



DEPT. OF WATER, ENERGY, AND ENVIRONMENT

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General Air Permits – Construction and Operating

Permits Issued by the Air Quality Program

Permitting requirements for air pollution emission sources are found in Nebraska Administrative Code Title 129 – Nebraska Air Quality Regulations. Facilities are required to obtain an air construction permit before they construct, reconstruct or modify any air contaminant source or emission unit where there is a net increase in the potential to emit certain air pollutants equal to or exceeding the following levels (Title 129, Chapter 3):

- 15 tons per year (tpy) of PM₁₀ (particulate matter 10 microns in diameter or smaller),
- 10 tpy of PM_{2.5} (particulate matter 2.5 microns in diameter or smaller),
- 40 tpy of SO₂ (sulfur dioxide) or SO₃ (sulfur trioxide) or any combination of the two,
- 40 tpy of oxides of nitrogen (calculated as NO₂),
- 40 tpy VOC (volatile organic compounds),
- 50 tpy CO (carbon monoxide),
- 0.6 tpy lead,
- 2.5 tpy of any single HAP (hazardous air pollutant), or
- 10 tpy of all HAPs combined

An air operating permit is required for any source or emissions unit with actual emissions above the following (Title 129, Chapter 6):

- 50 tons per year (tpy) or more of PM₁₀,
- 50 tpy or more of SO₂ or SO₃ or any combination of the two,
- 50 tpy or more of oxides of nitrogen,
- 50 tpy or more of VOC,
- 50 tpy or more of CO,
- 2.5 tpy or more of lead, or
- 5 tpy or more of any single HAP or 12.5 tpy of all HAPs combined.

In addition, a construction permit and an operating permit are required by Title 129 for all incinerators, regardless of emissions.

A construction permit allows the facility to be built; process equipment and air emission units to be brought in; and establishes operating, monitoring, and record-keeping requirements that the owner or

operator must follow. Once operational, when an operating permit is required the operating permit allows for the continuing operation of the facility with ongoing operating, monitoring, and other requirements that the owner or operator must follow. Due to the complexity of most operations, and thus the intricacy of the corresponding facility permit, the individual permit process typically takes months as the Department must obtain all necessary information, prepare permit documents and public notice those for a 30-day comment period, and complete additional administrative steps in order to issue an individual permit.

General Permits

Title 129 Chapter 7 specifically provides for Nebraska Department of Water, Energy, and Environment (DWEE)'s creation and issuance of air construction and operating general permits. General permits are written to make permit coverage available to eligible facilities that fall within the limited scope and parameters of each general permit.

Currently, Air General Construction Permits are available for the following (note: descriptive limits are provided here, please see the permit and accompanying sheet for more detailed information):

- **Aggregate Processing Plants:** The types of facilities covered include sand and aggregate sorting, screening, and crushing operations.
- **Asphalt Plants – Batch Mix Hot Mix and Asphalt Plants – Drum Mix Hot Mix:** The typical Standard Industrial Classification (SIC) code for these operations is 2951, Asphalt Paving Mixtures and Blocks.
- **Concrete Batch Plants – Truck Mix (Controlled Loadout):** In general, limited to projects producing a maximum of 900,000 cubic yards per year. The typical Standard Industrial Classification (SIC) code for these operations is 3273, Ready-Mixed Concrete. The permit requires that the loadout chute to the concrete truck be controlled by a filtration system.
- **Concrete Batch Plants – Truck Mix (Uncontrolled Loadout):** Limited to projects producing a maximum of 190,000 cubic yards per year. The typical Standard Industrial Classification (SIC) Code for these operations is 3273, Ready-Mixed Concrete.
- **Emergency Engine 1:** Limited to emergency engines that have a total capacity of up to 10,000 hp, use diesel fuel, are model year 2014 or later, have a displacement of less than 30 liters per cylinder, and have less than 500 operating hours per 12 consecutive calendar months.
- **Emergency Engine 2:** Limited to emergency engines that have a total capacity of up to 5,000 hp, use diesel fuel, and have less than 500 operating hours per 12 consecutive calendar months.
- **Surface Coating:** Limited to the capacities for spray and powder surface coating, welding, metal and wood sawing, and abrasive blasting operations identified in the permit.
- **Incinerator (controlled):** Limited to incinerators with a maximum capacity of no more than 250 pounds per hour and maximum heat input rate of 10 MMBtu/hr. (Note: Both construction and operating permit coverage are required for an incinerator.)

Currently, an Air General Operating Permit is available for eligible Incinerators. Title 129, with limited specified exceptions, requires both a construction and an operating permit for an incinerator. Sources receiving coverage under a general operating permit will only have coverage for the remaining term of that general operating permit.

- **Incinerator Operating:** Please see the permit and accompanying fact sheet for detailed information on permit limits, restrictions, and requirements.

All of the above permits are available to eligible applicants through the DWEE's online application process. As these permits contain operating, monitoring, and recordkeeping requirements and have already gone through the entire permit application review process, owners or operators of eligible facilities willing to comply with all the pollutant limits and requirements in these permits can apply for coverage under these already-reviewed permits; drastically reducing the amount of time to obtain authorization to construct, or, for incinerators, authorization to continue to operate. Applicants must carefully read and understand the conditions of the general permit they are applying for before starting the application process.

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/> This material is intended for guidance purposes only.