FACT SHEET

Review of New Sources and Modifications in Indian Country – Proposed Amendments to Minor NSR Rule

Action

- On May 23, 2013, EPA proposed revisions to its Federal Implementation Plan (FIP) that ensures Clean Air Act permitting requirements are applied consistently to facilities in Indian country.

- EPA is proposing to:
  - Exempt seven additional source categories from permitting requirements, including:
    - Certain emergency generators,
    - Internal combustion engines with a horsepower rating below 50,
    - Certain small furnaces or boilers used for space heating,
    - Single family residences and residential buildings with four or fewer dwelling units,
    - Air conditioning units not associated with industrial processes,
    - Forestry or silvicultural activities, and
    - Cooking of food other than wholesale businesses that both cook and sell cooked food.

  Data shows that these source categories emit air pollutants at levels below the level that would trigger the requirement to obtain a preconstruction permit.

  - Add definitions for construction-related terms. The proposed terms are written to specifically address smaller or minor sources. The existing rule references certain definitions included in a separate rule for large, or major, sources. Implementation of the minor NSR rule would be easier if terms are included within it.

  - Reconsider the advanced notice period required for a source that has registered with its permitting authority and then relocates at a later date. The existing rule requires 30 days notice prior to relocation, EPA is requesting comment on periods between 10 and 30 days in this proposal.

Background

- Congress established the NSR program as part of the 1977 Clean Air Act Amendments and modified it in the 1990 Amendments. NSR is a preconstruction permitting program that serves two important purposes.
• First, it ensures the maintenance of air quality standards when factories, industrial boilers and power plants are modified or added. In areas with unhealthy air, NSR assures that new emissions do not slow progress toward cleaner air. In areas with clean air, especially pristine areas like national parks, NSR assures that new emissions fall within air quality standards.

• Second, the NSR program assures that state of the art control technology is installed at new plants or at existing plants that are undergoing a major modification.

• EPA issued the minor NSR rule in Indian Country on July 1, 2011. This action filled a regulatory gap by clarifying the permit process for large and small sources in Indian country and ensuring that any increases in emissions from these facilities will not significantly impact air quality in these areas.

Additional Information
• Interested parties can download today's proposed rule from EPA's web site at: www.epa.gov/nsr

Today's proposed action and other background information are also available either electronically in EPA’s electronic public docket and comment system, or in hard copy at EPA’s Docket Center, Environmental Protection Agency, Room B-102, 1301 Constitution Avenue, NW, Washington, DC (Docket ID No. EPA-HQ-OAR-2003-0076). The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742.

How to Comment
• EPA will accept comments for 60 days beginning when this proposal is published in the Federal Register. All comments should be identified by Docket ID No. EPA-HQ-OAR-2003-0076 and submitted by one of the following methods:
  - Federal e-rulemaking portal (www.regulations.gov);
  - E-mail (a-and-r-docket@epa.gov);
  - Fax (202-566-9744);

• Please include a total of two copies. EPA requests a separate copy also be sent to the contact person identified below. In addition, please mail a copy of any comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Desk Officer for EPA, 725 17th St., NW, Washington, DC 20503.
For general information about this proposed rule, contact Greg Nizich at (919) 541-3078, nizich.greg@epa.gov or Raj Rao of EPA’s Office of Air Quality Planning and Standards at (919) 541-5344, rao.raj@epa.gov.