



DEPT. OF WATER, ENERGY, AND ENVIRONMENT

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Construction Permit Application Fees

Chapter 3, Section 002.01 of Nebraska Administrative Code Title 129 – Nebraska Air Quality Regulations requires that each air quality construction permit application be accompanied by a non-refundable fee. The fee is based on the amount of pollutants (including fugitive emissions) the entire source will directly emit or have potential to emit (PTE), taking into consideration the restrictions and emissions limits included with the issuance of the construction permit, as provided for in Nebraska Revised Statutes §81-1505.06.

Table with 2 columns: Description and FEE. Rows include categories like 'Less than 50 tons per year of any listed air pollutant' with fees of \$250, \$1,500, and \$3,000.

Listed air pollutants for application fee purposes include particulate matter with aerodynamic diameter less than 10 micrometers (PM10), oxides of sulfur (SOx), nitrogen oxides (NOx), volatile organic compounds (VOC), and carbon monoxide (CO).

Frequently Asked Questions

Q. When and how do I submit the application fee?

- A. Submit the appropriate application fee with your completed Application – Construction Permit – Form 1.0 – General Information to the Nebraska Department of Water, Energy, and Environment (DWEE) Air Quality Program. Payment must be made by check or money order made out to the Nebraska Department of Water, Energy, and Environment. DWEE cannot currently accept or process electronic payments.

Q. How do I know if I need to obtain a construction permit?

A. A construction permit is typically required for the construction of any new emission unit or the modification of an existing unit at a source that produces a net increase in PTE equal to or exceeding any of the levels specified in Title 129, Chapter 3, Section 001.03A. A construction permit is also required for any incinerator, regardless of size. If you are unsure, you can either apply for a permit, or you can e-mail the Air Quality Program Construction Permit program at DWEE.AirQuality@Nebraska.gov or call the Small Business & Public Assistance Program Coordinator at (402) 471-2186 to discuss your project.

Q. What is an “emission unit”?

A. An “emission unit” is any part or activity at a stationary source that emits or would have the potential to emit any regulated air pollutant. A source can have one or more emission units that contribute to the PTE.

Q. How do I obtain a construction permit application?

A. A construction permit application is available on the DWEE website at <https://dwee.nebraska.gov/>. From the DWEE home page, select the **Air** tab. Under **More Information**, choose **Air Quality Publications, Forms & Applications**. In the **Program Name** dropdown, select **Air Construction Permit Program** and click **Apply**. The relevant Air Construction Permit Program forms will then appear; select the appropriate form from the dropdown menu.

You can also request an application from the Air Quality Program by e-mail at DWEE.AirQuality@Nebraska.gov, or by mail at:

Nebraska Department of Water, Energy, and Environment
Air Quality Program
245 Fallbrook Blvd., Suite 100
Lincoln, NE 68521

Q. How do I calculate Potential to Emit (PTE) for my facility?

A. The PTE for the facility is the current PTE plus the PTE of all new and modified emission units. It takes into account any permit limits requested in the permit application. PTE means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design (Title 129, Chapter 1). Potential emission calculation spreadsheets for specific types of sources are also available for download from the DWEE Publications web pages.

Example 1: You plan to build a new painting facility (source) to replace an existing facility that has a PTE of 12 tons per year for a single Hazardous Air Pollutant (HAP). In the application, you propose to accept limits on the new source in the construction permit - to keep single HAP emissions below 2.5 tons per year and total HAP emissions below 10 tons per year - to avoid the requirement to apply best available control technologies in accordance with [Title 129, Chapter 13](#).

➤ A \$250 fee is required with your construction permit application.

Example 2: You currently operate a source that has a facility-wide PTE as shown in column 2 of the table below. You plan to add a new emission unit that has a PTE as listed in column 3. After the application is processed, the facility-wide PTE adds up to the values in column 4.

PageAir	Current Facility-wide PTE (tons/yr)	PTE of new equipment (tons/yr)	Facility-wide PTE under new permit (tons/yr)
PM ₁₀	40	8	48
VOC	23	41	64

- Since the PTE for VOCs is between 50 and 100 tons per year, you must submit a \$1,500 fee with the construction permit application for this source.

Q. Do I need to combine the PTE for pollutants to determine the fee?

- A. No, do not combine pollutants for a facility-wide PTE to determine the fee using the schedule (e.g., do not add PM₁₀ and VOC emissions together to determine the fee amount). The fee is based on the PTE of single regulated air pollutants, the single largest HAP, and all HAPs combined. Each pollutant may fall into a different fee level, and the required fee will be based on the single highest fee level.

Q. What are the regulated air pollutants for purposes of fee estimation?

- A. Regulated air pollutants for purposes of fee estimation are: PM₁₀, SO_x, NO_x, VOC, CO, and HAPs. Particulate matter (PM), PM_{2.5}, and Greenhouse Gases are not pollutants of concern when estimating the fee.

Q. What if I propose to reduce emissions by installing pollution control equipment?

- A. A source does not need to submit a construction permit to install air pollution control equipment; therefore, an application fee may not be required. However, if a source wants credit for reducing their emissions by installing and operating the equipment, a construction permit is necessary. Since the application fee is based on the facility-wide PTE after the application is processed and a permit is issued, the emission reductions due to the new control equipment would likely minimize the applicable fee.

Q. If I end up not needing a construction permit, do I get a refund for my fees?

- A. The application fee is non-refundable (Title 129, Chapter 3, Section 002.01).

Q. What if I decide to withdraw my application after I have submitted it or decide not to proceed with the construction project?

- A. The application fee is non-refundable (Title 129, Chapter 3, Section 002.01).

Q. If I reduce my potential emissions after submitting the application and before issuing the permit, am I entitled to reimbursement of the application fee amount 'overpaid'?

- A. Application fees are specifically identified as non-refundable in Title 129, but the application fee is based on the total facility-wide PTE after the application is processed and the permit issued. Consequently, if, during the course of DWEE's review of the application and preparation of permit documents, you request to further restrict the facility-wide PTE of your facility to a lower fee category, you may be eligible for partial reimbursement of the amount that exceeded the required

application fee amount based on the issued construction permit. If there is a difference that is reimbursable, it should be noted in the Fact Sheet issued with your permit.

Q. If entitled, how do I request reimbursement of an application fee overpayment?

- A. After the permit has been issued, if you are eligible for partial reimbursement of the application fee, you must submit a request for reimbursement to the Air Quality Permitting Program at the same address from which you mailed your application. Your request should state that you are requesting partial reimbursement of an air quality construction permit application fee and provide a brief reason for the request (e.g., for overpayment of the application fee). Include the DWEE facility identification number, the application number or permit number (ex. CP14-087) for which you are seeking refund of a portion of the application fee, the amount paid initially and the amount of overpayment, and the original check number (to help us match up original fee amount) that the application fee was paid with. Along with this request, you must submit a completed State of Nebraska Substitute form W-9 & ACH-W9 Enrollment Form available at <https://das.nebraska.gov/accounting/forms/forms.htm> (or contact the Air Permitting Program). Your request cannot be processed without the completed ACH-W9. The information on the ACH-W9 should match the owner information on the permit application; a reimbursement check, if issued, will be to the owner.

Produced by: Nebraska Department of Water, Energy, and Environment, 245 Fallbrook Blvd., Suite 100, Lincoln, NE 68521; phone (402) 471-2186. To view this, and other information related to our agency, visit our web site at <https://dwee.nebraska.gov/>