

RECEIVED

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

AUG 19 2010

LANCASTER COUNTY
CLERK

IN THE MATTER OF AMENDING ARTICLE 2,)
SECTION 28 OF THE LINCOLN-)
LANCASTER COUNTY AIR POLLUTION)
CONTROL PROGRAMS REGULATIONS)
AND STANDARDS, AS PROVIDED IN)
ATTACHMENT "A")

RESOLUTION NO. R-10-0071

WHEREAS, pursuant to Neb. Rev. Stat. §13-801, et seq. (Reissue 2007), Lancaster County and the City of Lincoln entered into an Interlocal agreement for the purpose of providing for the establishment of the 1993 Lincoln-Lancaster County Air Pollution Program; and

WHEREAS, pursuant to Neb. Rev. Stat. § 71-1630 and §71-1635 (Reissue 2003), Lancaster County cooperated with the City of Lincoln in the establishment and maintenance of a City-County Health Department; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended an amendment to adopt Federal regulations for area sources of Hazardous Air Pollutants and associated fees, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, the City of Lincoln has already adopted such amendments; and

WHEREAS, on August 24, 2010, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of the amendments to the Lincoln-Lancaster County Air Pollution Program as provided in Attachment "A"; and

WHEREAS, in order to provide consistency and uniformity, the County wishes to make the same amendment to the regulations that the City of Lincoln has made; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of

Lancaster County, that the amendments to the 1993 Lincoln-Lancaster County Air Pollution Control Program, as provided in Attachment "A" are hereby adopted and shall become effective September 28, 2010.

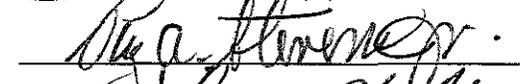
BE, IT FURTHER RESOLVED, that a copy of this resolution and said amendments be placed on file in the office of the County Clerk.

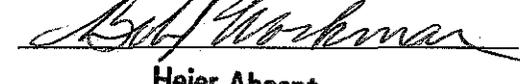
DATED this 24 day of August, 2010, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 24 day of
August, 2010.


Deputy County Attorney
GARY E. LACEY
Lancaster County Attorney


Heier Absent

ATTACHMENT "A"

ARTICLE 2
SECTION 28

HAZARDOUS AIR POLLUTANTS
MACT EMISSION STANDARDS

SECTION 28. HAZARDOUS AIR POLLUTANTS – MACT EMISSION STANDARDS.

(A) Notwithstanding any other provisions of these Regulations and Standards, the following "National Emission Standards for Hazardous Air Pollutants" published at 40 CFR Part 63 effective July 1, 2006 7 are hereby adopted and incorporated herein:

