

**SECTION 17. CONSTRUCTION PERMITS -- WHEN REQUIRED**

(A) No person shall cause the construction, reconstruction, or modification at any of the following without first having obtained a construction permit from the Department in the manner prescribed by these Regulations and Standards:

- (1) Any air contaminant source or emission unit, such that there is a net increase in potential emissions equal to or exceeding the following levels (except as provided in (A)(3):
  - (a) For any source which is major for purposes of prevention of significant deterioration, any increase in particulate matter emissions which would subject such source to review or, except for enforceable limits established through the construction permit issued pursuant to this Section would subject such source to review under the provisions of 40 CFR Part 52, as adopted in Section 19.
  - (b) Fifteen (15) tons/year of PM10 emissions.
  - (c) Forty (40) tons/year of SO<sub>2</sub> or SO<sub>3</sub>, or any combination of the two.
  - (d) Forty (40) tons/year of oxides of nitrogen (calculated as NO<sub>2</sub>)
  - (e) Forty (40) tons/year of volatile organic compounds (VOC).
  - (f) Fifty (50) tons/year of carbon monoxide.
  - (g) Six tenths (0.6) tons/year of lead.
  - (h) Two and one-half (2.5) tons/year of any hazardous air pollutant or an aggregate of ten (10) tons/year of any hazardous air pollutants, including all associated fugitive emissions.

When determining the net change in potential emissions under (A)(1) above, fugitive emissions shall be addressed in accordance with the requirements of Article 2 Section 2(A)(1) and Section 2(B) without regard to classification of the source as major or minor.

- (2) Any incinerator used for refuse disposal or for processing of salvageable materials except refuse incinerators located on residential premises containing five or less dwelling units used only for the disposal of residential waste generated on the residential premises where the incinerator is located.
- (3) When a source replaces an existing emission unit with a new unit, that performs the same function as that of the unit being replaced, netting shall not be used to determine the need for a permit under this section, except as follows: (a) The procedure for determining a net increase in potential emissions will be allowed for sources where the equipment replacement would be subject to the requirements of Article 2, Section 19 of these Regulations and Standards; and (b) In cases where the source can demonstrate to the Department that netting will result in a net reduction in emissions of individual criteria and toxic air pollutants and total toxic air pollutants, where applicable. In this case, the source may also use actual emissions decreases from emission units that are dissimilar in function to the unit(s) being replaced in order to make this demonstration, provided the actual emissions decreases are concurrent with the planned replacement. However, any emissions increases that occur at this time with respect to these emission units must also be included in this demonstration. The result of the netting calculation must be a difference of less than zero tons per year of emission. This demonstration is not applicable to emission units that are subject to the requirements of Article 2, Section 27(C).

If the exceptions of (a) or (b) are not applicable, the potential emissions of regulated air pollutants associated with the new (replacement) unit alone shall be used to determine the need for a permit, i.e., no reduction in emissions from the new unit shall be allowed because of the elimination of actual emissions from the existing emission unit which is being replaced and those associated with other emission units at the facility. A new unit shall not mean an existing emission unit which is being relocated from another site.

(B) The standards which would have been imposed under a construction permit are applicable to those sources who have failed to obtain a permit to the same extent as if a permit had been obtained.

- (1) The permittee must comply with all conditions of the construction permit. Any permit noncompliance shall constitute a violation of these Regulations and Standards and the Act and is grounds for enforcement action or permit revocation.

