the purpose of ensuring compliance with this permit or applicable requirements;
 - (3) Inspect ~~at~~ during reasonable ~~times~~ hours any facilities, pollution control equipment, including monitoring and air pollution control equipment, practices, or operations regulated or required under this permit, for the purpose of ensuring compliance with this permit or applicable requirements;
 - (4) Sample or monitor, ~~at~~ during reasonable ~~times~~ hours, substances or parameters for the purpose of ensuring compliance with the permit or applicable requirements.
- (C) ~~The permittee may request, subject to NDEQ approval, an administrative amendment of this permit for a change in ownership or operational control of this source provided the NDEQ determines that no other change in the permit is necessary and a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the NDEQ (Title 129, Chapter 15, Section 001.01D). All requested permit amendments and revisions must adhere to the requirements of Title 129, Chapter 15.~~
- (D) This permit may be revoked for cause, including but not limited to (Title 129, Chapter 15, Section 006.02):
 - (1) The existence at the source of unresolved noncompliance with applicable requirements or a term or condition of this permit, and refusal of the permittee to agree to an enforceable schedule of compliance to resolve the noncompliance;
 - (2) The submittal by the permittee of false, incomplete, or misleading information to the NDEQ or USEPA;
 - (3) A determination by the Director that the permitted source or activity endangers human health or the environment and that the danger cannot be removed by a revision of this permit; or
 - (4) The failure of the permittee to pay a penalty owed pursuant to court order, stipulation and agreement, or order issued by the Administrator of the USEPA.
- (E) The following methods may be used to determine compliance with the terms and conditions in this permit (Title 129, Chapter 34, Section 008):
 - (1) Any compliance test method specified in the State Implementation Plan;

Commented [DC1]: This date will change when Title 129 is amended.

- (2) Any test or monitoring method approved for the source in a permit issued pursuant to Title 129, Chapter ~~8~~, 17, 19, or ~~26~~27;
 - (3) Any test or monitoring method provided for in Title 129; or
 - (4) Any other test, monitoring, or information-gathering method that produces information comparable to that produced by any method described in Condition ~~I.(A)(E)(1) through (3)~~.
- (F) Application for review of plans or advice furnished by the Director will not relieve the permittee of legal compliance with any provision of these regulations, or prevent the Director from enforcing or implementing any provision of these regulations (Title 129, Chapter 37).
- (G) If and when the Director declares an air pollution episode as defined in Title 129, Chapter 38, Sections 003.01B, 003.01C, or 003.01D, the permittee shall immediately take all required actions listed in Title 129, Appendix I, Paragraph 1.1, 1.2, and 1.3, respectively, until the Director declares the air pollution episode terminated (Title 129, Chapter 38, Section 003).
- (H) Recordkeeping: To ensure compliance with this permit, records shall be maintained as outlined below. Records include, but are not limited to: copies of all application materials, notifications, reports, test protocols, test results, and plans; and, originals of all required monitoring results, measurements, inspections, and observations (Title 129, Chapter 34, Section 006; Chapter 8, Section 004.02B):
- (1) All records required by this permit shall be kept ~~on-site~~ for a minimum of five (5) years and shall be clear and readily accessible on-site to NDEQ representatives, unless otherwise specified in this permit.
 - (2) Monthly calculations and records required throughout this permit shall be compiled no later than the fifteenth (15th) day of each calendar month and shall include all records and calculations generated through the previous calendar month, unless otherwise specified in this permit.
 - (3) The source shall keep the following records for each malfunction, start-up and shutdown where emissions were, or may have been, in excess of an emission limitation or standard (Title 129, Chapter 6, Sections 002 and 005; Chapter 11; and Chapter 35, Sections 002, 004 and 005):
 - (a) The identity of the equipment.
 - (b) Reason for, or cause of, the malfunction, shutdown, or start-up.
 - (c) Duration of period of excess emissions.
 - (d) Date and time of the malfunction, shutdown, or start-up.
 - (e) Physical and chemical composition of pollutants whose emissions are affected by the action.
 - (f) Methods, operating data, and/or calculations used to determine these emissions.
 - (g) Quantification of emissions in the units of the applicable emission control regulation.
 - (h) All measures utilized to minimize the extent and duration of excess emissions during the malfunction, shutdown, and start-up.
 - (4) The source shall keep records of maintenance performed on components of all permitted emission units that would affect or potentially affect the emission rate of that unit; permitted- and on control equipment, and required- monitoring equipment

Commented [DC2]: This date can change if the source has a good reason for a later date; for example, the source uses its natural gas bill, which shows amount used, to calculate combustion emissions and the natural gas supplier refuses to provide a bill until later in the month. The reason must be supplied in a letter or e-mail and put in the source's file.

associated with the permitted emission unit (Title 129, Chapter 11, Section 001; Chapter 34, Section 006; and Chapter 35, Sections 006.02 and 006.05).