- (1) Perchloroethylene Dry Cleaning Facilities - Subpart M
- (2) General Provisions - Subpart A
- (3) Hard and Decorative Chromium Electroplating and Anodizing Tanks - Subpart N
- (4) Ethylene Oxide Commercial Sterilizers and Fumigation Operations - Subpart O
- (5) Chromium Emissions from Industrial Process Cooling Towers - Subpart Q
- (6) Gasoline Distribution Facilities - Subpart R
- (7) Halogenated Solvent Cleaning Machines - Subpart T
- (8) Magnetic Tape Manufacturing Operations - Subpart EE
- (9) Hazardous Organic NESHAPs - Subparts F, G, H, and I
- (10) Aerospace Industry - Subpart GG
- (11) Off-Site Waste Operations - Subpart DD
- (12) Petroleum Refineries - Subpart CC
- (13)(12) Printing/Publishers Ind. - Subpart KK
- (14)(13) Butyl Rubber Production - Subpart U
- (15)(14) Epoxy Resins Production and Non-Nylon Polyamides Production - Subpart W
- (16)(15) Group IV Polymers & Resins - Subpart JJJ
- (17)(16) Secondary Lead Smelters - Subpart X
- (18)(17) Wood Furniture Manuf. - Subpart JJ
- (19)(18) Tanks-Level 1, Subpart OO
- (20)(19) Containers, Subpart PP
- (21)(20) Surface Impoundments, Subpart QQ
- (22)(21) Individual Drain Systems, Subpart RR
- (23)(22) Oil-Water Separators and Organic-Water Separators, Subpart VV
- (24)(23) Polyethylene Terephthalate and Styrene Polymer Production, Subpart JJJ
- (25)(24) Pulp and Paper Manufacturing - Subpart S
- (26)(25) Phosphoric Acid Manufacturing Plants - Subpart AA
- (27)(26) Phosphate Fertilizers Production Plants - Subpart BB
- (28)(27) Petroleum Refineries - Subpart CC
- (29)(28) Oil and Gas Production Facilities - Subpart HH
- (30)(29) Primary Aluminum Reduction Plants - Subpart LL
- (31)(30) Closed Vent Systems/Control Devices - Subpart SS
- (32)(31) Equipment Leaks Control Level 1 - Subpart TT
- (33)(32) Equipment Leaks Control Level 2 - Subpart UU
- (34)(33) Storage Tanks Control Level 2 - Subpart WW
- (35)(34) Generic MACT Standards - Subpart YY
- (36)(35) Steel Pickling Plants (HCl Process and Hydrochloric Acid Regeneration Processes) - Subpart CCC
- (37)(36) Mineral Wool Production - Subpart DDD
- (38)(37) Hazardous Waste Combustors - Subpart EEE
- (39)(38) Pharmaceutical Production - Subpart GGG
- (40)(39) Natural Gas Transmission and Storage Facilities - Subpart HHH
- (41)(40) Flexible Polyurethane Foam Production - Subpart III
- (42)(41) Portland Cement Manufacturing - Subpart LLL
- (43)(42) Pesticide Active Ingredient Production - Subpart MMM
- (44)(43) Wool Fiberglass Manufacturing - Subpart NNN

- (45)(44) Manufacture of Amino/Phenolic Resins - Subpart OOO
- (46)(45) Polyether Polyols Production - Subpart PPP
- (47)(46) Secondary Aluminum Production - Subpart RRR
- (48)(47) Primary Lead Smelting - Subpart TTT
- (49)(48) Publicly Owned Treatment Works - Subpart VVV
- (50)(49) Ferromanganese and Silicomanganese Production - Subpart XXX
- (51)(50) Municipal Solid Waste Landfills - Subpart AAAA
- (52)(51) Manufacturing of Nutritional Yeast - Subpart CCCC
- (53)(52) Miscellaneous Organic Chemical Manufacturing - Subpart FFFF
- (54)(53) Solvent Extraction for Vegetable Oil Production - Subpart GGGG
- (55)(54) Paper and Other Web Coating - Subpart JJJJ
- (56)(55) Surface Coating and Miscellaneous Metal Parts and Products - Subpart MMMM
- (57)(56) Printing, Coating, and Dyeing of Fabrics and Other Textiles - Subpart OOOO
- (58)(57) Surface Coating of Plastic Part and Products - Subpart PPPP
- (59)(58) Cellulose Products Manufacturing - Subpart UUUU
- (60)(59) Boat Manufacturing - Subpart VVVV
- (61)(60) Reinforced Plastic Composites Production - Subpart WWWW
- (62)(61) Tire Manufacturing - Subpart XXXX
- (63)(62) Stationary Combustion Turbines - Subpart YYYYY
- (64)(63) Stationary Reciprocating Internal Combustion Engines - Subpart ZZZZ
- (65) ~~Commercial/Industrial/Institutional Boilers and Process heaters - Subpart DDDDD~~
- (66)(64) Site Remediation - Subpart GGGGG
- (67)(65) Miscellaneous Coating Manufacturing - Subpart HHHHH
- (68) ~~Brick and Structural Clay Products Manufacturing - Subpart JJJJ~~
- (69) ~~Clay Ceramics Manufacturing - Subpart KKKKK~~
- (70)(66) Asphalt Processing and Asphalt Roofing Manufacturing - Subpart LLLLL
- (71)(67) Flexible Polyurethane Foam Fabrication Operations - Subpart MMMMM
- (72)(68) Engine Test Cells/Stands - Subpart PPPPP
- (69) Hospital Ethylene Oxide Sterilizers at Area sources - Subpart WWWW, as published at 72 FR 73623 on December 28, 2007
- (70) Iron & Steel Foundries Area Sources - Subpart ZZZZ, as published at 73 FR 252 on January 2, 2008
- (71) Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities - Subpart BBBBB, as published at 73 FR 12276 on March 7, 2008
- (72) Gasoline Dispensing Facilities - Subpart CCCCC, as published at 73 FR 12276 on March 7, 2008 and at 73 FR 35944 on June 25, 2008
- (73) Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources - Subpart HHHHH, as published at 73 FR 1759 on January 9, 2008
- (74) Flexible Polyurethane Foam Production and Fabrication Area Sources - Subpart OOOOO
- (75) Clay Ceramics Manufacturing at Area sources - Subpart RRRRR, as published at 72 FR 73197 on December 26, 2007.
- (76) Plating and Polishing Operations at Area Sources - Subpart WWWW, as published at 73 FR 37741 on July 1, 2008
- (77) Nine Metal Fabrication and Finishing Source Categories - Subpart XXXXX, as published at 73 FR 43000 on July 23, 2008