- (C) The owner or operator of any source required to obtain a construction permit under these Regulations and Standards shall submit an application on forms provided by the Department.
- (D) An application will be deemed complete if it provides all the information required and is sufficient to evaluate the subject source and to determine all applicable requirements. The application shall be certified by a responsible official for the source.
- (E) If the Department determines that the application is not complete and additional information is necessary to evaluate or take final action on the application, the Department may request such information in writing and set a reasonable deadline for a response.
- (F) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or correct information.
- (G) The Department shall require in the application information necessary to determine if the new or modified source will interfere directly or indirectly with the attainment or maintenance of National Primary and Secondary Ambient Air Quality Standards, or violate any portion of an existing control strategy.
- (H) If an air quality impact analysis is deemed necessary by the Director as a part of a construction permit application, concentrations of pollutants that may be expected to occur in the vicinity of a source or combination of sources will be determined by use of an air pollution dispersion model acceptable to the Director. Meteorological and operating conditions that may occur that will produce the greatest concentrations of the pollutants emitted shall be used in evaluating the effect of the source(s) on air quality.
- (I) Disapproval of Application for Permits.
  - (1) If it is determined by the Director that emissions resulting from the operation of a source to be constructed or modified will violate the "Standards of Performance for New Stationary Sources", violate any portion of these rules and regulations, or interfere with attainment or maintenance of a National Ambient Air Quality Standard, no permit will be granted until necessary changes are made in the plans and specifications to obviate the objections to issuance.
  - (2) A construction permit will not be issued for any major source or major modification when such source or modification would cause or contribute to violation of a national ambient air quality standard by exceeding, at a minimum, the following significant levels at any locality that does not or would not meet the applicable national standard:

<b>Pollutants</b>	Annual	Averaging Time 24 hrs	Averaging Time 8 hrs	Averaging Time 3 hrs	Averaging Time 1 hr
SO <sub>2</sub>	1.0 ug/m <sup>3</sup>	5.0 ug/m <sup>3</sup>	-----	25 ug/m <sup>3</sup>	-----
PM <sub>10</sub>	1.0 ug/m <sup>3</sup>	5.0 ug/m <sup>3</sup>	-----	-----	-----
NO <sub>2</sub>	1.0 ug/m <sup>3</sup>	-----	-----	-----	-----
CO	-----	-----	0.5 mg/m <sup>3</sup>	-----	2 mg/m <sup>3</sup>

- (J) Issuance of permits. The Director shall publish notice of intent to approve or disapprove the application in accordance with procedures in Section 14 of these Regulations and Standards.
- (K) Approval, by issuance of a permit for any construction, reconstruction, or modification, does not relieve the owner or operator from his or her responsibility to comply with the applicable portions of the Implementation Plan control strategy.

- (L) If construction, reconstruction, or modification of the source is not commenced within 18 months, the construction permit shall lapse except upon showing by the permittee that the complexity of the construction, reconstruction, or modification requires additional time.
- (M) Additional Requirements for Construction or Modification of Sources in non-attainment Areas.
- (1) No permit to construct or modify will be issued for a proposed major source of a major modification if the source is located or is to be located in an area that is non-attainment for a pollutant for which the source or modification is major unless it determined that;
- (a) By the time the facility is to commence operation, total Allowable emissions from the same source or existing sources in the same non-attainment area, from new sources which are not major emitting facilities, and from existing sources allowed under the Implementation Plan prior to the application for such permit to construct or modify represent a net decrease in emissions and show reasonable further progress toward attainment and maintenance of the ambient air quality standards, and provided that any emission reductions required as a precondition of the issuance of a permit shall be federally enforceable before such permit is issued.
- (b) The proposed source is required to comply with the lowest achievable emission rate; and
- (c) The owner or operator of the proposed new or modified source has demonstrated that all other major stationary sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the State subject to emissions limitations are in compliance, with all applicable emission limitations and standards.
- (d) The proposed source is in compliance with requirements established under the Implementation plan and the Director shall not issue a permit if the Administrator has determined that the applicable Implementation plan is not adequately implemented for the non-attainment area in which the proposed source is to be constructed or modified.
- (e) The source has completed an analysis of alternative sites, sizes, production processes, and environmental and social costs imposed as a result of its location, construction, or modification.
- (2) The requirements of subparagraph (M) (1) (a) above for emission reductions from existing sources in the vicinity of proposed new sources or modifications shall be determined on a case-by-case basis. The offset baseline shall be the actual emissions of the source from which offset credit is obtained.
- (3) The following shall apply to emission offsets:
- (a) If the emissions limit under these Regulations and Standards allow a greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential;
- (b) For an existing fuel combustion source, credit shall be based on the allowable emissions under the applicable State Implementation Plan for the type of fuel burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. The Director will ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.
- (c) Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, provided that the work force to be affected had been notified of the proposed shutdown or curtailment. Source shutdowns and curtailments in production or operating hours occurring prior to the date the new source application is filed generally may not be used for emissions offset credit. However, where an applicant can establish that it shutdown or curtailed production less than one year prior to the date of permit application, and the proposed new source is a replacement for the shutdown or curtailment may be applied to offset emissions for the new source;

