

**Summary of Public Comments and Responses for General Permits and Permits by Rule
for the Federal Minor New Source Review Program
in Indian Country for Six Source Categories
(8/30/16)**

This document provides a complete summary of all of the comments the U.S. Environmental Protection Agency (EPA) received on the following proposed action: “General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country,” U.S. Environmental Protection Agency, July 17, 2014 (79 Federal Register (FR) 41846). It also provides a complete summary of the comments received on the proposed rule and the EPA’s responses to those comments. Throughout this document, “Reviewing Authority,” “we,” “us” and “our” refer to the EPA.

Contents

- 1.0 Comments on the Specific Terms and Conditions of the Draft General Permits and Implementation Tools for the Draft Source Categories
 - 1.1 General Support for the Establishment of General Permits and Permits by Rule for the Six Source Categories
 - 1.2 Comments on the Structure and General Requirements of the Draft General Permits
 - 1.3 Comments on the Draft Concrete Batch Plants General Permit and Implementation Tools
 - 1.3.1 Comments on Specific Provisions of the Draft Concrete Batch Plants General Permit
 - 1.3.2 Comments on Authorizing Multiple Locations
 - 1.4 Comments on the Draft Boilers General Permit and Implementation Tools
 - 1.5 Comments on the Draft Stationary Compression Ignition and Spark Ignition Engines General Permits and Implementation Tools
 - 1.5.1 Comments on Specific Provisions of the Draft Spark Ignition and Compression Ignition Engines General Permits
 - 1.5.2 Comments Requesting Coverage for Synthetic Minor Sources
 - 1.6 Comments on the Draft Graphic Arts and Printing Operations General Permit and Implementation Tools
 - 1.6.1 Comments on Specific Provisions of the Draft Graphic Arts and Printing Operations General Permit
 - 1.6.2 Comments on Establishing Different Requirements for Ozone Nonattainment Areas
 - 1.7 Comments on the Draft Sawmill Facilities General Permit and Implementation Tools
 - 1.7.1 Comments on Specific Provisions of the Draft Sawmill Facilities General Permit
 - 1.7.2 Comments on Request for Coverage for the Draft Sawmill Facilities General Permit
- 2.0 Comments on the Appropriateness of Utilizing a Permit by Rule for Graphic Arts and Printing Operations
- 3.0 General Comments on the EPA’s Control Technology Review
- 4.0 General Comments on the Inclusion of Setback Limitations
- 5.0 Requirements Concerning Threatened or Endangered Species and Historic Properties
- 6.0 Comments on Throughput Limits and Capacity Limits for the Six Source Categories

- 6.1 Concrete Batch Plants: Comments on the Use of Throughput Production Limits as a Surrogate for Annual Tons per Year Emission Limits
- 6.2 Boilers and Process Heaters: Comments on the Use of Capacity Limits as a Surrogate for Annual Tons per Year Emission Limits
- 6.3 Stationary Compression Ignition and Spark Ignition Engines: Comments on the Use of Capacity Limits as a Surrogate for Annual Tons per Year Emission Limits
- 6.4 Graphic Arts and Printing Operations: Comments on the Use of Tons per Year Numbers as Emission Limitations
- 6.5 Sawmill Facilities: Comments on the Use of Tons per Year Numbers as Emission Limitations
- 7.0 Comments on Finalizing Two Permitting Mechanisms for the Graphic Arts and Printing Operations Source Category
- 8.0 Amending the Federal Indian Country Minor New Source Review Rule
- 9.0 Comments Concerning Tribal Consultation (Executive Order 13175)

List of Commenters

Docket Id. No.	Commenter	Affiliation
EPA-HQ-OAR-2011-0151-0101	Ryan Eberle	Gila River Indian Community
EPA-HQ-OAR-2011-0151-0115	Bill Thompson	National Tribal Air Association
EPA-HQ-OAR-2011-0151-0117	Nez Pierce Tribe Air Quality Program Staff	Nez Pierce Tribe
EPA-HQ-OAR-2011-0151-0118	Ursula Rick	Western Energy Alliance
EPA-HQ-OAR-2011-0151-0120	Matthew Todd	American Petroleum Institute
EPA-HQ-OAR-2011-0151-0121	Joy Wiecks	Fond du Lac Environmental Program
EPA-HQ-OAR-2011-0151-0122	Brandy Toft	Leech Lake Band of Ojibwe
EPA-HQ-OAR-2011-0151-0035	Mohsen Nazemi	South Coast Air Quality Management District

1.0 Comments on the Specific Terms and Conditions of the Draft General Permits and Implementation Tools for the Draft Source Categories

1.1 General Support for the Establishment of General Permits and Permits by Rule for the Six Source Categories

Comment 1.1.1: Two commenters (0115, 0117) expressed support for the proposed rule and the development of general permits for concrete batch plants, boilers, stationary compression ignition and spark ignition engines, graphic arts and printing operations, and sawmill facilities.

Response 1.1.1: The EPA acknowledges the support of the commenters with respect to development of the general permits for use in Indian country.

1.2 Comments on the Structure and General Requirements of the Draft General Permits

Comment 1.2.1: Three commenters (0115, 0117, 0122) supported incorporating the Approval of the Request for Coverage into the general permit, in order to ensure that the revision procedures in 40 Code of Federal Regulations (CFR) 49.159 would apply to revisions a Reviewing Authority may need to make to a previously issued approval of a request for coverage. Two commenters (0115, 0122) recommended that the EPA consider amending 40 CFR 49.156 to include a provision that specifically allows for revisions to a previously issued approval of a request for coverage under a general permit.

Response 1.2.1: Upon review of comments received related to incorporating the Approval of the Request for Coverage into the general permits, the EPA is finalizing each general permit to include the proposed language in the draft general permits related to incorporating the Approval of the Request for Coverage into each permit. As described in our proposed rule,¹ there are numerous situations in which an individual approval may need to be updated to better reflect the specifics of the covered source and/or other changed circumstances. We anticipate that such revisions would be similar to the types of revisions that may be necessary for source-specific permits, which must also contain the same revise, reopen, revoke, reissue or terminate clause specified in 40 CFR 49.155(a)(7)(iv). The EPA is not, at this time, taking comment specifically on the 40 CFR 49.155(a)(7)(iv) and 40 CFR 49.156 provisions and we are not making any changes to the rule at this time.

Comment 1.2.2: Three commenters (0115, 0117, 0122) supported the EPA's proposed approach of incorporating the authority for a Reviewing Authority to revise, revoke and reissue, or terminate a previously issued Approval of the Request for Coverage into each general permit. Two of these commenters (0115, 0122) also recommended that the EPA strongly consider amending 40 CFR 49.156 to include a provision that specifically allows for termination of a previously issued approval of a request for coverage.

¹ "General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country," U.S. Environmental Protection Agency, 79 FR 41846, July 17, 2014, <https://www.gpo.gov/fdsys/pkg/FR-2014-07-17/pdf/2014-16814.pdf>.

Response 1.2.2: The EPA is finalizing each general permit to include the draft language related to incorporating the Approval of the Request for Coverage into the permit. As noted in our response to comment 1.2.1, we anticipate that any revisions to update an individual Approval of the Request for Coverage for a general permit would be similar to the types of revisions that may be necessary for source-specific permits, including termination of the Approval. Therefore, it is appropriate that the general permits contain the same revise, reopen, revoke, reissue or terminate clause specified in 40 CFR 49.155(a)(7)(iv). As noted in our response to comment 1.2.1, the EPA is not taking comment on the 40 CFR 49.155(a)(7)(iv) and 40 CFR 49.156 provisions and we are not making any changes to the Federal Indian Country Minor NSR rule in this action.

Comment 1.2.3:² Two commenters (0115, 0122) supported the proposed rule’s approach of requiring each source to post the current Approval of the Request for Coverage and to label each affected emissions unit and associated air pollution control technology with the identification numbers listed in the approval; these commenters noted that this requirement is neither costly nor time-consuming. One commenter (0117) recommended that the general permits and the most current Approval of the Requests for Coverage for the permitted source “must be made available immediately upon request,” as opposed to “must be posted.” The commenter (0117) stated that it was not necessary to label the air pollution control equipment as the description and serial numbers are provided in the application.

Response 1.2.3: The EPA acknowledges the support of the commenters with respect to requiring the posting of the Approval of the Request for Coverage. Upon review of comments received related to the posting of general permits in addition to the Approval of the Request for Coverage, the EPA is revising the permits to remove the requirement that the general permit itself must be posted. Posting of the Approval of the Request for Coverage is required under 40 CFR 49.156(e)(6), but general permits themselves are not required under the regulation to be posted and need only to be available onsite, as needed. Regarding the labeling of emissions units and air pollution control equipment, identification and labeling of these units is needed to facilitate identification of equipment covered under a general permit by inspectors without the need to refer to the application. Therefore, the EPA is finalizing the labeling requirements as proposed. It is worth noting that this requirement is consistent with all of the other permits in this final action and in the final action that we finalized in May 2015.³

² This comment was submitted in response to the proposed rule of July 14, 2014 (79 FR 41846) being finalized in this action. It also applies to the permits in the EPA’s previous final rule (“General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Five Source Categories,” U.S. Environmental Protection Agency, 80 FR 25068, May 1, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-05-01/pdf/FR-2015-05-01-FrontMatter.pdf>). Therefore, the EPA also included this comment and the response in the Response to Comments Document for that final action (go to: <https://www.epa.gov/tribal-air/tribal-minor-new-source-review>).