(B) Operational Limits for Area Sources. Area sources subject to a standard adopted by reference in subsection (A) and specifically referenced in subsection (B) may accept operational limits to avoid the requirements associated with operating at the source's maximum design capacity.

- (1) General Provisions. An owner or operator of a source may apply for coverage under this provision if the following criteria are met:
 - (a) The Director has established operational limitations for the industry category in paragraph (B)(6).
 - (b) The responsible official for the source certifies that it will comply with the applicable subsection(s) of this section.

- (c) Records are collected and maintained as described for each applicable subsection and retained for a period of not less than five years and made available to the Department for review upon request.
- (d) A source may change its status under paragraph (B)(6) without violating this rule by meeting the following requirements:
 - (1) The owner or operator of the source must provide written notification to the Department of the intent to change status. The notification must be certified by the responsible official for the source;
 - (2) The source must comply with the requirements for its industry category;
 - (3) Once a source changes status, it is no longer eligible for coverage under Subsection (B).
- (2) Approval Procedures
 - (a) Notice of Intent. The owner or operator of a source intending to be covered under this provision shall submit a complete Notice of Intent Form provided by the Department.
 - (b) Department approval. Department approval of the Notice of Intent Form request shall be in writing. Upon approval, the source must comply with the applicable limitations specified in Subsection (B) of this section.
- (3) Duty to Comply. Each source approved for coverage under this provision must comply with all subsections of this section applicable to the source. Any non-compliance shall constitute a violation of the LLCAPCPRS and the Act, and is grounds for enforcement action and/or for disapproval of the Notice of Intent to operate under this provision.
- (4) Compliance with Other Applicable Requirements. Compliance with the provisions of this section does not shield the owner or operator from the duty to comply with any other applicable requirement under the LLCAPCPRS or the Act not specifically addressed in this section.
- (5) Duty to Provide Requested Information. Additional information, such as an annual emissions inventory as required Article 2 Section 6, or information necessary to determine applicability or to determine that emissions from the source in conjunction with all other sources will not prevent attainment or maintenance of the ambient air quality standards specified in Article 2, Section 4, must be provided upon Department request.
- (6) Industry Categories Eligible to Accept Operational Limits
 - (a) A bulk gasoline terminal subject to subsection (A)(71) Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, with a maximum calculated design throughput capacity greater than or equal to 20,000 gallons per day, may be approved to operate pursuant to the provisions of Subsection (B) if the owner or operator certifies that the source will comply with paragraphs (B)(1) through (B)(5) above and each of the following:
 - (1) Limit actual gasoline throughput to less than 20,000 gallons per day; and
 - (2) Maintain a daily record of actual gasoline throughput, in accordance with the provisions of paragraph (B)(1)(c); and
 - (3) Comply with the requirements specified in subsection (A)(71) for bulk gasoline plants with a maximum design throughput capacity of less than 20,000 gallons per day.

