

IMPORTANT: Please type responses or print clearly using black or blue ink - Do NOT use pencil. If you have any questions, contact the Air Quality Permitting Section of the Nebraska Department of Water, Energy, and Environment (DWEE) at (402) 471-2186.

Use this form **ONLY** for a Minor Permit Revision (MPR) request for an DWEE issued operating permit that is not less than 90 days from its expiration date at the time the MPR request is submitted. For a significant permit revision, use the appropriate forms from Air Quality Operating Permit Application Forms. For an MPR request for a construction permit use the Nebraska Air Quality Minor Construction Permit Revision Request Form. Please review the permit revision requirements found in Chapter 9 of Nebraska Administrative Code Title 129 – Nebraska Air Quality Regulations (Title 129).

Submit two (2) sets (one (1) original and one (1) copy) of the completed paper form to the Air Quality Permitting Section of the DWEE. Processing your MPR request will be delayed if you do not submit two (2) sets of the completed form.

Administrative Information

- 1) Facility name - This name should match the name on the current permit. The facility name should be identical on all forms included in the MPR request.
- 2) DWEE facility identification number
- 3-6) Physical address of the facility (not a P.O. Box number)
- 7) County and legal description of the property (e.g., SE ¼, SW ¼, Sec 2, T 9N, R 14W)
- 8) Owner name - This is the legal entity name of the applicant. If applicant is a company it must be registered to do business in the state of Nebraska. If the applicant is an individual or sole proprietor then a completed United States Citizenship Attestation Form must also be filed with the DWEE.
- 9-12) Owner mailing address

Contact Information

- 13) Facility contact person - An individual employed by the company and familiar with all aspects of the facility, who the Department may contact with questions about the facility or the MPR request.
- 14) Facility contact person's job title or responsibility within the company.
- 15-17) Contact information for the facility contact person - Provide the primary phone number, an alternative phone number (if available), and email address for the person identified as the facility contact.

Revision Request Information

- 18) Indicate whether this MPR request is for the revision of a Class I or Class II operating permit and the date the permit was issued.

Description of Change

- 19) Provide a detailed narrative of proposed changes to explain why the existing operating permit needs to be revised. Detail how the facility will comply with air quality permitting requirements following the requested changes. Include in the discussion any new or changed applicable

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requirements or applicable requirements under the Act that will apply if the change occurs. Attach additional pages as needed.

Change in Emissions as a Result of the Permit Revision

- 20) If the change described in the MPR request will alter (either increase or decrease) the potential to emit of any pollutants from the facility, include the emissions change that will result from the proposed permit revision. Attach to the request the potential to emit calculations for all affected pollutants with emission rates in tons per year.

Permit Language Attachments

- 21) The applicant's suggested draft permit language must be submitted with the MPR request (Title 129, Chapter 9, Section 003.03B). On a separate sheet(s) of paper, provide draft language you would like incorporated into the existing operating permit. Include the current permitting language from the existing construction permit in the MPR request.

Operating Permit Revision Requirements

- 22) Read each statement and check each box to verify that the requirements identified will be met for the MPR requested. The number in the parenthesis at the end of each statement is the section number in Chapter 9 of Title 129 for that requirement. Contact the Department if you have any questions about whether or not the proposed revision qualifies as an MPR. Check the YES box to certify that your MPR request meets all the MPR requirements. Your MPR request is incomplete if you fail to check all of the boxes, including the YES box.

The following is additional information for each check box item with the corresponding Title 129, Chapter 9 section reference. This guidance is not all inclusive. If you have questions as to whether or not the revision request falls under one or more of the following, please contact the Department.

- 003.01 The minor permit revision does not “violate any applicable requirement or applicable requirement under the Act.” This means that the revision will not violate an operating permit requirement, a New Source Performance Standard (NSPS) or National Emissions Standard for Hazardous Air Pollutants (NESHAP), or another requirement of Title 129.
- 003.01 The minor permit revision does not “involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit.” A general rule of thumb is that if the proposed monitoring, reporting, or recordkeeping requirement accomplishes the intent of the current language, it would not be significant. For example, in most cases allowing a source to use fuel usage instead of hours of operation to demonstrate compliance with a 40 tpy limitation would not be considered significant. The Department has the final determination on whether the proposed change is significant.
- 003.01 The minor permit revision does not “require or change a case-by-case determination of an emission limitation or other standard, including a Best Available Control Technology (BACT) or Maximum Achievable Control Technology (MACT) determination or a plantwide applicability limitation (PAL), or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.” Limitations that are determined on a case-by-case basis cannot be changed using the minor revision procedures. Case-by-case limitations generally result from a Best Available Control Technology analysis or ambient air modeling. In other words, there is no regulatory requirement specifically establishing the limitation so that it is applicable to all sources, e.g., an NSPS or a NESHAP limitation, etc.

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- 003.01 The minor permit revision does not “seek to establish or change a permit term or condition for which there is no corresponding applicable requirement or applicable requirement under the Act and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.” This is similar to the requirements in 003.01C above except that those are source requested limits generally taken to avoid classification as a major source, e.g., a federally enforceable emissions cap assumed to avoid classification as a modification under Chapter 12, Chapter 13, Sections 001, 002, 003 and 004; or an alternative emissions limit approved pursuant to Chapters 13, Sections 002, 003, 004.
- 003.01 The modification occurring does not “relate to a change within a permitted facility defined as a modification under Chapters 12, or 13;” or does not “require a construction permit under Chapter 3.” The modification cannot be a major modification as prescribed in Title 129, Chapter 4 or a modification under Chapter 12, Section 001.01 or Chapter 13, Section 001.
- 003.01 The minor permit revision is not “required by the Director to be processed as a significant revision.” The Director will determine whether the proposed change has to be processed as a significant revision.
- 003.01 The minor permit revision does not “involve the use of economic incentives, marketable permits, emissions trading, and other similar programs or procedures provided that such minor permit revision procedures are explicitly allowed for in an applicable State implementation plan or in an applicable requirement or applicable requirement under the Act.” The Department does not administer economic incentives, marketable permits, emissions trading, and other similar programs. Therefore, the minor revision cannot involve such a change. This criterion had to be included in the form because Title 129 requires certification for all the above criteria.

NOTE: Title 129 specifies that the Department will notify the applicant of its determination within 90 days of receipt of a complete application for a Class II source or, for a Class I source, either within 90 days of receipt of a complete application or within 15 days after the end of EPA’s 45 day review period, whichever is later (Chapter 9, Section 003.04 and 003.05A).

Responsible Official Certification Statement

- 23) Certification of the truth, accuracy, and completeness of the application by a Responsible Official for the facility is required as provided in Title 129, Chapter 6, Section 002.06, which also specifies wording required for the certification statement. The MPR request is incomplete without a proper signature by a Responsible Official.

“Responsible Official”, as defined by Title 129 (Chapter 1), means one of the following:

- I. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - A. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - B. The delegation of authority to such representatives is approved in advance by the permitting authority;

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- II. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- III. For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
- IV. For affected sources:
 - A. The designated representative in so far as actions, standards, requirements, or prohibitions under Chapter 5 are concerned; and
 - B. The designated representative for any other purposes under the Title V program.

Questions?

Contact the Air Program - Operating Permits Section at 402-471-2186 or DWEE.AirQuality@nebraska.gov or visit the DWEE website: 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

Produced by: Nebraska Department of Water, Energy, and Environment, 245 Fallbrook Boulevard, Suite 100, Lincoln, NE 68521; phone 402-471-2186. For this and other related information visit the DWEE website at dwee.nebraska.gov/