³ “General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Five Source Categories,” U.S. Environmental Protection Agency, 80 FR 25068, May 1, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-05-01/pdf/FR-2015-05-01-FrontMatter.pdf>.

1.3 Comments on the Draft Concrete Batch Plants General Permit and Implementation Tools

1.3.1 Comments on Specific Provisions of the Draft Concrete Batch Plants General Permit

Comment 1.3.1.1: One commenter (0117) objected to the visible emissions 10 percent opacity limit included in the draft concrete batch plants general permit; the commenter argued that the limit would create an unequal playing field with existing concrete batch facilities subject to the Federal Air Rules for Reservations (FARR) requirements for limiting visible emissions (40 CFR 49.124).

Response 1.3.1.1: The EPA acknowledges that the draft visible emissions opacity limit in the final “General Air Quality Permit for New or Modified Minor Source Concrete Batch Plants” (10 percent) is more stringent than the opacity limit provided for facilities in the FARR.⁴ The opacity limit in the FARR is a generally applicable requirement that applies to any person who owns or operates an air pollution source, regardless of whether the equipment is existing, new, or modified. This limit was not specifically developed for concrete batch plants. The EPA’s general permit for concrete batch plants applies to new or modified concrete batch plants, for which we have determined a 10 percent opacity limit is achievable. In our Background Document⁵ for this permit, our review of state general permits for this source category indicated a range of opacity limits. For all of the states researched, the limits ranged from no visible emissions allowed to 25 percent, with only one state having a 40 percent opacity limit. Furthermore, the opacity limit is consistent with the opacity limits in the “General Air Quality Permit for New or Modified Minor Source Stone Quarrying, Crushing, and Screening Facilities in Indian Country” (7-12 percent) and less than the opacity limit for the “General Air Quality Permit for New or Modified Minor Source Hot Mix Asphalt Plants in Indian Country” (20 percent or greater), both made available in final on April 17, 2015.⁶ Upon review of this comment, we continue to believe that a 10 percent opacity limit is achievable for new or modified concrete batch plant sources and, as a result, we are not revising the opacity limit for the final “General Air Quality Permit for New or Modified Minor Source Concrete Batch Plants in Indian Country.”

Comment 1.3.1.2: Another commenter (0035) recommended that the EPA consider the requirements in the South Coast Air Quality Management District (SCAQMD) Rule 1155 - Particulate Matter (PM) from Control Devices (used to establish requirements for permitted PM air pollution control devices) and Rule 1157 – PM₁₀ Emission Reductions From Aggregate and Related Operations (which includes general performance standards and work practice

⁴ The FARR is limited in scope to Indian Reservations in EPA Region 10. The opacity limit in the FARR at 40 CFR 49.124(d) is as follows: “What are the opacity limits for air pollution sources? (1) The visible emissions from an air pollution source must not exceed 20% opacity, averaged over any consecutive six-minute period, unless paragraph (d)(2) or (d)(3) of this section applies to the air pollution source.”

⁵ Background Document: General Air Quality Permit for New or Modified True Minor Source Concrete Batch Plants, Docket ID No. EPA-HQ-OAR-2011-0151, <https://www.epa.gov/tribal-air/tribal-minor-new-source-review>.

⁶ “General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Five Source Categories,” U.S. Environmental Protection Agency, 80 FR 25068, May 1, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-05-01/pdf/FR-2015-05-01-FrontMatter.pdf>.

requirements for opacity, unloading, loading and transferring operations, storage piles and related equipment), in establishing provisions in the draft concrete batch plants general permit. The commenter also requested that the general permit include the following Best Available Control Technology (BACT)⁷ requirements, where BACT is triggered if the maximum emission increase from a new or modified source exceeds one pound per day:

Rating/Size	Criteria Pollutant – PM ₁₀
Central mixed, <5 cubic yards/batch	Water spray
Central mixed, >=5 cubic yards/batch	Baghouse for cement handling and adequate moisture in aggregate
Transit-mixed	Baghouse venting the cement weigh hopper and the mixer truck loading station; and adequate aggregate moisture

Response 1.3.1.2: The EPA appreciates this comment. We considered SCAQMD rules when developing some of the nonattainment area emission requirements and a review of the requirements suggested by the commenter and those in the draft general permit indicate that the draft permit conditions are already at least as stringent as those suggested by the commenter. The conditions contain a 10 percent opacity limit; require fabric filters for mixers, silos, weigh hoppers and storage bins; and include a fugitive dust control plan. Therefore, no changes in this regard were made to the final “General Air Quality Permit for New or Modified Minor Source Concrete Batch Plants in Indian Country,” as a result of this comment.

Comment 1.3.1.3: One commenter (0035) specifically requested that the EPA consider the following control devices for either wet central mix plants or transit mix plants:

Equipment/Process	Control	Comment
Storage silo (cement, fly ash)	Baghouse or filter vents	
Material transfer points <ul style="list-style-type: none"> • Surge bin loading • Weigh hopper loading • Transfer to belt conveyors or screw conveyors 	Water suppression with water sprays or maintaining materials in a moist condition	Maintain materials in a moist condition
Weigh batcher	Filter vent or baghouse	
Mixer at central mix plant	Baghouse	
Up/down hopper	Baghouse	Movable hood

Response 1.3.1.3: The EPA appreciates this comment. We considered SCAQMD rules when developing some of the nonattainment area emission requirements and a review of the

⁷ For federal purposes, BACT is a requirement for major sources under the Prevention of Significant Deterioration Program. However, here and elsewhere in this document where responses to comments are discussed the term is being used as it is used by the SCAQMD air program in the context of minor source NSR permitting in nonattainment areas.

requirements suggested by the commenter and those in the draft general permit indicate that the draft permit conditions are already at least as stringent as those suggested by the commenter. The conditions of the final “General Air Quality Permit for New or Modified Minor Source Concrete Batch Plants in Indian Country” contain a 10 percent opacity limit; require fabric filters for mixers, silos, weigh hoppers and storage bins; and include a fugitive dust control plan. Therefore, no changes were made to the final “General Air Quality Permit for New or Modified Minor Source Concrete Batch Plants in Indian Country,” as a result of this comment.

1.3.2 Comments on Authorizing Multiple Locations

Comment 1.3.2.1: One commenter (0117) supported the use of the draft concrete batch plants general permit to authorize relocation of a concrete batch plant to a pre-approved site location.

Response 1.3.2.1: The EPA acknowledges the support of the commenter with respect to authorizing relocation of a concrete batch plant to a pre-approved site location. The draft concrete batch plants permit currently includes provisions for relocation of the concrete batch plants facility as long as the alternate location is identified in the Approval of the Request for Coverage. We recognize that concrete batch plants are portable and may require the flexibility to relocate to additional areas in the future. We have revised the Request for Coverage Form to clarify that the facility may seek up-front approval of multiple locations and additional locations may be added in the future. The final “General Air Quality Permit for New or Modified Concrete Batch Plants in Indian Country” will create emission limits that allow the facility to operate at alternative locations specifically identified by the Approval of Request for Coverage.

1.4 Comments on the Draft Boilers General Permit and Implementation Tools

Comment 1.4.1: One commenter (0035) requested that the EPA consider the requirements in three SCAQMD Rules that apply to boilers, including Rule 1146 - Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters; Rule 1146.1 - Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters; and Rule 1146.2 - Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters. The commenter stated that these rules limit emissions of nitrogen oxides (NO_x) and carbon monoxide (CO) and have requirements for initial and periodic testing, monitoring, and record-keeping.

Response 1.4.1: The EPA appreciates this comment. We considered SCAQMD rules when developing some of the nonattainment area emission requirements in the draft general permit and a review of the requirements suggested by the commenter and those in the draft general permit indicate that the draft permit conditions are generally consistent with those suggested by the commenter for Severe and Extreme ozone nonattainment areas. For example, the emission limits for NO_x and CO of the final “General Air Quality Permit for New or Modified Minor Source Boilers and Emergency Engines in Indian Country” are consistent with SCAQMD Rules 1146 and 1146.1. For each boiler rated at or above 2 million British thermal

units per hour (MMBtu/hr) in a Severe or Extreme ozone nonattainment area, the final permit is consistent with SCAQMD Rules 1146 and 1146.1 by containing a limit of nine parts per million (ppm) at 3 percent oxygen for NO_x and a limit of 400 ppm at 3 percent oxygen for CO. However, for boilers rated below 2.0 MMBtu/hr in Severe or Extreme ozone nonattainment areas, we did not apply the requirement in SCAQMD Rule 1146.2 for owner/operators to purchase SCAQMD “compliant” boilers. As this is a nationally applicable regulation, we did not find it appropriate to require SCAQMD-compliant boilers in applicable areas everywhere due to their uncertain availability outside of the South Coast region of California. Instead, emissions from these small boilers and auxiliary heaters (those rated less than 2.0 MMBtu/hr) are restricted by limiting the combined rating of all small boilers and auxiliary heaters to a total of 10 MMBtu/hr in Extreme ozone nonattainment areas and 20 MMBtu/hr in all other areas.

Also, we disagree that these boiler requirements should apply in all areas, as suggested by the commenter. One of the factors we considered in developing the draft general permits was the typical control technology, or other emission reduction measures, used by similar sources in surrounding areas. The limits suggested by the commenter are not typically associated with attainment areas or Marginal, Moderate, or Serious ozone nonattainment areas. No changes were made to the final “General Air Quality Permit for New or Modified Minor Source Boilers and Emergency Engines in Indian Country,” as a result of this comment.