- (5) All records of opacity readings, instrument readings, visual equipment inspections, log book entries, and any other record of equipment performance shall ~~be initialed, or otherwise signed, by identify~~ the individual who entered the record, except for continuously electronically-generated electronic records.
- (6) Operation and maintenance manuals, or equivalent documentation, detailing proper operation and maintenance of all permitted emission units, required control equipment and required monitoring equipment shall be kept for the life of the equipment.
- (I) All permitted emission units, associated emissions conveyances, required control equipment, and required monitoring equipment shall be properly installed, operated, and maintained (Title 129, Chapter 34, Section 006).

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~~All emissions from emission units using required controls shall be captured and routed through associated emission conveyances to the required control equipment, except for:~~

- ~~(a) Uncaptured emissions due to the design of the equipment, or~~
- ~~(b) Uncaptured emissions described in the permit application and any additional information submitted prior to permit issuance.~~
- (J) The source shall meet, in a timely manner, all applicable requirements that become effective to the source unless a more detailed schedule is expressly required by the applicable requirement. All emission units required to use controls shall have all their emissions captured and controlled unless otherwise identified and accounted for in their application. (Title 129, Chapter 7, Section 006.02C1; Chapter 17)
- (K) In the event of any discrepancies between applicable ~~NSPS or NESHAP federal~~ standards and the terms and conditions of this permit, ~~the NSPS or NESHAP standards shall take precedence unless they are less stringent~~ the source must meet the most stringent requirement or the federal requirement if there is no standard which is more stringent.

(L) Open fires are prohibited except as allowed by Title 129, Chapter 30.

(M) Particulate Matter – General Requirements (Title 129, Chapter 32):

- (1) The permittee shall not cause or permit the handling, transporting or storage of any material in a manner which allows particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the property line.
- (2) The permittee shall not cause or permit the construction, use, repair or demolition of a building, its appurtenances, a road, a driveway, or an open area without applying all reasonable measures to prevent particulate matter from becoming airborne and remaining visible beyond the property line. Such measures include, but are not limited to, paving or frequent cleaning of roads, driveways and parking lots; application of dust-free surfaces; application of water; and planting and maintenance of vegetative ground cover.

(N) Testing:

- (1) Performance testing ~~when~~ if required by this permit or required by the NDEQ shall be completed as follows:
 - (a) The permittee shall provide the NDEQ at least thirty (30) days written notice prior to testing to afford the NDEQ an opportunity to have an observer present. The NDEQ may, in writing, approve a notice of less than 30 days. If the testing is pursuant to an underlying requirement contained in a federal

Commented [DC3]: Source specific emission testing requirements will be included in Condition III of the permit.