- (d) No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds." (42 FR 35314, July 8, 1977);
  - (e) The procedures set out in 40 CFR Part 51, Appendix S, Section IV(D), relating to the permissible location of offsetting emissions, shall be followed, unless the Director determines that an equally stringent or more stringent procedure is appropriate.
  - (f) Credit for an emissions reduction can be claimed to the extent that the Director has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR 51 Subpart I or in demonstrating attainment or reasonable further progress.
  - (g) Emissions reductions otherwise required by the Act or these Regulations and Standards shall not be creditable as emission reductions for purposes of any offset.
- (4) The provisions of subparagraph (M) above do not apply to a source or modification that would be a major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:
- (a) Coal cleaning plants (with thermal dryers);
  - (b) Kraft pulp mills;
  - (c) Portland cement plants;
  - (d) Primary zinc smelters;
  - (e) Iron and steel mills;
  - (f) Primary aluminum ore reduction plants;
  - (g) Primary copper smelters;
  - (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
  - (i) Hydrofluoric, sulfuric, or nitric acid plants;
  - (j) Petroleum refineries;
  - (k) Line plants;
  - (l) Phosphate rock processing plant;
  - (m) Coke oven batteries;
  - (n) Sulfur recovery plants;
  - (o) Carbon black plants (furnace process);
  - (p) Primary lead smelters;
  - (q) Fuel conversion plants;
  - (r) Sintering plants;
  - (s) Secondary metal production plants;
  - (t) Chemical process plants;
  - (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hours heat input;
  - (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
  - (w) Taconite ore processing plants;
  - (x) Glass fiber processing plants;
  - (y) Charcoal production plants;
  - (z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
  - (aa) Any other stationary source category which is being regulated by a standard promulgated under Sections 111 or 112 of the Act as of August 7, 1980.
- (5) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

- (N) Modification of the Construction Permit. The purpose of this section is to provide a means to address unforeseen situations which may develop in the process of constructing or modifying an emission source subject to this Section.
- (1) Subject to the approval of the Director, the terms of a construction permit may be modified without public review through the substitution of alternative provisions, provided the following conditions are met:
    - (a) No emission limit in the original construction permit is exceeded;
    - (b) No applicable requirement included in an operating permit to which the source is subject is violated;
    - (c) No emissions limit, equipment or operational standard applicable to the source will be exceeded;
    - (d) No emissions limit, equipment or operational standard assumed to avoid a classification that would render the source subject to an otherwise applicable requirement will be exceeded; and
    - (e) The nature of the constructed facility will be consistent with that described in the original public notice materials.
  - (2) Modifications meeting the conditions of (1) above shall be processed as follows:
    - (a) The owner or operator shall submit an application for modification of a construction permit as provided in (C) above and provide such additional information as may be required to determine if the conditions of (1) above have been met;
    - (b) The Department shall review the application and determine whether or not a modification of the construction permit is required. The applicant shall not proceed with the project until a determination is made by the Director.
  - (3) Proposed modifications to a construction permit which do not meet the conditions of (1) above must be processed through the full construction permit process as provided in (C) through (M) above.
- (O) Construction Permit Exemption for Commercial, Industrial, and Institutional Emergency Generators. This subsection shall apply to the following emergency generators where the total emergency generator capacity at a commercial, industrial, or institutional facility is or will be equal to or greater than 200 KW for fuel oil and/or natural gas-fired units, or 19 KW where one or more of these generators is fueled with gasoline: (a) Existing stationary units that were installed on or after 11-15-93; (b) New stationary units that are installed after the effective date of this regulation; (c) Existing portable units that are currently being operated in Lancaster County and existing portable units that are sited in Lancaster County after the effective date of this regulation; and (d) New portable units that will be operated in Lancaster County after the effective date of this regulation.
- (1) To qualify for the exemption, owners/operators of these units shall comply with the following requirements:
    - (a) For existing units, provide records, to the extent available, that demonstrate the units for which exemptions are sought have never been operated more than 500 hours during any calendar year. For new units, stipulate that annual operating hours will not exceed 500 and that records of annual operating hours will be maintained.
    - (b) Record operating hours for both test and emergency conditions.
    - (c) The sulfur content of any fuel oil combusted in these units shall not exceed 0.5% by weight.
  - (2) To obtain the exemption, owners/operators of existing stationary emergency generators that qualify shall submit their requests to the Department and provide the following information for each unit:
    - (a) The make and model number.
    - (b) The horsepower rating.
    - (c) The type of fuel (natural gas, fuel oil, gasoline) combusted.
    - (d) If fuel oil is combusted, indicate the grade, such as No. 2, and the sulfur content (% by weight). Provide a statement of certification from the fuel supplier confirming the grade and sulfur content of the fuel oil delivered and a letter from the owner/operator certifying that this is the only type of fuel oil being combusted.
    - (e) The greatest number of hours the unit has been operated in any calendar year since the date of installation and the quantity of fuel that was combusted during that period, to the extent this information is available.