1.5 Comments on the Draft Stationary Compression Ignition and Spark Ignition Engines General Permits and Implementation tools

1.5.1 Comments on Specific Provisions of the Draft Spark Ignition and Compression Ignition Engines General Permits

Comment 1.5.1.1: Two commenters representing the oil and natural gas industry (0118, 0120) expressed confusion regarding the reference to the New Source Performance Standard (NSPS) in Table 1 of the 40 CFR part 60, subpart JJJJ, in the draft spark ignition engines general permit. One commenter (0118) noted that it is unclear whether the EPA is limiting the use of engines ≥ 100 horsepower (hp) to only those manufactured after the dates incorporated from Table 1 to 40 CFR part 60, subpart JJJJ, or if the specified emission limits from Table 1 must be met regardless of the date of engine manufacture. Another commenter (0120) stated that the emission limits appear only to apply to engines manufactured after 2010. One commenter (0118) noted that this would exclude other newer engines and would be more restrictive than the NSPS for spark ignition engines (subpart JJJJ). The commenter (0118) also stated that the draft emission limits from Table 1 are appropriate for new, modified, or reconstructed engines after July 1, 2010, or January 1, 2011, but are not appropriate for older existing engines not subject to the NSPS for spark ignition engines (40 CFR part 60, subpart JJJJ) or those engines subject to the NSPS after 2007, but before the 2010 or 2011 dates listed in Table 1. The commenter asserted that, for NSPS engines, all of the emission limits and dates in Table 1 should apply to engines ≥ 100 hp, and that, for non-NSPS engines, emission controls should be no more stringent than those required in National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR part 63, subpart ZZZZ, for the use of existing engines. Another commenter (0120) stated that the general permits should allow for the use of existing engines in attainment areas. Commenters (0118, 0120) recommended that the EPA consider the Texas Commission on

Environmental Quality's Permit by Rule for engines found in 30 Texas Air Code §106.512 as a model.

Response 1.5.1.1: The EPA acknowledges that our draft general permit did not clearly state our intent with regard to the types of non-emergency spark engines eligible to operate under the draft general permit for spark ignition engines. For non-emergency engines greater than or equal to 100 hp, the EPA's intent, similar to the approach used in the general permit made available in draft for compression ignition engines, was to limit the use of the permit to only those non-emergency engines manufactured on or after 2010 or 2011 (based on engine size). We are revising the final "General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country" to clarify this issue. As a result, the requirements apply to existing non-emergency engines in the NESHAP at 40 CFR part 63, subpart ZZZZ are not needed in the general permit.

The commenters stated that the use of engines manufactured prior to these dates should be allowed for attainment areas, and recommended that the EPA consider the permit by rule used by the Texas Commission on Environmental Quality as a model. We disagree with the commenters' suggestions for a number of reasons. First, the commenters appear to misinterpret the intent of the draft permit for spark ignition engines. This general permit is for use by a limited set of stationary sources – those minor sources consisting solely of engines. The permit by rule option suggested by the commenter appears to apply to all types of stationary sources. However, we generally expect the spark ignition and compression ignition engines general permits to be used by sources in Indian country that, for example, provide electricity or pump groundwater in areas where power from the grid is not available. The general permit is not for use by all source categories with non-emergency engines. We have drafted the other general permits and permits by rule developed thus far for the Indian Country Minor New Source Review (NSR) Program to be as comprehensive as possible by addressing all of the emissions we believe are present at sources in particular source categories, including emissions from engines. In light of this comment, we are clarifying each of the draft documents for the spark ignition and compression ignition engines general permits to better identify the types of sources likely to be eligible for these permits. If a new source is in a source category for which we have issued a general permit or permit by rule that includes requirements for engines, the source must meet the requirements in that permit, including the requirements for engines at the source. However, if an existing source is in a source category for which we have issued a general permit or permit by rule that includes requirements for engines is undergoing a modification by adding only engines, then they have to comply with only the engine-specific requirements in the relevant permit.

Secondly, given the types of stationary sources we expect to be eligible for this general permit, we continue to determine that pre-2010 or pre-2011 engines should not be eligible for this permit. For this permit, where the stationary source will mainly consist of non-emergency engines, it is necessary to limit the types of engines eligible to operate under the permit to those with the most current technology to be protective of the National Ambient Air Quality Standards (NAAQS), even in attainment areas. We note that we have not taken this approach for all of the general permits. For example, the general permits for hot mix asphalt plants; stone quarrying, crushing, and screening operations; and concrete batch plants allow for the use of existing

compression ignition non-emergency engines. However, in those cases the engines covered are smaller and are not the primary equipment (and, thus, emissions) at the source.

The Texas Commission on Environmental Quality's Permit by Rule for engines found in 30 Texas Air Code §106.512 suggested by the commenter appears to apply to a broader group of stationary sources (i.e., turbines) and is not limited to spark ignition engines. Thus, its limits would not be translatable to a general permit limited to spark ignition engines.

Additionally, the draft engines permits were not intended to apply to sources where non-exempt emergency engines are present (alone or in combination with other emission sources),⁸ or to engines in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector located at oil and natural gas sources for which the EPA has issued a separate, final rulemaking.⁹ Rather, we expect that sources with emergency engines that are not at a source covered by a general permit or permit by rule that we have already developed or that are otherwise exempt from the Indian Country Minor NSR Program, would likely have one or more boilers present. Under that scenario, the source would, thus, meet the requirements for such engines in the final "General Air Quality Permit for New or Modified Minor Source Boilers and Emergency Engines in Indian Country," which covers sources consisting of boilers and/or emergency engines. The EPA recognizes that it was unclear at the time of proposal which permit would apply to the different types of engines. Therefore, we are revising the title of the draft boilers general permit to include emergency engines to clarify that sources with non-exempt emergency engines should apply for that general permit. Engines at oil and natural gas sources will be handled by the EPA under the separate, final rulemaking mentioned above that followed consideration of comments received on the September 2015, proposal.¹⁰ Sources that are outside of the oil and natural gas production and natural gas processing segments of the oil and natural gas sector and consist of one or more non-emergency, spark ignition engines (and any additional emergency engines) would apply for the final "General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country."

Comment 1.5.1.2: One commenter (0121) stated that the engines general permits reference certain certification or emission requirements at 40 CFR part 89, 40 CFR part 90, 40 CFR part 1048, and Table 1 to 40 CFR part 60 subpart JJJJ, which contain complex language that may require engine operators to conduct legal analytical work. The commenter requested that the EPA list these requirements more succinctly in order to help tribal operators determine whether their sources are subject to certain requirements and what the requirements are. Specifically, the commenter (0121) requested that the EPA clarify which portions of the listed

⁸ Under 40 CFR 49.153(c)(9), emergency engines at a single source are 'exempt' if the combined maximum hp rating is below 1,000 hp in attainment areas or 500 hp in ozone nonattainment areas classified as Serious or lower. If your source consists of only exempt equipment, then you are not required to obtain a minor NSR permit.

⁹ "Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector," U.S. Environmental Protection Agency, 81 FR 35944, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

¹⁰ "Oil and Natural Gas Sector: Emission Standards for New and Modified Sources," U.S. Environmental Protection Agency, 80 FR 56593, September 18, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-21023.pdf>.

rules are applicable (e.g., only certification requirements, emissions requirements, etc.) and provide more detailed references to the exact sections of the applicable rules. The commenter (0121) also requested that the EPA clarify the applications to make them as easy to understand as possible, noting that tables would be easier to follow than text. The commenter suggested including charts and tables to identify the separate requirements for emergency, non-emergency, spark ignition, and compression ignition engines, as well as a breakdown of the applicable requirements in tables by whether the source is located in an attainment or nonattainment area.

Response 1.5.1.2: The EPA acknowledges that the language contained in the EPA’s engine regulations can be complex and potentially difficult for individual owners or operators of engines to understand. This is why the EPA has generally designed the permit requirements for engines to require the owner or operator to simply install certified engines. Thus, it is not necessary for individual owners or operators to try to understand the complex regulations, as they have only to ensure they have installed an engine that is certified by the manufacturer to meet the EPA’s standards. But, there are some engine standards that do not require manufacturers to certify their engines – engines addressed in Table 1 to 40 CFR part 60, subpart JJJJ. In light of this comment, we are revising the final “General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country” to specifically list the applicable emission standards from Table 1 to 40 CFR part 60, subpart JJJJ instead of incorporating them by reference.¹¹ Since the specific requirements we reference in the permits are not needed by owners or operators of certified engines to ensure compliance, we find that it is unnecessary to include more specific references to the standards in the permits for those certified engines. At the commenter’s request, we have revised the permitting documents as suggested to provide more clarity on the applicable requirements.

Comment 1.5.1.3: Two commenters representing the oil and natural gas industry (0118, 0120) stated that, in the draft compression ignition engine permit, the EPA excludes existing compression ignition engines in Condition 19 (which requires nonemergency engines to be model year 2014 or later). The commenters argued that requiring sources to install only new engines would be inappropriate and inconsistent with existing engine rules. One commenter (0118) further stated that no states prohibit the relocation of existing engines, which would be prohibited under the draft rule.

