§ 52.1423 PM$_{10}$ state implementation plan development in group II areas.

The state of Nebraska committed to conform to the PM$_{10}$ regulations as set forth in 40 CFR part 51. In a letter to Morris Kay, EPA, dated February 5, 1988, Mr. Dennis Grams, Director, Nebraska Department of Environmental Control, stated:

(a) An area in the City of Omaha and the area in and around the Village of Weeping Water have been classified as Group II areas for the purpose of PM$_{10}$ State Implementation Plan (SIP) development. The specific boundaries of these areas are identified in our letter of October 6, 1987, to Carl Walter. In accordance with the requirements for PM$_{10}$ SIP development, the State of Nebraska commits to perform the following PM$_{10}$ monitoring and SIP development activities for these Group II areas:

(1) Gather ambient PM$_{10}$ data, at least to the extent consistent with minimum EPA requirements and guidance.

(2) Analyze and verify the ambient PM$_{10}$ data and report 24-hour exceedances of the National Ambient Air Quality Standard for PM$_{10}$ to the Regional Office within 45 days of each exceedance.

(3) When an appropriate number of verifiable exceedances of the 24-hour standard occur, calculated according to section 2.0 of the PM$_{10}$ SIP Development Guideline, or when an exceedance of the annual PM$_{10}$ standard occurs, acknowledge that a nonattainment problem exists and immediately notify the Regional Office.

(4) Within 30 days of the notification referred to in paragraph (a)(3) of this section, or within 37 months of promulgation of the PM$_{10}$ standards, whichever comes first, determine whether measures in the existing SIP will assure timely attainment and maintenance of the PM$_{10}$ standards and immediately notify the Regional Office.

(5) Within 6 months of the notification referred to in paragraph (a)(4) of this section, adopt and submit to EPA a PM$_{10}$ control strategy that assures attainment as expeditiously as practicable but no later than 3 years from approval of the committal SIP.

An emission inventory will be compiled for the identified Group II areas. If either area is found to be violating the PM$_{10}$ standards, the inventory will be completed not later than July 1, 1989, and submitted to EPA not later than August 31, 1990, as part of the determination of adequacy of the current SIP to attain and maintain the PM$_{10}$ air quality standards.

(b) We request that the total suspended particulate nonattainment areas in Omaha and Weeping Water (all

---

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan Omaha-Council Bluffs Interstate</td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Lincoln-Beatrice-Fairbury Intrastate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Metropolitan Sioux City Interstate</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Nebraska Intrastate</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>

§ 52.1424 Operating permits.

Emission limitations and related provisions which are established in Nebraska operating permits as Federally enforceable conditions shall be enforceable by EPA. The EPA reserves the right to deem permit conditions not Federally enforceable. Such a determination will be made according to appropriate procedures and be based upon the permit, permit approval procedures, or permit requirement which do not conform with the operating permit program requirements or the requirements of EPA underlying regulations.

§ 52.1425 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to §51.104 and subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

### Nebraska—Compliance Schedules

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date adopted</th>
<th>Variance expiration date</th>
<th>Final compliance date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASARCO, Inc</td>
<td>Omaha, NE</td>
<td>Nebraska DEC Second Amended Administrative Order No. 753</td>
<td>Nov. 12, 1986</td>
<td>Not applicable</td>
<td>Feb. 1, 1988</td>
</tr>
</tbody>
</table>

§ 52.1426 Original identification of plan section.

(a) This section identifies the original "Nebraska Air Quality Implementation Plan" and all revisions submitted by Nebraska that were Federally approved prior to July 1, 1998.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Request submitted by the Governor on January 24, 1972, for a two-year extension in order to meet the primary standard for NOx in the Omaha-Council Bluffs AQCR. (Non-regulatory)

(2) Clarification of section 11 of the State plan submitted on February 16, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(3) A confirmation that the State does not have air quality control standards based on the enclosed disapproval of the State Attorney General was submitted on April 25, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(4) Revision of Rules 3 through 18 and Rule 21 and 22 submitted on June 9, 1972, by the Governor.

(5) Amendments to the Omaha Air Pollution Control Ordinance 26350 submitted on June 29, 1972, by the Governor.

(6) Letters submitted September 26 and 27, 1972, from the State Department of Environmental Control revising Rule 3 and Rule 5 of the State Rules and Regulations.

(7) Letters clarifying the application of the State emergency episode, rule 22(a), submitted October 2, 1972, by the State Department of Environmental Control. (Non-regulatory).

(8) Revision of the State air regulations to expand emission limitations to apply State-wide, change procedures for preconstruction review of new sources, change procedures for disapproving construction permits for new or modified sources and add new sulfur oxide emission standards was submitted on February 27, 1974, by the Nebraska Department of Environmental Control.