

Air Quality Low Emitter/ No Operating Permit Required Application Form 1.0 General Information

IMPORTANT: Please type or print with black ink. Do NOT use pencil. If you have questions, please contact the Nebraska Department of Water, Energy, and Environment (DWEE), Air Permitting Program at (402) 471-2186 or DWEE.AirQuality@nebraska.gov.

Low Emitter Rule

Title 129, Chapter 6, Section 001.04A establishes the Low Emitter Rule. Under the Low Emitter Rule, a source can be exempted from the duty to obtain an operating permit, provided that the source meets all the provisions in Title 129, Chapter 6, Section 001.04A. To be eligible for the Low Emitter Rule, a source must meet the following criteria:

1. The source must have potential-to-emit (PTE) above the Class I (major) source thresholds specified in Title 129, Chapter 1.
2. The source must demonstrate that actual emissions from the source have not exceeded the Class II thresholds specified in Title 129, Chapter 6, Section 001.03 for at least five (5) years.

If a source meets the criteria above and wants to apply for Low Emitter status, the source must complete and submit the Low Emitter/No Operating Permit Required Worksheet to the DWEE for evaluation.

No Operating Permit Required (NOPR) Determination

Title 129, Chapter 6 establishes when a source is required to obtain an operating permit. Sources not eligible for Low Emitter status that have PTE above the Class I (major) source thresholds in Title 129, Chapter 1 are required to obtain either a Class I or Class II-Synthetic Minor operating permit. Sources that have **actual** emissions above the Class II thresholds in Title 129, Chapter 6, are required to obtain Class II operating permits, unless a Class I permit is required.

Sources that have PTE below the Class I (major) thresholds and actual emissions below the Class II thresholds are not required to obtain an operating permit. Sources that meet these criteria can use the Low Emitter/No Operating Permit Required Worksheet to notify the DWEE of their No Operating Permit Required status.

GENERAL INSTRUCTIONS

A source is a manufacturing plant, processing operation, power plant, or other source of air pollutant emissions that is physically located in Nebraska. For purposes of this worksheet and the general permitting process, the source includes all air pollutant emission points and/or units, including control equipment and insignificant activities, located at one or more adjacent, or contiguous, properties. The entire source will be evaluated during the determination of applicability of state and federal regulations.

NDWEE Information

- 1) Enter the NDWEE facility identification (ID) number. If the facility ID number is unknown, leave this line blank.

Owner Information

- 2) A permitting action will only be issued to an owner or operator registered with the Nebraska Secretary of State (NSOS). For further information concerning NSOS registration requirements, please see <http://www.sos.ne.gov/dyindex.html> or contact the NSOS. If the legal person is a partnership that is not registered with the NSOS, please provide the name of the partnership, indicate that the name is that of a partnership, and provide the legal name of the individual partner that you would like to have appear on the permit. If the owner is an individual, enter the individual's name as the owner and also complete and submit a U.S. Citizen Attestation Form, which can be found on the DWEE website or is available upon request.

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- 3-6) Provide the mailing address of the person applying for Low Emitter or NOPR status.
- 7) If the owner is a business, indicate whether or not the business is incorporated. If the business is incorporated, provide the name of the state where the business is incorporated.

Source Information

- 8) Enter the common name of the source, which may differ from the name of the owner. The source may have a common name that is a trade name, d/b/a (doing business as), or other name that is not registered with the Secretary of State or meets the definition of “person.” For example, an owner may have multiple sources with different names for each location (e.g., Big Grain - Hastings Location; Big Grain – Kearney Location, etc.). In the case of municipalities, the owner or “person” for the application would be the municipality (e.g., City of Hastings), whereas the common name of the source for a municipality may be the facility or source being permitted (e.g., City of Hastings - Municipal Power Plant). If the Owner Name and the Common Name of Source are the same, then print or type that name on this line.
- 9) Provide the source description. This is a general description of the primary activities conducted at the source.
- 10) Enter the primary, secondary (if applicable), and tertiary (if applicable) 4-digit Standard Industrial Classification (SIC) code(s) associated with your source. If you are uncertain of the applicable SIC code (s), you can determine the code(s) at <http://www.osha.gov/pls/imis/sicsearch.html>.
- 11) Enter the North American Industrial Classification System (NAICS) code(s) for your source. If you are uncertain of the applicable NAICS code(s), you can determine the NAICS code(s) at <http://www.census.gov/naics/>.
- 12-17) Enter the physical address of the source including the street address, city, zip code, county, legal description of the property (i.e. SE ¼, SW ¼, Sec 2, T 9N, R 14W), and UTM Coordinates. 18-23) Indicate whether or not this source is located on leased property. If “Yes”, complete 19 through 23.