Response 1.5.1.3: As discussed above in Response 1.5.1.1, the commenters seem to misinterpret the intent of the draft permits for engines. These general permits are for a limited set of stationary sources – those consisting primarily of non-emergency engines. We generally expect the final “General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country” and the final “General Air Quality Permit for New or Modified Minor Source Compression Ignition Engines in Indian Country” to be used by sources in Indian country that, for example, provide electricity or pump groundwater in areas where power from the grid is not available. The general permits are for use by all source categories with non-emergency engines. As with the other general permits and permits by rule developed thus far for the Indian Country Minor NSR Program, each permit is intended for a particular source category.

¹¹ The draft general permit for spark ignition engines also contained a typographical error that referenced “40 CFR Subpart JJJJ” instead of the correct citation 40 CFR part 60, subpart JJJJ.

In light of this comment, we are clarifying each of the documents for the spark ignition and compression ignition engines permits to better identify the types of sources likely to be eligible for these permits. Specifically, the draft permits were not intended to apply to compression ignition engines located at oil and natural gas sources for which the EPA has issued a separate, final rulemaking.¹²

For the engines general permits, where the stationary source will consist primarily of non-emergency engines, it is necessary to limit the types of engines eligible for the permit to those with the most current technology to be protective of the NAAQS, even in attainment areas. We note that we have not taken this approach for all of the general permits. For example, the general permits for hot mix asphalt plants; stone quarrying, crushing, and screening operations; and concrete batch plants allow for the use of existing compression ignition non-emergency engines. However, in those cases the engines are much smaller and are not the primary equipment at the source.

Finally, we note that the general permits for engines do not prohibit relocation of engines. While we limit the types of engines that can be used under the permits, engines that meet the minimum standard may be relocated to a new or modified, permitted stationary source.¹³

Comment 1.5.1.4: Three commenters (0118, 0120, 0121) expressed the view that including compliance requirements for emergency spark ignition engines in a compression ignition engine permit and compliance requirements for emergency compression ignition engines in a spark ignition engine permit creates confusion. One commenter (0121) remarked that it is unclear which permit would be appropriate for a source operating an emergency compression ignition engine, and what criteria are used to determine when an emergency compression ignition engine would be covered under one permit or another.

Response 1.5.1.4: The EPA acknowledges the commenters concerns. First, it is important to note that the Indian Country Minor NSR Program exempts certain equipment from the program at 40 CFR 49.153(c) – *What emission units and activities are exempt from this program?* This paragraph includes exemptions for certain emergency engines in attainment and nonattainment areas designed solely for the purpose of providing electrical power during a power outage. So, for example, a source in an attainment area consisting solely of emergency engines used to provide power during a power outage would not require any permit, if the combined hp rating of all such engines is less than 1,000 hp. The limit for nonattainment areas classified as

¹² “Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector,” U.S. Environmental Protection Agency, 81 FR 35944, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

¹³ We have provided guidance on the in-kind replacement of units in the preamble to a final rule we issued on May 30, 2014, in which we clarified requirements for such units in the Federal Indian Country Minor NSR rule (“Review of New Sources and Modifications in Indian Country – Amendments to the Federal Indian Country Minor New Source Review Rule,” U.S. Environmental Protection Agency, 79 FR 31035, May 30, 2014, <https://www.gpo.gov/fdsys/pkg/FR-2014-05-30/pdf/2014-11499.pdf>).

Serious or below is 500 hp. Emergency engines located in Severe and Extreme ozone nonattainment areas are not exempt.

These exemptions were added to the Indian Country Minor NSR rule during the development of the general permits (see 79 FR 31035, May 30, 2014). The draft permits for compression ignition and spark ignition engines contained limits on the combined hp rating for emergency engines that are at, or below, the exemption thresholds finalized in 40 CFR 49.153(c). Therefore, we are removing the emergency engine provisions from these two general permits, as this equipment is exempt from the program at the thresholds in the permits.¹⁴ We are revising the Request for Coverage Forms and Questionnaires for these permits to identify this exemption. Sources seeking to apply for these general permits, but with emergency engines that do not qualify for this exemption, would not be eligible for the general permits. We do not expect this to be a common occurrence given the types of sources we expect to generally be eligible for these permits. Furthermore, as discussed in Response 1.5.1.1, we expect that sources with emergency engines, that are not otherwise exempt from the Indian Country Minor NSR Program, would likely have one or more boilers present and would, thus, meet the requirements for such engines in the final “General Air Quality Permit for New or Modified True Minor Source Boilers and Emergency Engines in Indian Country.” We note that the final general permit provides a mechanism for permitting emergency engines with a combined capacity above the exemption thresholds at 40 CFR 49.153(c).

Comment 1.5.1.5: One commenter (0121) requested clarification on the hp limits that were chosen as thresholds for emergency engines to qualify for general permits. The commenter noted that the proposal states that “the combined maximum engine power of all emergency engines at a single permitted source location must be no greater than 800 hp,” but does not clarify whether this applies to spark ignition engines, compression ignition engines, or both. The commenter (0121) also expressed concerns regarding an 800 hp limit on compression ignition emergency engines; the commenter stated that larger emergency engines with annual hourly limits have already been exempted from permitting by the EPA Region 5 staff. The commenter (0121) stated that it is unclear if facilities that need to replace these engines in the future with similar engines would need to permit them differently.

Response 1.5.1.5: Responses 1.5.1.1 and 1.5.1.4 above both address the commenters’ concerns. During the development of the engines general permits, the EPA finalized exemptions for certain emergency engines at 40 CFR 49.153(c). Therefore, we are removing the emergency engine requirements from the general permits for compression ignition and spark ignition engines. The exemption does not specify the type of emergency engine – that is, any type of emergency engine may use the exemption as long as the combined hp rating of all engines is less than the exemption threshold.

To further clarify, the general permits and permits by rule developed by the EPA are not designed as a minimum set of requirements with which every stationary source must comply.

¹⁴ Emergency engines at a single source are ‘exempt’ if the combined maximum hp rating is less than 1,000 hp in attainment areas or less than 500 hp in ozone nonattainment areas classified as Serious or below. If your source consists of only exempt equipment, then you are not required to obtain a minor NSR permit.

The EPA's general permits and permits by rule provide a streamlined process for permitting common equipment that is subject to the Indian Country Minor NSR Program because it is part of a new or modified source. No owner or operator is required to use the general permits or permits by rule. Sources subject to the Indian Country Minor NSR Program, but not qualifying for a general permit or permit by rule, or not wishing to use such a permit, may apply for source-specific permits. We agree that it is possible that other sizes of emergency engines, greater than the exemption threshold, may not be subject to the Indian Country Minor NSR Program. However, the exemption provided in 40 CFR 49.153(c) provides a simple, straightforward method for owners or operators to use to determine whether they need a permit. It is not possible for us to accommodate every potential situation in the rulemaking or permit development process; therefore, we encourage sources to contact their local Reviewing Authority for assistance in determining whether they need a permit for situations beyond the exemption in 40 CFR 49.153(c). In addition, the "General Air Quality Permit for New or Modified Minor Source Boilers and Emergency Engines in Indian Country" provides a mechanism for permitting emergency engines with a combined capacity greater than that provided in the exemption at 40 CFR 49.153(c).

Comment 1.5.1.6: Two commenters (0118, 0120) asserted that stack testing procedures for emergency engines are inappropriate and not required by states; instead, the commenters recommended that the EPA include maximum non-emergency run time hour limits (e.g., 500 hours/year) in both the spark ignition and compression ignition engines general permits.

Response 1.5.1.6: The EPA disagrees that we should replace the testing requirements with limits on the hours an emergency engine can operate in non-emergency situations. This suggestion would not ensure that noncertified engines meet the emission limits in the permit. The testing requirements included in the permits apply only to non-certified engines and were consistent with the testing requirements *already* required for these engines under the NSPS at 40 CFR 60.4243(c). Note, as discussed in Response 1.5.1.4 above, we are removing the requirements for emergency engines from the final "General Air Quality Permit for New or Modified Minor Source Compression Ignition Engines in Indian Country" and "General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country." This does not relieve owners and operators from complying with all other applicable requirements that may apply to these engines beyond the Indian Country Minor NSR Program.

Comment 1.5.1.7: Two commenters (0118, 0120) questioned the specific testing procedures outlined in the engines general permits. One commenter (0118) stated that the outlined procedures for stack testing were contradictory with regard to engine load during testing. Specifically, the commenter stated that line 24(a)(iv) in the draft spark ignition and compression ignition engines general permits requires testing under typical operating conditions, but that line (vi) requires that testing occur within 10 percent of peak load, which "isn't necessarily representative of typical operating conditions." In the draft spark ignition engines general permit, another commenter (0120) stated that emissions testing requirements should allow portable analyzer testing and test methods other than the EPA reference methods, such as the annual compliance demonstration procedures of 40 CFR 63.6640(c)(1), (2), (3) and (5) for

area source non-remote engines (plus the addition of nitrogen dioxide measurement) as an appropriate EPA method for portable analyzer monitoring of these engines. The commenter (0120) stated that allowing portable analyzers is necessary due to the remote and dispersed nature of many engines.

Response 1.5.1.7: The EPA recognizes that some engines typically do not operate within 10 percent of peak load. However, the “within 10 percent peak load” requirement was included in the permit to be consistent with the testing requirements in the applicable NSPS. This allows testing conducted under the NSPS to be used for the general permit as well. The EPA has generally included a requirement in our general permits to ensure testing is conducted under typical operating conditions to avoid testing being conducted during, for example, startup or malfunction. We do not find the two provisions to be contradictory. Individual sources, when submitting the test plan required by the permit may request alternative test procedures.