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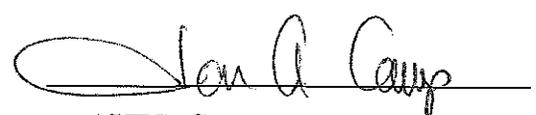
Introduce: 8-23-10

RESOLUTION NO. A- 85991

1 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
 2 That the Amendments to Article 2, Section 28 Hazardous Air Pollutants MACT
 3 Emission Standards, specifically identifying newly regulated sources of air pollution subject to
 4 Federal Maximum Achievable Control Technology for Hazardous Air Pollutants and creating
 5 regulatory requirements, copies of which are attached hereto, marked as Attachment "A" and
 6 made a part hereof by reference, to assure consistency with Federal and State air quality
 7 regulations, are hereby approved.

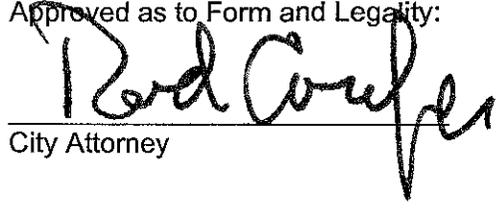
8 The City Clerk is directed to return two (2) fully executed copies this Resolution and
 9 Amendments to Angela Zocholl, Lancaster County Clerk's Office, for filing with the County.

Introduced by:



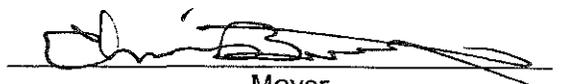
AYES: Camp, Carroll, Cook,
 Emery, Hornung, Snyder, Spatz;
 NAYS: None.

Approved as to Form and Legality:



City Attorney

Approved this 2nd day of Sept., 2010:



Mayor

ADOPTED
 AUG 30 2010
 BY CITY COUNCIL

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 - (a) The Director has established operational limitations for the industry category in paragraph (B)(6).
 - (b) The responsible official for the source certifies that it will comply with the applicable subsection(s) of this section.
 - (c) Records are collected and maintained as described for each applicable subsection and retained for a period of not less than five years and made available to the Department for review upon request.

- (d) A source may change its status under paragraph (B)(6) without violating this rule by meeting the following requirements:
 - (1) The owner or operator of the source must provide written notification to the Department of the intent to change status. The notification must be certified by the responsible official for the source;
 - (2) The source must comply with the requirements for its industry category;
 - (3) Once a source changes status, it is no longer eligible for coverage under Subsection (B).
- (2) Approval Procedures
 - (a) Notice of Intent. The owner or operator of a source intending to be covered under this provision shall submit a complete Notice of Intent Form provided by the Department.
 - (b) Department approval. Department approval of the Notice of Intent Form request shall be in writing. Upon approval, the source must comply with the applicable limitations specified in Subsection (B) of this section.
- (3) Duty to Comply. Each source approved for coverage under this provision must comply with all subsections of this section applicable to the source. Any non-compliance shall constitute a violation of the LLCAPCRS and the Act, and is grounds for enforcement action and/or for disapproval of the Notice of Intent to operate under this provision.
- (4) Compliance with Other Applicable Requirements. Compliance with the provisions of this section does not shield the owner or operator from the duty to comply with any other applicable requirement under the LLCAPCRS or the Act not specifically addressed in this section.
- (5) Duty to Provide Requested Information. Additional information, such as an annual emissions inventory as required Article 2 Section 6, or information necessary to determine applicability or to determine that emissions from the source in conjunction with all other sources will not prevent attainment or maintenance of the ambient air quality standards specified in Article 2, Section 4, must be provided upon Department request.
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 - (a) A bulk gasoline terminal subject to subsection (A)(71) Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, with a maximum calculated design throughput capacity greater than or equal to 20,000 gallons per day, may be approved to operate pursuant to the provisions of Subsection (B) if the owner or operator certifies that the source will comply with paragraphs (B)(1) through (B)(5) above and each of the following:
 - (1) Limit actual gasoline throughput to less than 20,000 gallons per day; and
 - (2) Maintain a daily record of actual gasoline throughput, in accordance with the provisions of paragraph (B)(1)(c); and
 - (3) Comply with the requirements specified in subsection (A)(71) for bulk gasoline plants with a maximum design throughput capacity of less than 20,000 gallons per day.

Ref: Title 129, Chapter 28, Nebraska Department of Environmental Quality