



Nebraska Department of Environmental Quality

ENVIRONMENTAL FACT SHEET

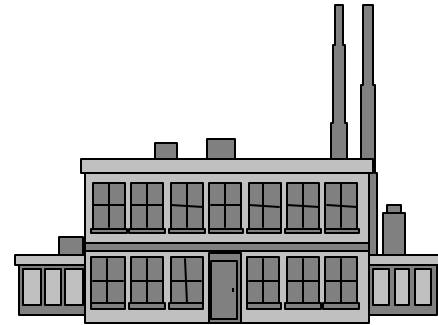
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February 2000

Nebraska's Low Emitter Rule

Introduction

On September 7, 1997, revisions to Nebraska's air quality operating permit rules went into effect. These revisions may exempt a source from the duty to obtain an operating permit, provided certain requirements are met. These revisions shift the focus of the program from *potential-to-emit* (PTE) to *actual emissions* and are known as the Low Emitter Rule. Simply put, a source may be exempt from the permitting requirements if its PTE is over the Class I permitting threshold, but their actual emissions are below the Class II thresholds.



What is PTE?

Potential-to-emit or *PTE* is the maximum capacity of a stationary source to emit a pollutant under its physical and operational design, taking into consideration federally enforceable limitations. The calculation is based on an 8760 hr/yr operating schedule (24 hr/day, 365 days/yr), a schedule that many sources may not achieve. Under the program based on PTE, many sources were required to obtain operating permits, even though their actual emissions were very small. Under the new provisions, many of these sources will not be required to obtain a permit at all depending on the extent of their actual emissions.

What are the Class II Permitting Thresholds?

The permitting thresholds are based on the emissions from a source on a pollutant-by-pollutant basis. For Class II sources, the thresholds based on **actual** emissions are as follows:

50 tons per year of:

PM₁₀, carbon monoxide, volatile organic compounds, oxides of nitrogen, SO₂ or SO₃ or any combination of the two;

5 tons per year of any single Hazardous Air Pollutant (HAP);

12.5 tons per year of any combination of HAPs; and

2.5 tons per year or more of lead.

The above levels are 50% of Class I thresholds (50% of major levels). However, the Class I thresholds are based on PTE, **not** actual emissions.

Program Criteria:

1. Calculate your PTE. If your PTE is above Class I thresholds, you **must** either obtain a Class I operating permit, or fulfill new requirements, which place an enforceable limit on your PTE.
2. Calculate your actual emissions. If your actual emissions are less than Class II thresholds, you may qualify for the program provided you are not required to obtain an operating permit under another applicable requirement not related to PTE. Examples of sources not eligible for this program include acid rain sources, incinerators and landfills with design capacity equal to or exceeding 2.5 million megagrams (Mg). If your actual emissions are **above** the Class II thresholds, you **do not** qualify for this program and you **must** apply for an operating permit.

Program Requirements:

If you meet the above criteria and would like to take advantage of this program, you **must** follow these conditions:

- A. SUBMIT A DEMONSTRATION of actual emissions for Department review **and** approval. The “Low Emitter Worksheet” specific to your source is recommended (enclosed). The demonstration will be verified through previously submitted permit applications and emission inventories or other records of actual emissions. A source must have at least one full year of operating data in order to be considered for low emitter status.
- B. MAINTAIN DOCUMENTATION. Sources under this program **must** maintain records with calculations demonstrating that their actual emissions remain below the Class II threshold. Any documentation necessary to support the calculations **must** be updated at least monthly. If documentation is not available within a reasonable time after a request is made by the Department, the source has not qualified for the program and an operating permit is required.
- C. DOCUMENT CONTROLS TO RECEIVE CREDIT. Records **must** be maintained and available to demonstrate that the controls were continuously operated and maintained in such a manner to achieve the levels of control claimed, if applicable.



Low-Emitter Demonstrations

The key issue in satisfying the provisions of the rule is accountability! The source **must** demonstrate it has and will continue to operate below the Class II thresholds.

Background data such as annual emission inventories and/or data provided in previously submitted operating permit applications, are usually sufficient to support a low-emitter claim. Each provides throughput and emission data on an annual basis, which may be used to demonstrate an emissions level well below the Class II threshold.

Since the source commits to maintain monthly documentation necessary to support the claim and to submit additional information whenever requested, the Department is able to monitor the source as necessary to assure the source continues to qualify for this program.

Pros & Cons of the Low Emitter Program

A source that qualifies for the low emitter program is **not** required to submit an emission inventory to the Department every year, only upon request. A low emitter does not need an air operating permit, which would have to be renewed at least every five years. The source would also not have reporting and compliance certification requirements.

Low emitters may **not** let their actual emissions go above Class II thresholds or it is a violation. If a low emitter wants to expand its operation, and its emissions may go above Class II thresholds, the low emitter will have to apply for a Class II operating permit.

Sources with Non-Major PTE

Sources with non-major PTE and actual emissions below the Class II thresholds are considered “No Permit Required” status. These sources need only maintain documentation sufficient to demonstrate the level of actual emissions. If adequate documentation is not available within a reasonable time after a request is made, the Department may require the source to obtain a Class II permit. All incinerators **must** obtain a Class II permit if a Class I permit is not required, regardless of actual emission levels.

Questions

For additional information on this program call:
The Air Division at
(402) 471-2189; or,
Environmental Assistance Division at (402) 471-6974