Regarding the use of portable analyzers, the draft general permit for spark ignition engines provides for the use of test methods identified in 40 CFR part 60, Appendix A, which allow the use of portable analyzers. In addition, the draft spark ignition engines general permit specifically references the use of portable analyzers. No changes have been made to the final “General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country,” as a result of this comment.

Comment 1.5.1.8: One commenter (0120) stated that the requirement to monitor fuel use for each engine on a monthly basis is not practical, given the many remote locations where engines are used for oil and gas production. The commenter argued that these locations often do not have the infrastructure such as electrical power to support measuring and monitoring fuel use. The commenter (0120) further asserted that because the standards are based on an emissions per horsepower-hour (hp-hr) basis, fuel measurement is unnecessary to demonstrate compliance.

Response 1.5.1.8: The EPA notes that these general permits do not apply to engines in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector for which the EPA has issued a separate, final rulemaking in the form of a Federal Implementation Plan (FIP).^{15,16} Engines at oil and natural gas sources will be addressed by the EPA under the separate, final rulemaking that followed consideration of comments received on

¹⁵ “Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector,” U.S. Environmental Protection Agency, 81 FR 35944, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

¹⁶ The final oil and natural gas FIP focuses on the oil and natural gas production and natural gas processing segments of the oil and natural gas sector because we believe that these segments include the majority of the true minor sources in the sector that would need to obtain a minor source permit in areas covered by the Federal Indian Country Minor NSR rule.

an Advance Notice of Proposed Rulemaking (ANPR)¹⁷ and a proposal.¹⁸ We do not anticipate that sources outside of the oil and natural gas production and natural gas processing segments of the oil and natural gas sector with stationary spark ignition and compression ignition engines will have difficulty meeting the monthly fuel use requirements; therefore, no changes have been made to the final “General Air Quality Permit for New or Modified Minor Source Compression Ignition Engines in Indian Country” and “General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country,” as a result of this comment.

Comment 1.5.1.9: One commenter (0118) requested that the EPA provide clear direction for authorization of in-kind replacement engines. The commenter (0118) noted that engines are frequently swapped out with an in-kind engine to minimize compressor downtime, and that these replacements have the same or lower emissions than the engine being replaced. Two commenters (0118, 0120) noted that existing compressors may be moved and installed at another site to meet production needs. One commenter (0120) argued that the EPA must allow for relocation of existing engines without requiring them to be retrofitted. Another commenter (0118) suggested that the EPA consider the permit by rule and general permitting programs run by the states of Texas, Colorado, and Louisiana as models to address relocation of existing engines.

Response 1.5.1.9: As noted in Responses 1.5.1.1 and 1.5.1.3, these general permits do not apply to engines in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector for which the EPA has issued a separate, final rulemaking in the form of a FIP.¹⁹ (Because these commenters represent the oil and natural gas industry, the EPA infers that the commenters are referring to engines used in the oil and natural gas sector.) Engines that are used in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector are addressed under a separate, final rulemaking in the form of a FIP.²⁰

The general permits being finalized for engines in this action do not contain any specific conditions related to “in-kind” replacements. The commenter has not provided a specific description for what is meant by “in-kind” replacements, alluding only to the fact they have “the same or lower emissions than the engine being replaced.” Thus, we cannot provide a more detailed response other than to point the commenter to how we addressed the issue of emissions

¹⁷ “Managing Emissions from Oil and Natural Gas Production in Indian Country,” U.S. Environmental Protection Agency, 79 FR 32502, June 5, 2014, <https://www.gpo.gov/fdsys/pkg/FR-2014-06-05/pdf/2014-12951.pdf>.

¹⁸ “Review of New Sources and Modifications in Indian Country: Federal Implementation Plan for Managing Air Emissions from True Minor Sources Engaged in Oil and Natural Gas Production in Indian Country,” U.S. Environmental Protection Agency, 81 FR 56554, September 18, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-21025.pdf>.

¹⁹ “Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector,” U.S. Environmental Protection Agency, 81 FR 35944, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

²⁰ Ibid.

unit relocation/replacement in the oil and natural gas industry in response to comments on amendments to add to the list of exempted units in the Federal Indian Country Minor NSR rule.²¹

In the Federal Indian Country Minor NSR rule, we indicated our understanding that in oil and gas sector operations moving a single piece of equipment from one facility to another, or replacing a piece of equipment with a new one, can occur on a regular basis. For clarification purposes, we believed that it would be beneficial to both sources and reviewing authorities for us to list the different situations involving a piece of equipment (a unit) that we believed would be most common, and specify the outcome with respect to minor NSR permitting and registration. In the preamble to the final rule, we listed expected outcomes to provide guidance on how we would address certain “relocation” scenarios.²² We did, however, indicate that the source owner/operator should still verify with its Reviewing Authority that the scenario provided, and its stated outcome, applies to its case. Regardless, each model year engine has to meet its applicable emissions control NSPS requirements.

Comment 1.5.1.10: One commenter (0120) stated that the requirement to “maintain onsite all records required to be kept by this permit” is not practical at unmanned oil and gas production facilities. The commenter asked that the requirement be modified to recognize that records for unmanned facilities are normally kept at an office having operational control of the unmanned engine facility where the engines are located.

Response 1.5.1.10: The EPA recognizes the commenter’s concern. As noted in Responses 1.5.1.1 and 1.5.1.3, the draft permits were not intended to apply to engines in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector for which the EPA has issued a separate, final rulemaking in the form of a FIP.²³ Engines at oil and natural gas sources will be handled under the separate rulemaking. We do not anticipate that sources outside of the oil and natural gas production and natural gas processing segments of the oil and natural gas sector with stationary spark ignition and compression ignition engines will have difficulty meeting the recordkeeping requirements; thus, no changes have been made to the final “General Air Quality Permit for New or Modified Minor Source Compression Ignition Engines in Indian Country” and the final “General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country,” as a result of this comment.

Comment 1.5.1.11: Two commenters (0118, 0120) stated that the reporting requirements in the draft general permits for engines are equivalent to the requirements for major sources subject to Title V. The commenters argued that these requirements are not appropriate for minor

²¹ “Review of New Sources and Modifications in Indian Country – Amendments to the Federal Indian Country Minor New Source Review Rule,” U.S. Environmental Protection Agency, 79 FR 31035, May 30, 2014, <https://www.gpo.gov/fdsys/pkg/FR-2014-05-30/pdf/2014-11499.pdf>.

²² Ibid.

²³ “Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector,” U.S. Environmental Protection Agency, 81 FR 35944, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

or area sources. Specifically, the commenters (0118, 0120) asserted that deviation reporting, compliance certifications, and requiring signature by a Title V equivalent “responsible official” is overly burdensome to minor sources. The commenters also state that these requirements would increase the burden on the EPA to review these reports. The commenters (0118, 0120) argued that the EPA should not be more stringent than state minor source programs and that the EPA should rely on reporting already required by NSPS and NESHAP, and perform periodic site inspections to ensure compliance. One commenter (0120) asserted that engines that are already affected sources of an NSPS or NESHAP should have no additional requirements (reporting or otherwise).

Response 1.5.1.11: While the reporting requirements contained in the general permits may be similar to reporting requirements of the Title V program, the EPA disagrees that a change is warranted. In developing the general permits, the EPA followed the Federal Indian Country Minor NSR rule, which at 40 CFR 49.155(a)(5) identifies reporting requirements that must be included in each permit. As required by this provision, we included the annual and deviation reporting requirements in each permit. The EPA is not, at this time, taking comment on the reporting requirements required by 40 CFR 49.155(a)(5). Further, because of this requirement, the EPA cannot simply rely on assumed existing reporting and other requirements in other rules (e.g., NSPS or NESHAP) to ensure compliance with the emission limitations in our general permits. To the extent we included reporting requirement not specifically identified in 40 CFR 49.155(a)(5), but that are contained in an NSPS or NESHAP, we disagree that we can rely on these other reporting requirements without specifying them in our general permits. The Federal Indian Country Minor NSR rule also requires that each permit contain reporting “to assure compliance with the emission limitations.” We do not interpret the rule as allowing us to rely on unspecified reporting requirements from other rules to ensure compliance with the emission limitations in our general permits. However, in some instances the reporting requirements in the final permits in this action are similar to or identical to reporting requirements in NESHAP and NSPS standards. Thus, for some requirements reporting under the other standards will also suffice for these permits. (If a permittee has a question about whether a particular reporting requirement under a NESHAP or NSPS will also suffice for these permits, they should work with the Reviewing Authority during the review process.)

Further, the requirement to have a responsible official sign reports is common and consistent with other state permitting programs. It is unclear why this certification would be costly or overly burdensome for permittees, as the commenter has not provided any specific information demonstrating an actual problem or a particular difficulty.

Comment 1.5.1.12: One commenter (0118) stated that the time frame for submittal of performance test reports in the draft engines permits is too short. The commenter noted that performance test reports are typically required to be submitted within 60 days of completion of the test by NSPS and NESHAP requirements for engines. The commenter (0118) also asked that stack test reporting required for NSPS and NESHAP satisfy the requirements for minor NSR reporting.

