

Minor New Source Review (NSR) Rule for Indian Country

A Fact Sheet for Small Businesses Located in Indian Country

The Tribal NSR Rule's Effect on Small Businesses in Indian Country

On June 10, 2011, EPA issued the Tribal New Source Review (NSR) rule under the Clean Air Act. The rule establishes a permit program for minor stationary sources throughout Indian country and major stationary sources located in nonattainment areas in Indian country. It fills a regulatory gap that existed previously by adding rules related to these sources to EPA's existing NSR program.

The rule ensures that economic growth will occur in harmony with the preservation of existing clean air resources. It also provides tribal governments and businesses with an effective business development tool that supports an improved quality of life for Native Americans, both economically and environmentally.

This factsheet highlights the provisions of the Tribal Minor NSR Rule as they would apply to small businesses, which are generally minor sources. Although many states have developed regulatory programs for minor sources, the state regulations generally do not apply in Indian country.

What is NSR?

NSR is often referred to as the "preconstruction air permitting program." The NSR program requires facilities to install pollution control equipment as they are built or when making a change that increases emissions significantly. This is accomplished when owners or operators obtain permits limiting air emissions before they begin construction. Its purpose is to ensure that air quality does not worsen where the air is currently unhealthy to breathe (i.e., nonattainment areas), and is not degraded where the air is currently clean (i.e., attainment areas).

NSR permits are enforceable legal documents with which a facility must comply. Permits may place restrictions on what construction is allowed, what air emission limits must be met, and how the source can be operated. To assure that sources

comply with a permit's emission limits, a permit almost always contains monitoring, recordkeeping, and reporting requirements.

If a tribe chooses not to seek delegation of the program, EPA will implement the program and issue permits.

What Sources and Pollutants Are Regulated Under NSR?

Major sources are facilities that have the potential to emit pollutants in amounts equal to or greater than the corresponding major source threshold levels.

Minor sources are facilities that have the potential to emit pollutants in amounts less than the corresponding major source thresholds.

Synthetic minor sources are facilities that have the potential to emit pollutants at or above the major source threshold level, but voluntarily accept enforceable limits to keep their emissions below the major source thresholds and avoid the major NSR requirements.

The NSR program applies to regulated NSR pollutants, which include the National Ambient Air Quality Standards pollutants and a few others including sulfuric acid mist and hydrogen sulfide. Minor source NSR thresholds for these pollutants are listed in the table below. Air quality standards are set at levels that protect human health and the environment.

Requirements are generally more stringent for major sources and for sources in nonattainment areas.

How Do Small Businesses Comply with the Tribal Minor NSR Rule?

Existing Minor Sources

Existing businesses that have the potential to emit one or more regulated air pollutants must determine if the new rule applies to their facilities. The threshold levels to qualify as a minor or major source vary by pollutant and/or source category.



A list of the threshold emissions to qualify as a minor source in an attainment area are listed in the table below.

Businesses that are found to have the potential to emit one or more of the listed pollutants above the minor source threshold are required to register information with the EPA by March 1, 2013, or 90 days after beginning operations, whichever is later. This is a one-time registration.

If your business does not have the potential to emit threshold levels or more of the listed pollutants, the business is not subject to the program, and there is nothing you need to do at this time.

Potential minor stationary sources include hospitals, schools, hotels and casinos with small boilers or diesel engines, small landfills, gas stations and auto repair shops, dry cleaners, and oil and gas drilling operations.

New Minor Sources

If you expand your business or start a new one in Indian country in the future, please check whether doing so would subject your business to the program. The tribal NSR program will put in place uniform requirements for obtaining a federally enforceable permit for small businesses locating in Indian country.

Minor NSR Source Thresholds (in Attainment Areas)

Pollutant	Threshold (tons per year)
Carbon monoxide (CO)	10
Nitrogen oxides (NOX)	10
Sulfur dioxide (SO ₂)	10
Volatile Organic Com-pounds (VOC)	5
Particulate Matter (PM)	10
PM ≤10 microns (PM ₁₀)	5
PM ≤ 2.5 microns (PM _{2.5})	3
Lead	0.1
Fluorides	1
Sulfuric acid mist	2
Hydrogen sulfide (H ₂ S)	2
Total reduced sulfur (including H ₂ S)	2
Reduced sulfur com-pounds (including H ₂ S)	2
Municipal waste combus-tor emissions	2
Municipal solid waste landfill emissions (as non-methane organic com-pounds)	10

Helpful Websites

US EPA Website

www.epa.gov

NSR Website

www.epa.gov/nsr

Minor NSR and Registration Information

www.epa.gov/air/tribal/tribalnsr.html

www.epa.gov/air/tribal/tribalnsrcalculators.html

Office of Air and Radiation Tribal Air Website

www.epa.gov/oar/tribal

American Indian Environmental Office

www.epa.gov/indian/index.htm

Small Business Information

www.epa.gov/smallbusiness

Code of Federal Regulations

www.ecfr.gov

Contact Information

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