

Nebraska Air Quality Minor Construction Permit Revision Application Instructions

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 a DWEE issued construction permit. For a significant permit revision, use the appropriate forms from Air Quality Construction Permit Application Forms. For an MPR request for an operating permit use the Nebraska Air Quality Minor Operating 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 of your MPR request will be delayed if you do not submit 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 Prevention of Significant Deterioration or State construction permit and the date the permit was issued.

Description of Change

- 19) Provide a detailed narrative of proposed changes to explain why the existing construction 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 requirements or applicable requirements under the Act that will apply if the change occurs. Attach additional pages as needed.

Nebraska Air Quality Minor Construction Permit Revision Application Instructions

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 construction permit. Include the current permitting language from the existing construction permit in the MPR request.

Construction 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.

- 003.02A “The minor permit revision will not cause an emission limit in the original construction permit to be exceeded.” The minor permit revision procedures can be used to modify or install equipment provided a construction permit is not required under Title 129, Chapters 3 or 4. However, if there is an emission limit in the original construction permit it cannot be increased through the minor revision process.
- 003.02B “The minor permit revision will not cause an applicable requirement included in an operating permit to which the source is subject to be violated.” If the minor permit revision to the construction permit will cause an applicable requirement included in an operating permit to be violated, then you must also submit a separate Operating Permit MPR application and the criteria in the previous section will have to be met. If you are requesting a change to both types of permits, you can state that your request meets this requirement.
- 003.02C “The minor permit revision will not cause an emissions limit, equipment, or operational standard applicable to the source to be exceeded.” The department will determine whether the proposed change will cause an equipment or operational standard to be exceeded. A general rule of thumb is that if the proposed revision relaxes or makes an activity less frequent, it will not be processed as a minor revision. For example, if the permit specifies three baghouses and the source wants to replace those with one, then the proposed change would not qualify as a minor revision.
- 003.02D “The minor permit revision will not cause an emissions limit, equipment, or operational standard assumed to avoid a classification that would render the source subject to an otherwise applicable requirement to be exceeded.” The department will determine whether the proposed change will cause an exceedance of an equipment or operational standard assumed to avoid an otherwise applicable requirement. A general rule of thumb is that if the proposed

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revision relaxes or makes an activity less frequent, it will not qualify as a minor revision. For example, if the permit specifies that the source only uses water-based paint so there are no Best Available Control Technology requirements for hazardous air pollutants, the source cannot switch to solvent-based paint using the minor permit revision process.

- 003.02E “The nature of the constructed facility will be consistent with that described in the original public notice materials if the minor permit revision is approved.” The department will determine whether the proposed change will result in the nature of the constructed facility being consistent with that described in the original public notice materials. While the department will make this determination, the source should review these permit materials to identify any potential inconsistencies. If there appears to be an inconsistency, the source should be prepared to explain how the provision is being met.

NOTE: Title 129 specifies that the Department will notify the applicant of its determination within 90 days of receipt of a complete application.

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;
- 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 26 are concerned; and
 - B. The designated representative for any other purposes under the Title V program.

Nebraska Air Quality Minor Construction Permit Revision Application Instructions

Questions?

Contact the Air Quality Program - Construction Permits Section at 402-471-2186 or DWEE.AirQuality@nebraska.gov or visit the DWEE website: <http://dwee.nebraska.gov>.

Submit the completed paper form and any attachments to:

DWEE
Air Quality Construction Permit Section
245 Fallbrook Blvd.
Suite 100
Lincoln, NE 68521

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