Response 1.5.1.12: Upon consideration, the EPA is extending the time frame for submittal of performance test reports to 60 days for both the spark ignition and compression ignition engines general permits. This time frame is consistent with the requirements of 40 CFR part 60, subpart JJJJ, and 40 CFR part 63, subpart ZZZZ. Additionally, we are revising Condition 22 of the draft compression ignition engines general permit and Condition 24 of the draft spark ignition engines general permit in both cases to clarify that facilities may satisfy the initial and subsequent stack testing requirements in the general permit using the initial and subsequent performance tests performed to meet NSPS and NESHAP requirements, assuming the required testing requirements in the permits are met.

1.5.2 Comments Requesting Coverage for Synthetic Minor Sources

Comment 1.5.2.1: Two commenters (0118, 0120) requested that the draft engines general permits include provisions to establish a source as a synthetic minor for criteria pollutants and/or hazardous air pollutants (HAPs). One commenter (0118) specifically objected to the provision to limit the use of the general permits to true minor sources; the commenter argued that by requiring all spark ignition engines ≥ 100 hp to comply with the specified emission limits in Table 1 of subpart JJJJ, the issue of “true minor sources” becomes irrelevant as emissions are controlled and tested to demonstrate compliance with the emission limits. Another commenter (0120) stated that without coverage for synthetic minor sources, sources would be forced to use source-specific permitting and face delays in construction or modification. The commenter requested that the engines general permits allow owners/operators to obtain federally enforceable synthetic minor emission limits that would be effective under all programs under the Clean Air Act with emissions-based applicability (e.g., Prevention of Significant Deterioration (PSD) Program and Title V permitting, NSPS, and NESHAP). The commenter (0120) referred to a similar approach used by the Texas Commission on Environmental Quality (Title 30 Texas Administrative Code Chapter 106; Form PI-7 CERT; and Form APD – CERT).

One commenter (0117) supported using the limitations in the draft general permits to establish synthetic minor limits. Another commenter (0122) asserted that the EPA must require more stringent monitoring, recordkeeping, and reporting for these sources. The commenter (0122) maintained that if a permittee is choosing to avoid major source thresholds, the facility must have sufficient recordkeeping and compliance checks to ensure that the source is not operating above the synthetic minor thresholds. The commenter (0122) requested that the EPA include recordkeeping provisions that require synthetic minor sources to track all emissions simultaneously. The commenter (0122) also requested that the EPA issue only synthetic minor source permits to sources with potential emissions at a margin below the major thresholds.

Response 1.5.2.1: In our final action of May 1, 2015,²⁴ we finalized a policy that allows for the use of general permits in Indian country to create synthetic minor sources. Consistent with the policy and after considering the concerns raised by commenters, we are finalizing the

²⁴ “General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Five Source Categories,” U.S. Environmental Protection Agency, 80 FR 25068, May 1, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-05-01/pdf/FR-2015-05-01-FrontMatter.pdf>.

spark ignition and compression ignition engines general permits to allow for use by true minor sources and also to create synthetic minor sources. For the final “General Air Quality Permit for New or Modified Minor Source Compression Ignition Engines in Indian Country,” we added operational limits so that the permit serves both true minor and synthetic minor sources. For the same purpose, for the final “General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country,” we created synthetic minor limits for fuel use for only natural gas engines as we believe that is the most likely fuel use scenario. We do not feel that we have sufficient information available to create these limits for other fuel types, as the other fuels can have varying characteristics, which will change the engine efficiency and affect emissions.

We note that many sources that would qualify as synthetic minor sources have the potential to emit pollutants above the major source thresholds in the absence of enforceable restrictions, but in many cases, the sources’ actual emissions remain well below these thresholds even without the restrictions. We anticipate that providing a pre-defined synthetic minor permit may provide the facilities with a degree of regulatory certainty and encourage facilities to accept the permits’ terms and conditions and to qualify for minor source status. This provides the opportunity for sources that would be major sources to become minor sources, which provides a further protective effect on air quality. Allowing the use of general permits to create synthetic minor sources for stationary spark ignition and compression ignition engines provides for streamlining of the permit process (by providing a pre-defined set of conditions and limitations), and allows for greater scrutiny in the review of the permit application by the Reviewing Authority. This level of scrutiny helps to ensure that the coverage provided by the general permit is appropriate and protects air quality in Indian country. The Reviewing Authority would be able to confirm through review of the application that it is likely that the source will meet the throughput limitations and emissions control requirements in the general permit. In addition, we do not see a need to add any additional monitoring, recordkeeping and reporting requirements for synthetic minor sources as the existing requirements in the general permits are sufficient to ensure that sources’ emissions will remain below major source levels.

The final “General Air Quality Permit for New or Modified Minor Source Compression Ignition Engines in Indian Country” and the final “General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country” serve as true minor source and synthetic minor source permits.²⁵ The limits in the permits are both legally enforceable and enforceable as a practical matter. According to the EPA guidance, for emission limits in a permit to be practically enforceable, the permit provisions must specify: (1) a technically-accurate limitation and the portions of the source subject to the limitation; (2) the time period for the limitation; and (3) the method to determine compliance, including appropriate monitoring, record keeping, and reporting. The permits contain these provisions. The limits are set with an adequate margin between the relevant major source threshold and the permit limit to account for uncertainties of measurement, emissions from unpermitted activities, variability in emission rates, and excess emissions during startup, shutdown, or malfunction. In setting the synthetic

²⁵ The Request for Coverage Forms for these permits list the different control options available to sources seeking coverage under the permits, making it clear which options are for true minor sources and which options are for synthetic minor sources.

minor limit, relevant factors have included the certainty of the compliance method, emission rate and the likelihood of unaccounted emissions.

Comment 1.5.2.2: Two commenters (0118, 0120) requested clarification on the draft FIP or permit by rule considered in the ANPR.²⁶ The commenters (0118, 0120) noted that it is not clear whether the draft engines general permits cover engines located at oil and gas production facilities. One commenter (0118) stated that it is unclear how the general permits for engines would integrate with the FIP or permit by rule being considered in the ANPR, noting that the draft provisions would make the general permit of limited use to oil and natural gas sources. Both commenters (0118, 0120) expressed preference for a permit by rule or FIP rather than a general permit as a streamlined approach. One commenter (0120) stated that a permit by rule would meet the requirements for minor source permits that otherwise would apply under the Federal Indian Country Minor NSR rule.

Response 1.5.2.2: It was the EPA's intent that the draft stationary engines general permits apply only to new and modified minor sources where the primary equipment consists of non-emergency engines and maybe an emergency engine. These sources could include engines located in areas of Indian country without access to the electric grid that produce power. The draft permits were not intended to apply to engines in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector for which the EPA has issued a separate, final rulemaking in the form of a FIP²⁷ following consideration of comments received on the proposed FIP²⁸ and the ANPR.²⁹ The EPA recognizes that it was unclear at the time of proposal whether the permit would apply to engines at these sources. Only new sources or modifications consisting of one or more non-emergency engines that are not located in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector can apply for coverage under the spark ignition and/or compression ignition stationary engines general permits. Engines in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector have been addressed in the separate, final rulemaking.³⁰

²⁶ "Managing Emissions from Oil and Natural Gas Production in Indian Country," U.S. Environmental Protection Agency, 79 FR 32502, June 5, 2014, <https://www.gpo.gov/fdsys/pkg/FR-2014-06-05/pdf/2014-12951.pdf>.

²⁷ "Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector," U.S. Environmental Protection Agency, 81 FR 35944, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

²⁸ "Review of New Sources and Modifications in Indian Country: Federal Implementation Plan for Managing Air Emissions from True Minor Sources Engaged in Oil and Natural Gas Production in Indian Country," U.S. Environmental Protection Agency, 81 FR 56554, September 18, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-21025.pdf>.

²⁹ "Managing Emissions from Oil and Natural Gas Production in Indian Country," U.S. Environmental Protection Agency, 79 FR 32502, June 5, 2014, <https://www.gpo.gov/fdsys/pkg/FR-2014-06-05/pdf/2014-12951.pdf>.

³⁰ "Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector," U.S. Environmental Protection Agency, 81 FR 35944, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

Comment 1.5.2.3: One commenter (0120) representing oil and natural gas sector interests expressed a preference for a permit by rule mechanism for compression ignition and spark ignition engines in lieu of a general permit, and recommended that the EPA consider as an example the permit by rule in the Texas Administrative Code, Title 30, Part 1, Chapter 106, Subchapter A, Rule §106.4, coupled with the engine specific Permits by Rule 106.511, and 106.512. The commenter (0120) stated that a permit by rule allows sources the flexibility to install and operate engines without delays arising from review and approval by permitting authorities; the commenter stated that these delays are problematic for sources that are routinely relocated throughout oil and gas operations. The commenter also pointed out that a primary advantage of implementing a permit by rule or FIP would be that a new federal decision would not be made each time a source avails itself of the permit by rule or FIP (i.e., Endangered Species Act (ESA) and National Historic Preservation Act (NHPA) requirements would not be triggered each time a source undertakes construction or modification activity that would trigger requirements under a permit by rule or FIP).

