



# Prevention of Significant Deterioration Rule Modification

**U.S. Environmental Protection Agency  
Office of Air Quality Planning and Standards (OAQPS)  
Research Triangle Park, NC**

# What We Will Cover

- Short history of the New Source Review (NSR) program
- Background on Tribal Authority Rule (TAR)
- Brief overview of the NSR program
- Discuss what will be covered under this rulemaking

# History of NSR Program

- Original Clean Air Act (CAA) was passed in 1970 - it provided for the establishment of National Ambient Air Quality Standards (NAAQS) which establishes safe levels of pollution in the air
  - Permitting of new or modified sources is one of the tools states can use to get dirty areas (nonattainment) clean (attainment)
- 1977 CAA created the Prevention of Significant Deterioration (PSD) program to help keep clean areas from getting dirty
  - Permitting of new sources or modified sources in clean areas
- 1990 CAA allows EPA to “treat tribes in a manner similar to a state”

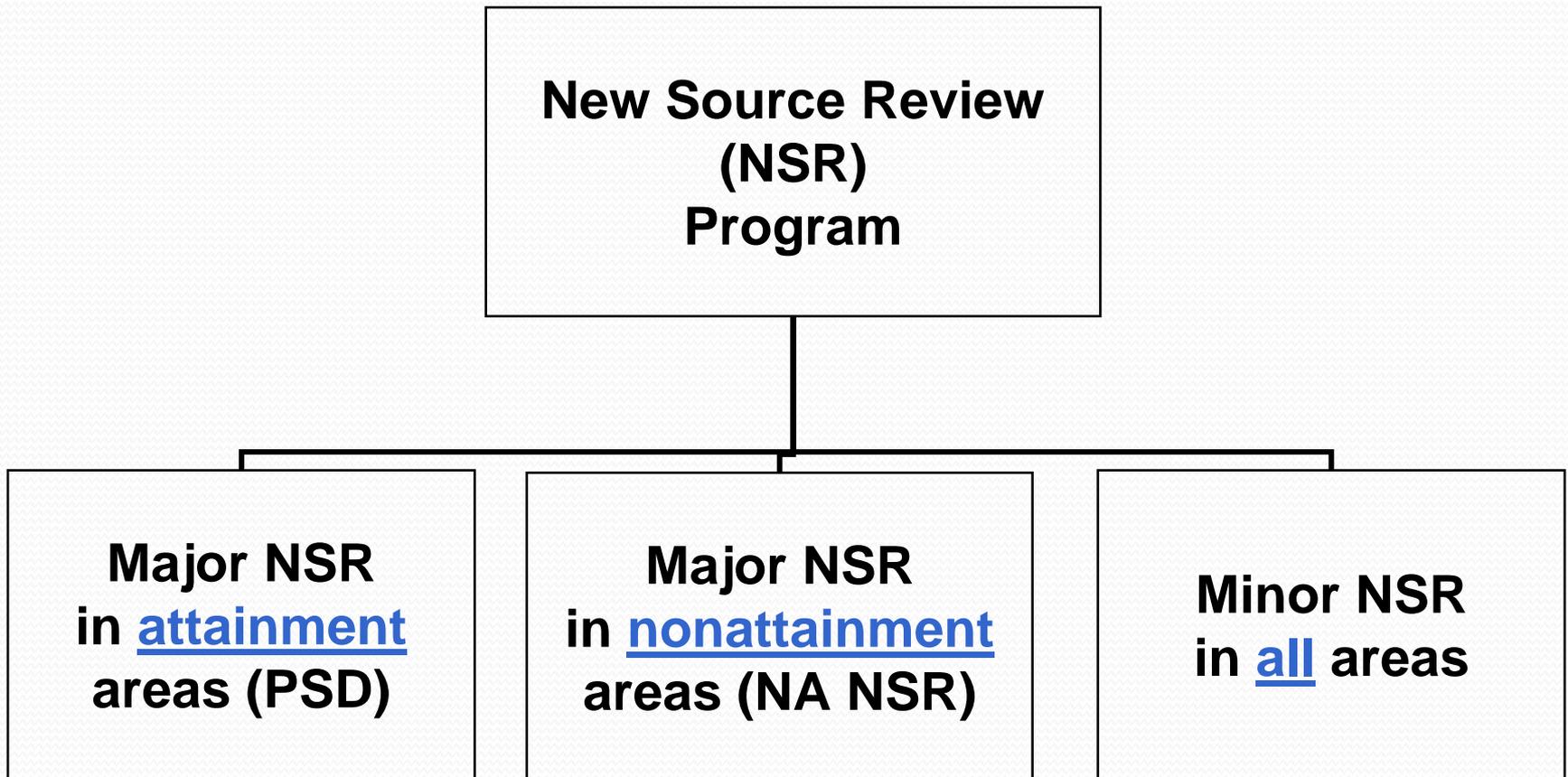
# The Tribal Authority Rule

- Prescribes how eligible tribes can be “treated in a manner similar to a state” (TAS)
- Provides for tribes to implement the CAA within the exterior boundaries of the reservation
- Allows eligible tribes to take on severable elements of the program
- EPA is responsible for implementing a program where tribes choose not to
- TAR highlights regulatory gaps in Indian country
  - SIP requirements/permits vacant
  - No NSR programs

# Benefits of the NSR Rules

- A key tool for
  - Enabling nonattainment areas to reach attainment
  - Maintaining the NAAQS
  - Protecting/preserving clean air in national parks and wilderness areas, as well as other attainment areas
  - Providing source specific requirements on new or modified sources
  - Allowing economic growth and improvements/protection of air quality

# Components of the NSR Program



# The NSR Program Requires

- New or modified sources to obtain permits prior to construction
- Sources to install state-of-the-art control technology
- Sources/agencies to ensure air quality impacts from the source will be acceptable

# PSD Permit Requirements

- Main requirements:
  - Install **Best Available Control Technology (BACT)**
  - Perform **air quality analysis** to assess impacts on air quality
  - Perform **additional impacts analysis**
    - **Assess impacts on national parks & wilderness areas**
    - **Assess impacts on soil and vegetation**
    - **Assess other air quality related values**
  - Allow for opportunities for **public involvement**

# Nonattainment NSR Permit Requirements

- Main requirements:
  - Install **Lowest Achievable Emission Rate (LAER)** technologies
  - Obtain **emission offsets**
  - Perform **alternative sites analysis**
  - Show **statewide facility compliance** with air regulations
  - Allow for opportunities for **public involvement**

# Minor NSR Permit Requirements

- CAA is silent on specific requirements
  - Minimal requirements found in 40 CFR 51.160 - 51.164
- New sources and modifications cannot:
  - Violate NAAQS or FIP/SIP/TIP control strategies
  - Interfere with attainment or maintenance of the NAAQS
- State program requirements vary greatly

# Purpose of this Rulemaking

- EPA developed a Federal Implementation Plan (FIP) many years ago to implement PSD where states do not have programs
- The rules developed to implement the 1977 CAA included a provision to exclude tribes from taking delegation of the PSD program
- The creation of the TAR, to implement the 1990 CAA, allows tribes to take delegation of most elements of the Act if they choose to do so
- The FIP to address permitting in Indian country for nonattainment areas and small sources, finalized this year, allows tribes to take delegation
- This rule amendment removes the barrier for tribes to take delegation of the PSD program

# For More Information

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