

Air Quality Operating Permit Application

Form 4.0: Applicable Requirements

Section 4.1: Title 129 Applicable Requirements

SOURCE NAME: _____

DATE: _____

DWEE FACILITY ID: _____

IMPORTANT: PLEASE READ THE INSTRUCTIONS BELOW PRIOR TO COMPLETING THIS FORM.

Please type responses or use black ink. Do NOT use pencil.

Table 1 contains a listing of the requirements in Title 129 that may be applicable to one or more emission units in your source. Be sure to check or identify all standards that **MAY** apply. You must include requirements that appear to be applicable, even if you believe (or know) that they do not apply. Later in this section, you will be given the opportunity to explain why a certain requirement does not apply to your source. Also, if one or more emission units in your source is/are subject to a state requirement that affects air quality and is not listed in the following table, you must include that requirement in Table 2.

Table 1 – Potentially Applicable State Requirements

Mark with an "X" if Potentially Applicable	Title 129 Chapter Number	Chapter Title
<input type="checkbox"/>	12	New Source Performance Standards (<i>Also complete Form 4.0, Section 4.2</i>)
<input type="checkbox"/>	15	Particulate Emissions; Limitations and Standards (Exceptions Due to Breakdowns or Scheduled Maintenance: See Chapter 15, Section 005)
<input type="checkbox"/>	2	Controls for Transferring, Conveying, Railcar, and Truck Loading at Rock Processing Operations in Cass County
<input type="checkbox"/>	14	Incinerators; Emission Standards
<input type="checkbox"/>	13	Hazardous Air Pollutants: Emission Standards (<i>Also complete Form 4.0, Section 4.3</i>)
<input type="checkbox"/>	16	Sulfur Compound Emissions: Existing Sources Emission Standards
<input type="checkbox"/>	16	Nitrogen Oxides (Calculated as Nitrogen Dioxide); Emissions Standards for Existing Stationary Sources
<input type="checkbox"/>	5	Acid Rain
<input type="checkbox"/>	--	The Acid Rain Provisions of 40 CFR Part 72 (as in effect on July 1, 2001)
<input type="checkbox"/>	--	The Acid Rain Provisions of 40 CFR Part 75 (as in effect on July 1, 2001)
<input type="checkbox"/>	--	The Acid Rain Provisions of 40 CFR Part 76 (as in effect on July 1, 2001)
<input type="checkbox"/>	13	Hazardous Air Pollutants: Maximum Achievable Control Technology (MACT)
<input type="checkbox"/>	13	Hazardous Air Pollutants: Emissions Standards (<i>Also complete Form 4.0, Section 4.3</i>)

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Mark with an "X" if Applicable	Title 129 Chapter Number	Chapter Title
<input type="checkbox"/>	6	Compliance Assurance Monitoring (CAM) (<i>Also Complete Form 4.0, Section 4.4</i>)*
<input type="checkbox"/>	15	Dust; Duty to Prevent Escape of
<input type="checkbox"/>	8	Permit by Rule
<input type="checkbox"/>	2	Visibility Protection

* If you have questions on CAM applicability to your source, please see the instructions for Form 4.0, Section 4.4, which include an applicability determination section.

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In Table 2, please identify any State requirements not explicitly listed in Table 1 that you believe **MAY** apply to emission units in your source. Attach additional pages if necessary. Please exclude NSPS and NESHAP requirements in Title 129, Chapters 12 and 13 from this list, as you will be given an opportunity to identify these potential requirements and explain why they may apply to emission units in your source in Sections 4.2 and 4.3 of this form.

Please check ☐ if no additional State requirements are applicable to emission units in your source.

Table 2 – Additional Potentially Applicable State Requirements

Potentially Applicable Requirement	Requirement Citation	Reason(s) Why This Requirement May Apply

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In Table 3, please identify any State requirements checked in Table 1 that you believe **DO NOT** apply to emission units in your source. Please provide justification as to why a specific requirement does not apply. Attach additional pages if necessary. Do not identify NSPS or NESHAP requirements from Title 129, Chapters 12 and 13 in this section, as you will be given an opportunity to identify these requirements and justify why they do not apply to emission units in your source in Sections 4.2 and 4.3 of this form.

Please check ☐ if all the Applicable Requirements selected previously or provided in Table 2 **DO** apply to emission units in your source.

Table 3 – Requirements That Are Not Applicable

Emission Point ID	Emission Point Description	Applicable Requirement (Citation and Name)	Reason(s) Why This Requirement Does Not Apply

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Complete this page for **each** requirement identified in Tables 1 and 2 of this section that **applies** to emission units in your source. Do not identify NSPS or NESHAP requirements from Title 129, Chapters 12 and 13 in this section, as you will be given an opportunity to identify these applicable requirements in Sections 4.2 and 4.3 of this form.

Applicable Requirement: _____

Requirement Citation: _____

Emission Unit(s) Subject to this Requirement:

Emission Point ID	Control Equipment ID	Emission Unit ID	Emission Source/Process Description

Describe how you determine compliance with this applicable requirement:

Method	Description
Types of parameters that are monitored:	
Types of records kept:	
Reports submitted to the DWEE:	
Test methods used:	

Has Compliance with this applicable requirement been achieved? ☐ Yes ☐ No

Will the emission unit continue to comply with this applicable requirement? ☐ Yes ☐ No ☐ N/A (if No checked above)

If compliance with this applicable requirement has NOT been achieved, complete the information on the following page.

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Complete this page for each applicable requirement identified on in Tables 1 and 2 of this form for which compliance has **NOT** been achieved. Do not identify NSPS or NESHAP requirements from Title 129, Chapters 12 and 13 in this section, as you will be given an opportunity to identify the compliance status for these requirements in Sections 4.2 and 4.3 of this form.

Applicable Requirement: _____

Requirement Citation: _____

Provide a narrative on how compliance with this applicable requirement will be achieved:

Detailed Schedule for Achieving Compliance:

Remedial Measures/Milestones	Date Expected

For those requirements where compliance has not been achieved, a schedule for submission of Certified Progress Reports must be submitted to Nebraska Department of Water, Energy, and Environment (DWEE) with this application. Please provide the start date for the submittal of progress reports, as well as the frequency these reports will be submitted. Please note, Title 129, CFR Part 70.5(c)(1)-(c)(10) requires Class I sources to submit these progress reports at least every 6 months. The proposed submittal frequency for Class II sources will be evaluated and approved by DWEE on a case-by-case basis. Progress reports for both Class I and Class II sources must be received by DWEE until compliance with the applicable requirement has been achieved.

Starting Date for Submittal of Certified Progress Reports / /
(mm/dd/yyyy): _____

Frequency for Submittal of Certified Progress Reports (Six Month Minimum for Class I Sources): _____