Message

From: Wolkins, Jed [wolkins.jed@epa.gov]
Sent: 10/25/2019 3:02:55 PM
To: Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Dresser, Chris [Dresser.Chris@epa.gov]; Gotto, Lisa [Gotto.Lisa@epa.gov]; Hanlon, Lisa [Hanlon.Lisa@epa.gov]; Kemp, Lachala [Kemp.Lachala@epa.gov]
CC: Group Mobile [Mobile@epa.gov]
Subject: FW: NDEE November EQC Meeting
Attachments: Agenda 11.7-8.19.docx; Final Legal Notice EQC 11-7-8-19 (ver 2).docx; Title 129 Full Markup 11.6.docx; Crosswalk V3.xlsx

All,
Nebraska is removing and revising many rules. One removal I just got asked to review is Chapter 39:

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 39 - VISIBLE EMISSIONS FROM DIESEL-POWERED MOTOR VEHICLES

001 No person shall operate a diesel-powered motor vehicle on any public street or highway in such a manner that smoke discharged from the exhaust is of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart or an equivalent opacity of twenty percent (20%) for ten (10) consecutive seconds or longer. A suspected violator may demand that the suspected vehicle be tested by an approved smokemeter prior to a trial on the alleged violation.

002 Smokemeter tests shall be conducted (a) by or under the supervision of a person or testing facility authorized by the Director to conduct such tests, and (b) by installing an approved smokemeter on the exhaust pipe and operating the suspected vehicle in a manner similar to the manner of operation at the time of the alleged violation.

Enabling Legislation: Neb. Rev. Stat. §60-2203

Legal Citation: Title 129, Ch. 39, Nebraska Department of Environmental Quality

Could you review the removal and have comments to Lachala by next Tuesday 10/29/2019?

Rudy – We need your thoughts on the removal of the rule in general.

Rudy, Chris, Moves – We need any quick thoughts on what type of demonstration the state needs to do. Do they need to calculate emission increases? How would they do that?

Lisa and Lisa,
Diesel tampering is yours and this rule would catch some if enforced. Do you have comments?

Thank you all for your help,

Jed D. Wolkins, Environmental Engineer
U.S. EPA Region 7
Air & Waste Management Division
Air Planning and Development Branch

(913) 551-7588

11201 Renner Boulevard, Lenexa KS 66219
Wolkins.jed@epa.gov

From: Stone, William <stone.william@epa.gov>
Sent: Wednesday, October 23, 2019 4:33 PM
To: Wolkins, Jed <wolkins.jed@epa.gov>
Subject: FW: NDEE November EQC Meeting

Jed, I know that you reviewed chapter 40 and did ot have a issue with the repeal. What about chapter 39? Have you looked into it?

From: Kemp, Lachala <Kemp.Lachala@epa.gov>
Sent: Wednesday, October 23, 2019 11:33 AM
To: Stone, William <stone.william@epa.gov>
Subject: Fwd: NDEE November EQC Meeting

Can you take a look at this and let me know if you have any comments. I'm skimming over this while in a meeting so I'm not sure if you have any comments. Let me know.

Sent from my iPhone

Begin forwarded message:

> **From:** "Bhesania, Amy" <Bhesania.Amy@epa.gov>
> **Date:** October 22, 2019 at 10:55:58 AM CDT
> **To:** "Jay, Michael" <Jay.Michael@epa.gov>, "Kemp, Lachala" <Kemp.Lachala@epa.gov>
> **Cc:** "Brown, Matthew" <Brown.Matthew@epa.gov>
> **Subject: re: NDEE November EQC Meeting**
>
> Mike/Lachala, see below for NDEE's EQC rules out for public comment. Comment due to Matt Brown/POIS by October 31st. Below is the summary of the air revisions. I assume you all have been expecting these. Thanks,
>
> Amy
>
> *7. Amendments to Title 129 – Nebraska Air Quality Regulations. Chapters 25, 39, and 40 are proposed for repeal. Chapter 25 relating to nitrogen oxides previously applied to only one source which is now subject to regulatory requirements in Chapter 18. Chapter 39 addresses visible emissions testing of motor vehicles which is no longer justified. Chapter 40 relating to a lead nonattainment designation in Douglas County which is obsolete now that Nebraska has been federally designated as in attainment for lead. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.*
>
> Amy Bhesania | Director (Acting) | Air and Radiation Division
> EPA Region 7 | (913) 551-7147 | 11201 Renner Boulevard | Lenexa, KS 66219
>
> ---
>
> **From:** Brown, Matthew <Brown.Matthew@epa.gov>
> **Sent:** Tuesday, October 22, 2019 10:46 AM
> **To:** Davis, Michael <Davis.Michael@epa.gov>; Lubbe, Wendy <Lubbe.Wendy@epa.gov>; Moran, Nicole <moran.nicole@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Krehbiel, Ben

<Krehbiel.Ben@epa.gov>; Bhesania, Amy <Bhesania.Amy@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Huffman, Diane <Huffman.Diane@epa.gov>
Cc: Gargas, Toni <Gargas.Toni@epa.gov>
Subject: NDEE November EQC Meeting

Good morning everyone,

I'm forwarding this announcement from the Nebraska Environmental Quality Council (EQC). I will compile any comments for response. Please feel free to forward within your Divisions to ensure that each topic is covered. Please copy me in that message so I know who to follow up with. We are only interested in substantive comments that would relate to the legality of the rule changes, program integrity or to the delegation agreement. Regional Counsel has been included on this so that there is no time lost in getting a response together, should they feel the need to weigh in.

I would ask that you send me any comments by **COB October 31st**. A negative response is also requested, should you have no comments. Thanks for your cooperation.

The Hearing will be on:

- Public Hearing on Litter Percent Allocation
- Title 195, Chemigation Regulations
- Title 135, Mineral Exploration Holes
- Title 200, Petroleum Release Remedial Action Reimbursement Fund
- Title 197, Certification of Wastewater Treatment Operators
- Title 198, Agricultural Chemical Containment
- Title 129, Air Quality Regulations

The documents may also be viewed on the Department of Environmental Quality webpage listed under **Proposed Rules**: http://deq.ne.gov/Press.nsf/Rules.xsp

Matt Brown
POIS/MSD
x-5072