- The deadline for submittal of the request for exemption and payment of the exemption request fee established in Section 17 (O)(6) shall be no later than 180 days after the effective date of this regulation. After this period, an owner/operator shall be required to submit a construction permit application and obtain a permit. Within 18 months of issuance of a construction permit, the Department may require an owner/operator to submit an application for an operating permit in accordance with the requirements of Article 2, Section 5 of these Regulations and Standards.
- (3) To obtain the exemption, owners/operators of qualifying new and existing portable emergency generators, or new stationary emergency generators, shall submit their requests to the Department and provide the following information:
- (a) All of the information required in Section 17(O)(2)(a) through (e)
  - (b) An estimate of the anticipated annual hours of unit operation at the commercial, industrial, or institutional facility. The estimate shall include both test and emergency operating conditions.
  - (c) The estimated quantity of fuel that will be combusted annually.
  - (d) A site plan showing the proposed location of the unit and the location of any adjacent habitable structures, such as businesses, schools, and residences. The height of the unit's exhaust stack and the elevations of surrounding habitable structures shall also be indicated. Approval of the unit's location by the Department is required before an exemption will be granted.

- After the effective date of this regulation, the deadline for submittal of the request for exemption and payment of the exemption request fee for new and existing portable units (not currently operating in Lancaster County) shall be no later than 20 days prior to their relocation to and operation in Lancaster County, 60 days after the effective date of this regulation for existing portable units currently operating in Lancaster County, and 60 days prior to the installation of any new stationary units. An exemption for a portable unit shall not be required in cases where the unit is relocated to Lancaster County for the express purpose of addressing an immediate emergency condition, such as the result of a natural or man-made disaster, and the unit will not remain operational for a period greater than seven days (168 hours). If a portable unit will be operated more than seven days, the owner/operator shall be required to apply for the exemption within 24 hours after conclusion of the seventh day of operation in order to avoid the construction permit requirement. After these periods, the owner/operator will be required to submit a construction permit application and to obtain a permit. Within 18 months of issuance of the construction permit, the Department may require the owner/operator to submit an operating permit application and obtain an operating permit in accordance with the requirements of Article 2, Sections 5 or 10 of these Regulations and Standards.
- (4) In the event the owner/operator of an emergency generator who holds an exemption no longer qualifies for the exemption according to the requirements of Section 17 (O)(1)(a) through (c), or the owner/operator chooses to operate the generator for other than emergency purposes, the owner/operator shall submit a construction permit application to the Department within 60 days of the finding or declaration and shall obtain a permit. Within 18 months of issuance of a construction permit, the Department may require the owner/operator to submit an application for an operating permit in accordance with the requirements of Article 2, Sections 5 or 10 of these Regulations and Standards.
- (5) Owners/operators of emergency generators who operate these units in noncompliance with the requirements of Section 17(O)(2), (3), or (4) shall be deemed in violation of these requirements and shall be subject to the provisions of Article 1, Sections 3 and 4 of these Regulations and Standards. The owner/operator of an emergency generator whose hours of operation exceed 500 hours during the year shall report this event to the Department no later than 30 days after the month in which the 500 hours per year limit was exceeded.