- rule, the notice provisions of the underlying requirement apply (Title 129, Chapter 34, Section 003).
- (b) ~~The permittee shall provide the NDEQ with an emissions testing notification with the following information at least thirty (30) days prior to testing. The notification required by Condition I.(N)(1)(a) shall include the following~~ (Title 129, Chapter 34, Section 003):
- (i) Facility Name, Address and FID number.
 - (ii) Company Name, Address and Contact Person's name.
 - (iii) Test schedule including date and estimated start time of testing.
 - (iv) List all applicable regulatory requirements that testing is being conducted for (permit condition, MACT, NSPS, etc.).
 - (v) Types of pollutants to be sampled including applicable emission limits and demonstration requirements.
 - (vi) Test methods and documentation of any proposed variations from the specified procedures and reason for variance.
- (c) Testing shall be conducted according to the methodologies found in Title 129, Chapter 34, Section 002, or other NDEQ approved methodologies (Title 129, Chapter 34, Section 002).
- (d) Performance tests shall be conducted under operating conditions ~~producing the highest emissions or loading to a control device likely to most challenge the emissions control measures of the facility~~. This is typically at maximum capacity, that would not create an unsafe condition, unless otherwise specified by the NDEQ (Title 129, Chapter 34, Section 007).
- (e) Performance tests shall be conducted for a minimum of three (3) one-hour runs unless another run-time is specified by the applicable Subpart or as deemed appropriate by the NDEQ.
- (f) The permittee shall monitor and record the operating parameters for process and control equipment during the performance testing required in the permit.
- (g) A certified written copy of the test results, signed by the person conducting the test, shall be provided to the NDEQ within sixty (60) days of completion of the test, ~~unless a different time period is specified in the underlying requirements of an applicable federal rule~~, and will, at a minimum, contain the following items (Title 129 Chapter 34, Section 002.07):
- (i) A description of:
 - 1. The operating parameters for the emissions unit during testing. Examples include, but are not limited to, production rates, process throughputs, firing rates of combustion equipment, or fuel usage; and,
 - 2. The operating parameters for the control equipment during testing. Examples include, but are not limited to, baghouse fan speeds, scrubber liquid flow rates, or pressure drop across the control device.
 - (ii) Copies of all data sheets from the test run(s).
 - (iii) A description and explanation of any erroneous data or unusual

circumstance(s) and the cause for such situation.

(iv) A final conclusion section describing the outcome of the testing.

(O) When the source makes physical or operational changes to an emissions unit or associated control equipment that may cause an increase in emissions that makes the original testing ~~to~~ not ~~represent representative of~~ current operating conditions or emissions, the source shall submit a notification of the change. Such notification shall be received by NDEQ within fifteen (15) days after such change. The NDEQ may require performance testing based on review of the specific changes identified in the notification and the resulting potential impact on emissions from the unit(s) and/or performance of the control equipment (Title 129, Chapter 34, Section 001).

(1) This notification requirement applies to emissions units and/or control equipment that meet the following requirements, except as provided in Condition I.(O)(5):

- (a) Emissions from the emissions unit and/or control equipment is subject to an emissions limit;
- (b) A valid performance test has been conducted for the pollutant to which the emissions limit applies;
- (c) Changes that may cause emissions to increase or invalidate prior testing include, but are not limited to, increasing the capacity of an emissions unit, changing the operational parameters of any control equipment outside of the range allowed for under this permit that makes the control equipment less efficient, changing the type of scrubber packing, or increasing the inlet pollutant loading of any control equipment.

(2) For emission units that have had a performance test conducted after January 1, 2012, the permittee shall make a one-time notification to the NDEQ within fifteen (15) days of when there is a ten (10) percent increase in daily production/throughput rate, over the tested rate recorded during the most recent valid performance test. If there are subsequent ten (10) percent increases over the rate most recently notified to the NDEQ, the permittee shall make a one-time notification to the NDEQ of each such subsequent increase.

(3) The notification shall include the date of the changes, a description of the changes made, and an evaluation of the resulting expected impact on emissions from the emissions units and/or control equipment.

(4) The following definitions apply for purposes of Conditions I.(O)(~~#~~2) above:

- (a) "rate" shall mean the production or throughput of an emissions unit in the same units of production or throughput as the "tested rate" as defined below; and,
- (b) "tested rate" shall mean the production or throughput rate of an emissions unit as recorded in the most recent valid performance test and reported to the NDEQ in the source's written copy of the test results, or test report, documenting the maximum capacity of the unit(s). The tested rate shall be extrapolated to daily. Examples include, but are not limited to, tons per hour to tons per day or gallons per hour to gallons per day.

(5) The above notification requirements do not apply when compliance with the emission limitation is demonstrated through the use of a CEMS, ~~or~~ PEMS or COMS.

(P) ~~The source shall not allow emissions equal to or greater than 20% opacity as specified in Chapter 20, Section 004 unless a more stringent opacity standard is specified in the underlying~~

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Issued: DRAFT

Source Name
FID #

~~requirements of an applicable federal rule and/or specified within Title 129 and this permit.~~
~~No person shall cause or allow emissions, from any source, which are of an opacity equal to or greater than twenty percent (20%), as evaluated by an EPA approved method, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B except as provided for in Chapter 20, Section 005 (Title 129, Chapter 20, Sections 004 and 006).~~