Contact Information

- 24-29) Provide the name, title, and contact information for the source’s contact person. This is the individual(s) that can answer questions the DWEE may have concerning the source or the worksheet.
- 30-36) Some sources prefer the DWEE route questions to an additional contact, such as a consultant or company Environmental Manager. If you want the DWEE to ask questions in this manner, check the Yes box and enter the name and contact information of the additional contact person (31- 36).

Operating Schedule

- 37) Indicate whether or not the source operates seasonally. If “Yes”, provide the range of months that the source operates each year (for example, April through October).
- 38) Provide the requested operating information – hours per day, days per week, and weeks per year of operation. This information must be completed for both seasonal and non-seasonal facilities.

Project Information

- 39) Indicate the reason for the worksheet submittal.
- a. Low Emitter: Select this option if the Potential-to-Emit (PTE) of the source, before applying for low emitter status, exceeds the Class I operating permit thresholds specified in Title 129; and actual emissions from your source for each of the previous 5 years are less than 50 percent of the Class I thresholds.

- b. No Operating Permit Required – Natural Minor: Select this option if the PTE of the source is less than Class I operating permit thresholds, and actual emissions from your source are less than 50 percent of the Class I thresholds.
- c. No Operating Permit Required – Synthetic Minor: Select this option if the PTE of the source is less than Class I operating permit thresholds through federally enforceable limitations (i.e., through a permit action or some other type of enforceable federal or state requirement), and actual emissions from your source are less than 50 percent of the Class I thresholds.

PTE is the maximum capacity of a source to emit a pollutant under its physical and operational design, taking into consideration federally enforceable limitations.

HISTORICAL PERMITTING INFORMATION

- 40) Enter the year the source was initially constructed.
- 41) For each permit (construction and/or operating), Low Emitter determination (LE), or No Operating Permit Required determination (NOPR) obtained from the DWEE, provide the date, type of permit, and a brief description of the purpose of the permit.

RESPONSIBLE OFFICIAL CERTIFICATION STATEMENTS

- 42) Each worksheet must include a compliance certification statement that states the source is in compliance with the applicable requirements identified in the worksheet and will continue to be in compliance with the requirements. If the source is not in compliance with one or more applicable requirements, the source must complete and follow a compliance schedule until compliance with the requirement in question is achieved. The responsible official must also certify that the owner or operator of the source will comply with all new applicable requirements that become effective during the term of the permit in a timely manner. The responsible official must check the compliance certification box (41) to signify the source's compliance.
- 43) Each worksheet must include a certification statement that states the information contained in the worksheet is true, accurate, and complete. The responsible official must check the truth, accuracy, and completeness certification box (42) to signify the electronic copy of the worksheet meets these requirements.
- 44) If an electronic copy of the worksheet is submitted in addition to the hard copies, then the responsible official must certify the electronic copy is identical in content to the hard copies. The responsible official must check the electronic copy certification box (43) to signify the electronic copy of the worksheet meets this requirement.
- 45) The certification must be signed and dated in ink by a responsible official. The worksheet will be considered incomplete without the signature of a responsible official.

**INSTRUCTIONS: Section 1.2:
Emission Point Identification**

EMISSION POINT DESCRIPTION

- 1) List all emission points, emission units, and control equipment at your source in Table 1, below.
- 2) Assign a unique ID number to each emission point, emission unit, and piece of control equipment.
- 3) Include a description of the emission point/unit or process. The following table has examples of how to enter information into the table for different types of equipment.

Table 1

Emission Point ID	Control Equipment ID	Emission Unit ID	Emission Source/Process Description
EP-001	CE-001	EU-001	Baghouse and Rail Dump Pit
EP-2	C-2	EU-2	Thermal Oxidizers; Wet Corn Milling Dryers (2); Natural Gas Fired
N/A	N/A	E-1	Reciprocating Internal Combustion Engine; Compression Ignition; 5,000 HP, Diesel Fired
N/A	N/A	EU09-1	Plastic Parts Coating; Equipment Cleaning; HAP Containing Solvent

If your source has more emission points/units than will fit on one page, please complete multiple copies of Section 1.2. If you choose to substitute a separate summary document rather than using Section 1.2, include all of the information required by Section 1.2 and label your summary document as “Section 1.2.” Be sure to include the source name, DWEE facility ID number, and date of application at the top of the page on the substitute submission.