- (6) A processing fee for review of the construction permit exemption request shall be assessed according to the following schedule:
    - (a) For those emergency generators addressed in Section 17(O)(2), exemption requests received by the Department within 90 days of the effective date of this regulation will be assessed a fee of \$25.00 for up to three units owned by the source and operated in Lancaster County. For more than three units, a fee of \$75.00 will be assessed. Exemption requests received between 91 days and 180 days after the effective date of this regulation will be assessed a fee of \$100.00 for up to three units and a fee of \$200.00 for more than three units.
    - (b) For those emergency generators addressed in Section 17(O)(3), exemption requests will be assessed a fee of \$35.00 for up to three portable units owned and/or operated by a source in Lancaster County. For more than three units, a fee of \$85.00 will be assessed. The exemption request fee for a new stationary emergency generator that will be operated in Lancaster County is \$35.00.
  - (7) The Department will provide a letter of exemption to the owner/operator of an emergency generator who has requested the exemption, has provided the information required in Section 17(O)(2) and/or Section 17(O)(3), the Department has determined the unit qualifies for the exemption according to Section 17(O)(1)(a) through (c), and has submitted the applicable exemption request fee. The exemption shall remain in effect for each unit that continues to qualify. In the event the Department determines that an exemption can not be granted, a letter explaining the reason(s) for refusal will be sent to the owner/operator. The owner/operator who is denied an exemption may provide additional information to support their request. If the Department, after review of this additional information, continues to deny the exemption, the owner/operator may appeal the decision to the Director according to the procedures established in Article 1, Section 4 of these Regulations and Standards.
- (P) Construction Permit Requirements for Commercial, Industrial, and Institutional Nonemergency Generators. This subsection shall apply to any existing stationary electric power producing generators operated at commercial, industrial or institutional facilities where the owner/operator participates in a program established by the local utility in which the utility may request that the owner/operator use these generators to produce a limited number of hours of electric power during periods when power from the local utility is available. An owner/operator who participates in this program must obtain a construction permit from the Department that applies to all generators at the facility that may be used for this nonemergency purpose. The owner/operator may utilize these generators for emergency purposes but they will be designated as nonemergency generators for purposes of this subsection.
- (1) To qualify for and to obtain this permit, an owner/operator shall comply with the following requirements and provide the following information:
    - (a) Each generator that may be used for nonemergency purposes must be specifically identified. A distinction must be maintained between those generators that may be used to generate power for nonemergency purposes and those units that will be used solely as emergency generators.
    - (b) The number of hours the unit may be operated for nonemergency purposes shall be limited to no more than 200 hours per calendar year, and for emergency purposes, including testing, the unit's operation shall be limited to no more than 300 hours per calendar year. Regardless of the 200 hour limit allowed each unit for nonemergency operation, the emission limit established in subparagraph (g) of this subsection shall not be exceeded.
    - (c) A record of unit operating hours for emergency and testing purposes and for nonemergency purposes shall be maintained on a monthly basis. These records shall be made available to authorized representatives of the Department upon request. The owner/operator shall report to the Department any exceedences of the 200 hour per year and/or 300 hour per year limit that are applicable to a generator operating under the requirements of this subsection. The report of exceedences shall be submitted no later than 30 days after the month in which the 200 hour per year and/or 300 hour per year limit is exceeded.
    - (d) A record of the quantity of fuel (natural gas, No. 2 fuel oil) combusted annually for emergency and testing purposes and for nonemergency purposes shall be maintained.

