

Final Amendments to the Indian Country Minor New Source Review Rule

FACT SHEET

Action

- On May 22, 2014, the U.S. Environmental Protection Agency (EPA) finalized revisions to its 2011 Indian Country Minor New Source Review (NSR) Rule to extend Clean Air Act permitting and registration deadlines for new and modified minor sources in the oil and natural gas sector industry.
- The final amendments:
 - Extend the minor NSR permitting deadline from September 2, 2014, to a new deadline of March 2, 2016 for true minor sources in the oil and natural gas industry that are located, or planning to locate, in Indian country;
 - Extends the registration date for all true minor sources in the oil and gas industry to conform to the permitting deadline extension. True minor sources that begin construction between August 30, 2011 and March 2, 2016 must register within 90 days after the source begins operation.
- The amendments also eliminate the requirement for true minor sources in all industries that begin operation before September 2, 2014, to obtain a minor NSR permit by six months after EPA publishes a general permit, because that provision of the Indian Country Minor NSR rule no longer affects any source.
- Also on May 22, EPA issued [an Advance Notice of Proposed Rulemaking \(ANPR\)](#) seeking broad feedback on options for implementing the Indian Country Minor NSR program for oil and gas production in Indian country. The ANPR focuses on the production segment of the oil and natural gas industry, because EPA anticipates the majority of sources that would need minor source NSR permits in Indian country are in that segment.
- During the period of the extension, true minor sources in the oil and natural gas sector that want to expand or locate in Indian country will be subject to the requirements of [EPA's 2012 New Source Performance Standards \(NSPS\)](#) for new and reconstructed oil and natural gas sources. This will help ensure air quality is protected in tribal areas affected by emissions from oil and natural gas production activity.
- The oil and gas extension does not apply to new or modified major sources or to synthetic minor sources wanting to locate or expand in Indian country. These sources are required to obtain NSR permits.

Background

- EPA proposed these amendments as part of a December 12, 2013 proposal to simplify the Clean Air Act permitting process for certain smaller sources (minor sources) of air pollution commonly found in Indian country.

NSR Program Overview

- New Source Review (NSR) is a Clean Air Act program that requires industrial facilities to install modern pollution control equipment when they are built or when making a change that has the potential to significantly increase emissions. The program accomplishes this when owners or operators obtain permits that limit air emissions before they begin construction. For that reason, NSR is commonly referred to as the “preconstruction permitting program.”

Indian Country Minor NSR Rule

- EPA issued the Indian Country Minor NSR Rule on July 1, 2011. To protect air resources in Indian country, this action filled a regulatory gap by requiring pre-construction permits for new and modified minor stationary sources (minor sources) and minor modifications at existing major stationary sources (major sources) throughout Indian country.
 - A true minor source under this program is a source that has the potential to emit pollutants in amounts that are below the emissions thresholds for major sources.
- The minor NSR program provides three options for obtaining permits. These options are:
 - *Site-specific permits*. A site-specific permit includes case-by-case determinations of the source emissions limits as well as any control technology requirements;
 - *General permits*. A "general permit" is a permit that has been developed for a number of similar equipment types or facilities to simplify the permit issuance process for facilities ; or
 - *Synthetic minor permits*. A synthetic minor permit applies to a source that has the potential to emit pollutants in amounts that are at or above the emissions thresholds for major sources, but has voluntarily accepted emissions limitations so that its potential to emit is less than these thresholds.

Additional Information

- Interested parties can download today's final rule from EPA's website at: <http://www.epa.gov/air/tribal/tribalnsr.html> or at <http://www.epa.gov/nsr/> .
- Today's final 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, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue, NW, Washington, DC (Docket ID No. EPA-HQ-OAR-2011-0151).
 - 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.
- For additional information about this final rule, contact Chris Stoneman of EPA's Office of Air Quality Planning and Standards at (919) 541-0823 or stoneman.chris@epa.gov.