INSTRUCTIONS:**Section 1.3: Control Devices****CONTROL EQUIPMENT APPLICABILITY DETERMINATION**

Please note the following items regarding control equipment before completing Section 1.3

- For purposes of both the Low Emitter Program and No Operating Permit Required Determinations, a source cannot take credit for reductions in potential to emit from the use of a control device unless the use of the control device is a federally enforceable requirement. Generally, this means that the use of the control device is required either through a permit action or some other type of federal or state requirement.
- For purposes of a No Operating Permit Required determination, a source cannot take credit for reductions in **actual** emissions from the use of a control device unless the use of the control device is a federally enforceable requirement.
- For purposes of the Low Emitter Program, a source can only take credit for reductions in **actual** emissions if the source has kept documentation that demonstrates the control equipment used has been continuously maintained and operated as specified by the manufacturer to achieve the level of efficiency for which credit is sought. If a source does not have this documentation, **credit cannot be taken** for reductions in actual emissions through the use of control equipment.

After reading the items above, complete Section 1.3: Control Devices in accordance with the following:

- 1) Indicate whether the source utilizes control equipment to reduce actual emissions of air pollutants.
- 2) If the source utilizes control equipment to reduce actual emissions of air pollutants, indicate whether or not the control equipment is a federally enforceable requirement. Generally, a federally enforceable requirement is that the use of the control device is required either through a permit action or some other type of federal or state rule. If yes, list out the citations to the federally enforceable requirement in the space provided.
- 3) Indicate whether the source has maintained documentation that demonstrates that control equipment has been continuously maintained and operated as specified by the manufacturer.

INSTRUCTIONS:

Section 1.4: Emissions Summary

Potential Emissions Summary

Table 2: Complete the Potential Emissions table, in tons per year (tpy), for each regulated pollutant that may be emitted at your source.

PTE is the maximum capacity of a source to emit a pollutant under its physical and operational design, taking into consideration federally enforceable limitations (through a permit action or some other type of federal or state rule).

Note: Please attach equations, emission factors and their sources, assumptions used in the calculations, control efficiencies used for any federally enforceable control equipment, and any other information that will help the DWEE evaluate the emissions calculations.

Table 3: Complete the Potential Green House Gas (GHG) and CO₂e in tons per year (tpy). CO₂e is calculated by multiplying the individual GHGs emissions by the appropriate greenhouse warming potential (GWP) from 40 CFR Part 98, Subpart A, Table A-1. For your convenience, we have included the GWP for Carbon Dioxide, Methane and Nitrous Oxide. If your source emits one or more of the GHGs not included in this table, use the column that allows you to fill in a GHG name to report those emissions. The total potential emissions are the sum of each respective column and row.

Note: Please attach equations, emission factors and their sources, assumptions used in the calculations, control efficiencies used for any federally enforceable control equipment, and any other information that will help the DWEE evaluate the emissions calculations.

A source is major (Class I) for GHGs when the potential emissions of GHGs exceed 100 tons per year (tpy) on a mass basis and 100,000 tpy on a CO₂e basis. If your source is major for GHGs, YOU CANNOT QUALIFY FOR LOW EMITTER OR NO OPERATING PERMIT REQUIRED STATUS.

Actual Emission Summary

Complete Table 4: Actual Emissions, in tpy, for each regulated pollutant that was emitted at your source. If applying for Low Emitter status, you must include the previous 5 years of actual emissions data. If you are applying for No Operating Permit Required status, you must include, at a minimum, actual emissions data for the most recently completed calendar year. Please attach equations, emission factors and their sources, assumptions used in the calculations, control efficiencies used for any federally enforceable control equipment, and any other information that will help the NDWEE evaluate the emissions calculations. If you are applying for Low Emitter Status and are taking credit for reductions in actual emissions due to the use of pollution control equipment, please also provide the control efficiency used in the actual emissions calculations and the documentation that demonstrates the control equipment has been continuously maintained and operated as specified by the manufacturer to achieve the level of efficiency for which credit is sought.

Note: **A source must have data showing at least 5 years of actual emissions below 50 percent of the Class I thresholds to qualify as a Low Emitter. If a source cannot make this demonstration, they must apply for a Class I or Class II operating permit.**

Questions?

Contact the [Air Program - Operating Permits Section](mailto:DWEE.AirQuality@nebraska.gov) at 402-471-2186 or [DWEE.AirQuality@nebraska.gov](https://dwee.nebraska.gov/) or visit the DWEE website: <https://dwee.nebraska.gov/>

Submit the completed paper form and any attachments to:

DWEE
Air Program – Operating Permits Section
245 Fallbrook Boulevard, Suite 100
Lincoln, NE 68521

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