

## FACT SHEET

### Final Rule - Amendments to Delegation of Authority Provisions in the Prevention of Significant Deterioration Permitting Programs

#### **Action**

- On April 11, 2014, the U.S. Environmental Protection Agency (EPA) finalized amendments to the New Source Review (NSR) Prevention of Significant Deterioration (PSD) permitting program that will allow the EPA to delegate administration of the program to interested and qualified tribal agencies.
- PSD is a pre-construction permit program designed to minimize air emissions from new sources and existing sources making major modifications in areas that meet the National Ambient Air Quality Standards (NAAQS).
- This action removes a restriction that prevents tribes from taking delegation of the PSD program allowing tribes to voluntarily take direct delegation of the NSR PSD program. Once a tribe takes delegation of the program, they are able to issue PSD permits following EPA's regulations.
- This action will provide consistency with the current federal PSD regulatory requirements by allowing the EPA to treat tribes in the same manner as state and local governments.
- By accepting responsibility for administering the PSD program, tribal agencies may become appropriately involved in implementation of an important air quality program and may develop their own capacity to manage such programs in the future should they choose to do so.
- This action also corrects an erroneous cross reference and deletes a cross reference that is no longer needed. The final rule does not impose any new requirements.

#### **Background**

- Congress established the NSR program as part of the 1977 Clean Air Act Amendments and modified it in the 1990 Amendments. There are two parts of the NSR program.
- The Prevention of Significant Deterioration permitting program applies to sources in areas that are attaining the NAAQS and the Nonattainment NSR program for sources in areas that have air quality above the NAAQS. NSR is a preconstruction permit program that requires controls on new sources and on sources making major modifications. This rule focuses on the PSD program which requires an air quality analysis and the installation of the Best Achievable Control Technology for sources that need a permit in areas with air quality below the NAAQS.
- The Tribal NSR rule that was promulgated July 2011, allows for the delegation of the NSR program for sources requiring a permit in areas where air quality is above the NAAQS.

#### **For Further Information**

- To download a copy of the final rule, go to EPA's Web site at <http://www.epa.gov/ttn/oarpg>.
- Today's final action and other information are also available electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system. The docket number for this action is Docket ID No. EPA-HQ-OAR-2010-0943.
- For information about this rule, contact Regina Chappell at (919) 541-3650, [chappell.regina@epa.gov](mailto:chappell.regina@epa.gov) of the Office of Air Quality Planning and Standards, Outreach and Information Division.