Response 1.5.2.3: Regarding the use of a permit by rule or FIP for compression ignition and spark ignition engines, the EPA did not propose the use of these permitting mechanisms in the proposed rule and does not consider their use appropriate at this time. Thus, we did not seek comment on their use at the time of proposal. Furthermore, the draft permits do not apply to engines in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector. The EPA has issued a separate, final rulemaking addressing oil and natural gas production sources, including non-emergency engines located at such sources.³¹

1.6 Comments on the Draft Graphic Arts and Printing Operations General Permit and Implementation Tools

1.6.1 Comments on Specific Provisions of the Draft Graphic Arts and Printing Operations General Permit

Comment 1.6.1.1: One commenter (0035) noted that the preamble describes the term “graphic arts” as “four basic processes of the printing industry: web offset lithography, web letterpress, rotogravure, and flexography.” The commenter notes that screen printing and manual and sheet-fed techniques are not included in this source category description, although the draft general permit references sheet-fed lithographic printing. The commenter requested clarification on the presses included in the source category.

Response 1.6.1.1: The commenter is correct that there was a discrepancy between the definition of “graphic arts” in the preamble of the Federal Register notice and the draft general permit for the graphic arts and printing operations source category. It was the EPA’s intent to include sheet-fed printing processes in the source category, as evidenced by the permit conditions specific to sheet-fed lithographic printing. We have modified the final questionnaire and Request for Coverage Form to clarify that the final “General Air Quality Permit for New or

³¹ Ibid.

Modified Minor Source Graphic Arts and Printing Operations in Indian Country” applies to sheet-fed printing operations.

Comment 1.6.1.2: One commenter (0035) recommended that all solvent cleaning operations (except batch loaded cold cleaners) comply with emission standards similar to SCAQMD Rule 1171 and provided a reference to the rule.

Response 1.6.1.2: The EPA appreciates this comment as we considered SCAQMD rules when developing some of the nonattainment area emission requirements. SCAQMD Rule 1171 is a rule that applies in an ozone nonattainment area to solvent cleaning operations. The draft permit contained basic limits on solvent cleaning and work practice standards to minimize volatile organic compounds (VOC) emissions. We have determined that the additional limits and work practice standards not already included in the draft permit should only be added to the requirements for Serious and above ozone nonattainment areas contained in “Attachment C: Nonattainment Area VOC Limits” of the draft permit. As a result, we are revising the requirements in the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country” to include additional emission limits and work practice standards consistent with SCAQMD Rule 1171 that apply only in Serious and above ozone nonattainment areas.

Comment 1.6.1.3: One commenter (0035) noted that the term “reasonable time” in Condition 9 of the draft graphic arts and printing operations permit is subjective and not easily enforceable, and requested a specific time frame.

Response 1.6.1.3: The EPA agrees with the commenter. The term “reasonable time” is based on provisions of the Federal Indian Country Minor NSR rule (see 40 CFR 49.155(a)(7)(vi)) as follows: “You, as the permittee, shall furnish to the Reviewing Authority, within a reasonable time, any information that the Reviewing Authority may request in writing to determine whether cause exists for revising, revoking and reissuing or terminating the permit or to determine compliance with the permit. For any such information claimed to be confidential, you must also submit a claim of confidentiality in accordance with part 2, subpart B of this chapter.” We have replaced “reasonable time” with “30 days unless another timeframe is specified by the EPA” in the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country.” We have made this change for all of the final permits addressed in this action.

Comment 1.6.1.4: One commenter (0035) recommended that the VOC limits in Condition 17 of the draft graphic arts and printing operations permit be changed to grams per liter (g/L) of ink/coating/adhesive less water and exempt compounds. The commenter stated that the draft VOC content limit of 0.16 pounds (lbs) of VOC/lb of material, as applied, is approximately 120-160 g/L depending on the density of the material, which may be more stringent than the standards in Attachment C.

Response 1.6.1.4: The EPA agrees with the recommendation that the coating content limits in Condition 17 of the draft general permit for flexible packaging printing operations should also be provided in g/L and we have added VOC content limits measured in g/L. We also agree with the recommendation that the coating content limits should be on an “as applied” basis, excluding water, and have modified the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country,” accordingly. In response to the same comment, we have also added a definition for VOC to the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country” to clarify the compounds that are not included when considering VOC. The definition references the list of exempt compounds in 40 CFR 51.100(s)(1).

Comment 1.6.1.5: One commenter (0035) recommended that the draft percent alcohol or percent alcohol substitute limits in Condition 18 of the draft general permit be converted to an equivalent VOC content limit in g/L as applied, including water and exempt compounds. The commenter noted that if a fountain solution contains a compound that is a VOC but is not an alcohol or alcohol substitute, then there would be no limit to the amount of the VOC in the fountain solution if the limits are expressed in percent alcohol or percent alcohol substitute. The commenter (0035) referenced equivalent fountain solution limits in g/L VOC, as applied, including water and exempt compounds, in SCAQMD Rule 1130, and provided a list of these limits. The same commenter requested that if the standards for fountain solution are changed to VOC content rather than percent alcohol or alcohol substitute, then the log required in Condition 31 of the draft general permit should reflect: (1) the units (e.g., g/L or pounds per gallon (lbs/gal), as applied, including water and exempt compounds) of the fountain solution standards, (2) the units (e.g., g/L or lbs/gal, as applied, less water and exempt compounds) of the VOC limits for the coating, ink or adhesive, and (3) the units (e.g., g/L or lbs/gal, as applied, less water and exempt compounds) of the VOC limits. The commenter also recommended that the VOC limits in Attachment C for all materials except fountain solution should be g/L or lbs/gal, less water and less exempt compounds, and that the VOC limits for fountain solution should be converted to an equivalent VOC content limit in g/L as applied, including water and exempt compounds.

Response 1.6.1.5: The EPA generally agrees with the commenter, and has made corresponding changes to the conditions of the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country.” The EPA agrees with the recommendation that the nonattainment area VOC ink, coating and adhesive content limits should also be provided in g/L and lbs/gal, and have added the recommended VOC content limits in the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country.” We also agree with the recommendation that the coating content limits should be on an “as applied” basis, excluding water and other compounds. We have added a definition for VOC to the permit to clarify the compounds not included when considering VOC. We have also made corresponding changes to the recordkeeping requirements, as appropriate.

Comment 1.6.1.6: One commenter (0035) requested that the EPA clarify Condition 21 of the draft general permit to apply only to Flexible Packaging Printing Operations.

Response 1.6.1.6: In the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country,” the EPA agrees with the commenter and we have revised the heading for the draft condition that reads “Exemption for Non-compliant Materials” to a new heading, “Exemption for Flexible Packaging Printing Operations,” to clarify that the non-compliant materials exemption is only applicable for flexible packaging printing.

Comment 1.6.1.7: One commenter (0035) requested that the frequency of monitoring usage of all VOC-containing material (Condition 27 of the draft general permit) be changed from a weekly basis to a daily basis. The commenter asserted that a weekly basis is too long of a period for an operator to accurately monitor material use and may result in estimates of usage rather than reflect actual usage. The commenter (0035) referred to SCAQMD Rule 109, which requires maintenance of daily records of material usage.

Response 1.6.1.7: The EPA agrees with this recommendation as it relates to certain nonattainment areas. Accordingly, in the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country,” the EPA is revising the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country” to include a requirement for daily monitoring of VOC usage for Serious and above ozone nonattainment areas. The EPA has concluded that in nonattainment areas, a greater level of monitoring is necessary (1) to protect air quality in areas that are designated as Serious and above ozone nonattainment; and (2) to ensure a consistent set of requirements across state and tribal areas with the same air quality designation in common airsheds.

Comment 1.6.1.8: One commenter (0035) requested that the EPA add requirements for performance testing at facilities with air pollution control equipment to verify the overall VOC control efficiency and to quantify the NO_x emissions from any air pollution control equipment (e.g., oxidizers).

Response 1.6.1.8: The EPA agrees with the commenter and has added testing requirements for potential add-on control equipment. (The option for owners or operators to rely on add-on control devices for compliance was added to the permit in response to another comment.) For each add-on control system used at a graphic arts and printing operations source, the source must conduct an initial performance test within certain timeframes to verify compliance with the add-on control standards according to a test plan submitted to the Reviewing Authority. The testing is to determine the capture/control efficiency of the emission control system. The source must also conduct subsequent performance tests every five years.

Comment 1.6.1.9: One commenter (0035) requested that the monthly record requirements in Conditions 31 through 33 of the draft general permit be clarified to specify calendar monthly records.

Response 1.6.1.9: Although the EPA intended that records be kept on a calendar monthly basis, we recognize that the draft permit was unclear. We are, therefore, revising the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country” to clarify that the recordkeeping requirements are to be kept on a calendar-monthly basis. This means under the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country” each source must update a log of their usage of VOC-containing material and report that usage on a calendar monthly basis.

Comment 1.6.1.10: One commenter (0035) requested that if requirements to conduct additional performance tests are added to the general permit, then the EPA should include a requirement for recording the results of each performance test.

Response 1.6.1.10: The EPA agrees that the results of all performance tests should be recorded and the records maintained. As a result, in authorizing the use of add-on controls, we included recordkeeping and reporting requirements for specified performance testing for add-on control equipment.

Comment 1.6.1.11:³² One commenter (0035) stated that Condition 38 of the draft general permit (Notification of Change in Ownership) is unclear in establishing whether it is the responsibility of the new permittee or the old permittee to comply with the notification requirements; the commenter requested that the paragraph be clarified to indicate if the new permittee or the old permittee is required to submit the required notice. The same commenter (0035) requested that the Conditions 38 and 47 of the draft general permit be clarified to cover situations in which there is a change of operator, but the ownership of the equipment is the same.

