**II. GENERAL CONSTRUCTION PERMIT CONDITIONS**

The following General Conditions apply to this permit unless otherwise provided for in the Specific Conditions of this permit.

1. The source shall provide the following notifications to the NDEE:
2. The date construction, reconstruction, or modification commenced as defined in Chapter 1. Notification shall be received by NDEE no later than 30 days after such date and include a summary description of the event associated with the commencement of construction. The source may use either of the following to determine that construction 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 source.

(2) Notification of the date on which the source or modification first becomes operational, shall be received by the NDEE within fifteen (15) days after such date (Title 129, Chapter 7, Section 002.03).

~~(3) If at any time the source is or becomes subject to a federal rule (NSPS and/or NESHAP), the source shall complete a Federal Rule Compliance Status (FRCS) report for each applicable federal rule and submit to NDEE for review. The responsible official who shall certify its accuracy shall sign each FRCS report.~~

~~(a) The FRCS report shall be received by NDEE no later than 90 days from either the start of operation or becoming subject to a federal rule. The FRCS report shall include the following:~~

~~(i) Facility Name, Address and FID number.~~

~~(ii) Company Name, Address and Contact Person’s name.~~

~~(iii) The date the source became subject to the federal rule.~~

~~(iv) A written copy of each citation of the applicable federal rule that applies to the source along with a description that includes the following:~~

~~1. Methods that are currently used for determining continuous compliance, including a description of monitoring, reporting and test methods.~~

~~2. If there are portions of the federal rule that do not apply, the source shall indicate as such.~~

~~(b) The source shall submit a complete FRCS report in accordance with Condition II.(A)(3)(a)(i) through (iii) no later than 90 days, unless otherwise specified by NDEE, upon any of the following:~~

~~(i) Unless a current FRCS report has been submitted, existing sources that are subject to federal rules shall submit a complete FRCS report for each applicable federal rule.~~

~~(ii) EPA’s promulgation of any modification(s) to the relevant federal rule.~~

~~(iii) Any changes in source applicability to the federal rule.~~

 ~~(4) The source shall notify NDEE in writing prior to changing a federal rule demonstration of compliance option, and shall include an updated FRCS report in its entirety in the notification~~

(3)   If a source is or becomes subject to a NSPS and/or NESHAP, the source shall complete a Federal Rule Applicability Review (FRAR) for each applicable NSPS and/or NESHAP and provide to NDEE (Title 129, Chapter 17).

(a) Within 90 days or unless otherwise specified by NDEE, the source shall provide a complete FRAR in accordance with Condition II.(A)(6)(b)(i) through (iv), upon any of the following:

(i) Start of operation or becoming subject to a NSPS and/or NESHAP;

(ii) EPA’s promulgation of any modification(s) to the relevant NSPS and/or NESHAP;

(iii) Any changes in source applicability to the NSPS and/or NESHAP.

(iv) Unless a current FRAR has been provided, existing sources subject to a NSPS/NESHAP shall provide a complete FRAR for each applicable NSPS and/or NESHAP;

(b) The FRAR shall include at a minimum the following information:

(i) Facility Name, Address and FID number.

(ii) Company Name, Address and Contact Person’s name.

(iii) The date the source became subject to the NSPS and/or NESHAP.

(iv) A written copy of the portions of the NSPS/NESHAP that apply and what operation, monitoring and recordkeeping methods are being used to determine compliance.

(4) The source shall notify NDEE in writing prior to changing a NSPS and/or NESHAP demonstration of compliance option, and shall include an updated FRAR in its entirety in the notification.

(5) 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 NDEE 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 source 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 location, unless otherwise specified in this permit (Title 129, Chapter 17).

(D) Holding of this permit does not relieve 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 source 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 source 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 source and reviewed by the NDEE in issuance of this permit), the source must notify the NDEE before the change(s) can be made. In addition, the source must notify the NDEE if 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). The source 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 NDEE, the source shall submit completed emission inventory forms for the preceding year to the NDEE by March 31 of each year (Title 129, Chapter 6).

 (G) If required, performance tests shall be conducted in accordance with Standard Condition I.(M)within sixty (60) days after first reaching the maximum capacity, but not more than 180 days after the start-up of operations of each unit, unless otherwise specified by the NDEE (Title 129, Chapter 34, Section 007).

{Delete Condition H if modeling is not completed.}

(H) The following conditions apply to the verification of NAAQS modeling analysis (Title 129, Chapter 4):

(1) 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 used in air dispersion modeling analysis, the source shall notify the NDEE prior to start-up of any emission unit associated with a stack not meeting the above criteria and, if requested by NDEE, submit a revised air dispersion modeling analysis to NDEE to ensure that the source will not interfere with the attainment or maintenance of the ambient air quality standards in Title 129 Chapter 4.

(2) The source 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. 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 boundary information in the air dispersion model (plus or minus 25 meters), the source shall notify the NDEE prior to start-up of any emission unit and, if requested, submit a revised air dispersion modeling analysis to the NDEE to ensure that the source will not interfere with the attainment or maintenance of the ambient air quality standards in Chapter 4.