- (e) An annual emissions inventory shall be submitted to the Department on forms provided by the Department by March 31<sup>st</sup> of each year for the previous calendar year. The inventory must include a separate accounting of the emissions resulting from nonemergency operation and those resulting from emergency, including testing, operation of each generator subject to the requirements of this subsection. This submittal shall also include the records required in subparagraph (c) (operating hours) and (d) (quantities of fuel) above.
  - (f) The sulfur content of fuel oil combusted shall not exceed 0.5% by weight. The owner/operator shall provide a statement of certification from the fuel supplier confirming that the fuel oil delivered does not exceed this limit, and the owner/operator shall also certify that oil with this sulfur limit is the only type of fuel oil being combusted.
  - (g) Total criteria and noncriteria emissions from all of these units at a facility during nonemergency operation shall be less than ten (10) tons during a calendar year. The emission factors used to calculate these emissions shall be those provided in AP-42, by the generator manufacturer, or by other sources of information acceptable to the Department.
  - (h) Within 30 days of the date the Department issues the construction permit, the owner/operator shall submit a construction permit fee in the amount of \$50.00.
  - (i) Annually, the permittee shall pay emission fees to the Department according to the following schedule:
    - (1) \$500.00 for total actual emissions between 1 and 9.99 tons per year during nonemergency operation of the generator; or
    - (2) \$100.00 for total actual emissions of less than 1 ton per year during nonemergency operation of the generator.No annual fees shall be assessed for those emissions that occur during use for emergency and testing purposes. For sources operating under Class I or Class II operating permits that have been issued this construction permit, this fee schedule shall not apply. Those sources shall be assessed fees that include nonemergency use emissions in accordance with the schedule established in Article 1, Section 6 of these Regulations and Standards.
  - (j) The owner/operator shall provide the following information for each nonemergency generator in the construction permit application submitted to the Department:
    - (1) The make and model number of the generator;
    - (2) The KW and horsepower ratings;
    - (3) The type of fuel(s) combusted;
    - (4) If fuel oil is combusted, indicate the grade, such as No. 2, and the sulfur content (% by weight); and
    - (5) A site plan showing the location of the stationary nonemergency generator(s) and the location of any adjacent habitable structures, such as businesses, schools, and residences. The height of each unit's exhaust stack and the elevations of surrounding habitable structures shall also be indicated. Depending on the level of concern raised by evaluation of the site plan, the Department may request that an ambient air quality impact analysis be performed.
- (2) The owner/operator who has been issued a construction permit for a stationary nonemergency generator(s) that will be operated in accordance with the requirements of this subsection is not required to obtain an operating permit for the unit provided that emissions from the unit in combination with those of other emissions units at the facility do not make the facility subject to the requirements of Article 2, Section 5 of these Regulations and Standards. The emissions from emergency generators operated in conjunction with nonemergency generators at a facility must also be included in determining the need for an operating permit. A nonemergency generator shall not be considered an insignificant activity and it must be included as an emission unit in the operating permit for facilities required to have this permit.

- (3) Construction permits issued under this subsection to owners/operators of facilities that are not required to have operating permits shall not be subject to the public participation provisions of Section 14 of these Regulations and Standards. Issuance of construction permits to sources required to have Class I or Class II operating permits are considered significant operating permit modifications according to Section 15 (E)(1). A construction permit issued to a Class I source is subject to both Sections 13 and 14 because it is a significant modification pursuant to Section 15(E)(3) of these Regulations and Standards. A construction permit issued to a Class II source is subject only to the public participation requirements of Section 14.
- (Q) Construction Permit Requirements for Commercial, Industrial, and Institutional Electrical Generators Used for Purposes Other Than Those Pertaining to Subsections (O) and (P) of this Section. These generators, powered by fuel oil, natural gas, or gasoline, shall be required to obtain a construction permit if the provisions of Subsection (A) of this Section apply. Additionally, these units may be subject to any or all of the operating permit requirements of Article 2, Sections 5, 9, and 10 of these Regulations and Standards.

Ref: Title 129, Chapter 17, Nebraska Department of Environmental Quality