Response 1.6.1.11: The commenter is correct. We have revised the final general permits for clarification. If the permitted source changes ownership, then the *new* permittee must submit a written or electronic notice to the Reviewing Authority within 90 days before or after the change in ownership is effective. This clarifying change to the notification and reporting requirements has been applied to all of the final general permits. We have also modified the change in ownership conditions that appear in Section 5 and 6 of the general permits to include the word “operator” to clarify that these conditions also cover a change in operators where ownership of the equipment is the same.

³² These comments were submitted in response to the proposed rule of July 14, 2014 (79 FR 41846) being finalized in this action. They also apply to the permits in the EPA’s previous final rule signed on April 17, 2015 (“General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Five Source Categories,” U.S. Environmental Protection Agency, 80 FR 25068, May 1, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-05-01/pdf/FR-2015-05-01-FrontMatter.pdf>). Therefore, the EPA included this comment and the response in the Response to Comments Document for that final permit action (go to: <https://www.epa.gov/tribal-air/tribal-minor-new-source-review>).

Comment 1.6.1.12: One commenter (0035) recommended that the definition of “coldset” be modified to clarify that coldset printing operations include presses with infrared or other energy curing devices such as ultraviolet dryers. The same commenter recommended that the definition of “heatset” be modified to clarify that coldset printing operations do not include presses with infrared or other energy curing devices such as ultraviolet dryers.

Response 1.6.1.12: The EPA has reviewed these definitions and agrees that the language suggested by the commenter provides additional clarifications that can help facilitate understanding of the permit’s requirements. We have revised the definitions, accordingly.

Comment 1.6.1.13: One commenter (0035) recommended that the definition of “offset lithographic and letterpress printing operation” be modified to add the following: “The ink film is transferred from the lithographic plate to an intermediary surface, a rubber covered cylinder called a blanket, which, in turn, transfers the ink to the substrate.” The commenter stated that this definition would be consistent with SCAQMD Rule 1130.

Response 1.6.1.13: The EPA has reviewed this definition and agrees that the language suggested by the commenter provides additional clarification that can help facilitate a better understanding of the permit’s requirements. We have revised the definition, accordingly, to add the commenter’s suggested language.

Comment 1.6.1.14: One commenter (0035) recommended that the EPA include a definition for “exempt compounds,” including compounds in the jurisdiction of neighboring air districts to Indian country. The commenter provided a link to a list of exempt compounds in SCAQMD Rule 102.

Response 1.6.1.14: The EPA agrees that the definition of VOCs provided in the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country” (that was not provided in the draft permit) should identify “exempt compounds.” As discussed in Response 1.6.1.4, we have revised the ink/coating content limits to regulate on an “as applied” basis, excluding water. We have also added a definition for VOC to the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country” to clarify which compounds are not included when considering VOC. However, in lieu of referencing the exempt compounds in SCAQMD Rule 102, the definition references the list of exempt compounds in 40 CFR 51.100(s)(1), which we have determined to be more generally applicable to sources in Indian country.

Comment 1.6.1.15: One commenter (0035) recommended that the EPA include the following definition for fountain solution: “The solution used in offset lithographic printing which is applied to the image plate to maintain the hydrophilic properties of the non-image areas. It is primarily water and contains at least one of the following materials: etchants such as mineral salts; hydrophilic gums; or VOC additives to reduce the surface tension of the solution.”

Response 1.6.1.15: The EPA agrees that including such a definition will improve the rule’s efficacy and enforceability and that the commenter’s proposed definition is appropriate. As a result, we have added the suggested definition for “fountain solution” to the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country.”

Comment 1.6.1.16: One commenter (0035) recommended that the EPA include the following definition for grams of VOC per liter of coating (or ink or adhesive), less water and less exempt compounds:

“The weight of VOC per combined volume of VOC and coating (or ink or adhesive) solids and can be calculated by the following equation:

Grams of VOC per Liter of Coating
(or Ink or Adhesive), Less Water and Less Exempt Compounds = $\frac{Ws - Ww - Wes}{Vs - Vw - Ves}$

Where: Ws = weight of volatile compounds in grams

Ww = weight of water in grams

Wes = weight of exempt compounds in grams

Vs = Volume of volatile compounds in liters

Vw = volume of water in liters

Ves = volume of exempt compounds in liters

For coatings that contain reactive diluents, the grams of VOC per Liter of Coating (or ink or adhesive), Less Water and Less Exempt Compounds, shall be calculated by the following equation:

Grams of VOC per Liter of Coating
(or Ink or Adhesive), Less Water and Less Exempt Compounds = $\frac{Ws - Ww - Wes}{Vs - Vw - Ves}$

Where: Ws = weight of volatile compounds evolved during curing and analysis in grams

Ww = weight of water evolved during curing and analysis in grams

Wes = weight of exempt compounds evolved during curing and analysis in grams

Vs = Volume of material prior to reaction in liters

Vw = volume of water evolved during curing and analysis in liters

Ves = volume of exempt compounds evolved during curing and analysis in liters

The g/L values can be converted to lbs/gal using standard conversion factors.”

Response 1.6.1.16: The EPA has reviewed the suggested definition for “grams of VOC per liter of coating (or ink or adhesive), less water and less exempt compounds,” and agrees that the information suggested by the commenter will improve the permit’s efficacy. While we are including this information in the permit, we are not adding it as a definition; instead, we are

adding it to the Sample Calculations section of the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country.”

Comment 1.6.1.17:³³ One commenter (0035) stated that the term “Responsible Official” should be defined to ensure truth, accuracy, and completeness of required reports.

Response 1.6.1.17: The EPA agrees and, in response to the comment, we have added a definition of *Responsible Official* to each of the final permits as follows:

1. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is directly responsible for the overall operation of the permitted source.
 2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
 3. For a public agency: Either a principal executive officer or ranking elected official, such as a chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
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Comment 1.6.1.18: One commenter (0035) recommended that the sample calculations in Attachment D of the general permit should include more representative values for heatset lithographic ink. The commenter stated that the draft ink density is extremely low and that the VOC content level is confusing because alcohol is not a standard component in lithographic inks. The commenter (0035) recommended that heatset ink typically contains 20 percent by weight of ink oil. The commenter also noted a typographical error for the VOC retention factor for heatset lithographic ink, which should be listed as 20 percent instead of 30 percent.

Response 1.6.1.18: The EPA acknowledges that the sample calculations in Attachment D of the permit should reflect more representative values for heatset lithographic inks because it is intended to provide “real world” values. We have modified Attachment D to include more representative values and to correct the erroneous VOC retention factor.

Comment 1.6.1.19: One commenter (0035) requested that the EPA add language to clarify that these are uncontrolled VOC emissions. The commenter referenced language in the preamble which indicates that printing presses "would need to be able to demonstrate compliance with the permit (25 tons per year (tpy) VOC) without the consideration of controls." The same

³³ This comment was submitted in response the proposed rule of July 14, 2014 (79 FR 41846) being finalized in this action. It also applies to the permits in the EPA’s previous final rule signed on April 17, 2015 (“General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Five Source Categories,” U.S. Environmental Protection Agency, 80 FR 25068, May 1, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-05-01/pdf/FR-2015-05-01-FrontMatter.pdf>). Therefore, the EPA included this comment and the response in the Response to Comments Document for that final permit action (go to: <https://www.epa.gov/tribal-air/tribal-minor-new-source-review>).

commenter (0035) requested that the EPA add language to clarify what "all printing lines" includes (i.e., combustion emissions from gas-fired equipment, air pollution control equipment, internal combustion engines, pre-press operations, or other non-printing related VOC-emitting operations performed).

Response 1.6.1.19: The EPA agrees with the commenter's suggestion of clarifying the permit language. We have done so by clarifying that compliance with the following condition must not consider the reduction in emissions from any add-on control technology: "The permittee shall not allow VOC emissions from an individual printing press (printing line) to exceed 25 tons per year." The EPA also agrees with the commenter that the equipment included in all printing lines should be identified in the permit. The permit has been revised accordingly.

1.6.2 Comments on Establishing Different Requirements for Ozone Nonattainment Areas

Comment 1.6.2.1: Two commenters (0115, 0122) supported the proposal to increase the stringency of the overall tpy emission limitations for all printing lines at a facility based on the increasing classification of the ozone nonattainment area designation. Another commenter (0035) asserted that, for nonattainment areas, the EPA should require the most stringent emissions limitation or installation of BACT based on requirements of the neighboring air district, regardless of the facilities' potential to emit (PTE) or throughput. The commenter argued that emissions generated in these areas would have an effect on the neighboring district's air quality.

Response 1.6.2.1: As discussed in the preamble to the draft rule, we have crafted the draft minor source general permits to ensure air quality is protected and to provide a streamlined approach where appropriate. The EPA also consulted existing national and state requirements for this sector, and reviewed, weighed, and compared these requirements to develop general permits that would seek to provide a level playing field for minor sources in Indian country. The EPA has not necessarily adopted the most stringent of these observed standards, but rather, has evaluated all relevant rules and regulations to determine the most appropriate and commonly employed standards for each source and unit type covered under the Federal Indian Country Minor NSR rule. The EPA also conducted a control technology review as part of this rulemaking and included limits within the general permits that will provide the appropriate level of control for areas designated as attainment or nonattainment, as appropriate, to protect the NAAQS.

For nonattainment areas, the EPA has imposed more stringent requirements where appropriate. For example, the permit provides lower annual tpy emissions limitations for VOC for ozone nonattainment areas and additional VOC content limits for permitted sources that locate or modify in a Serious, Severe or Extreme ozone nonattainment area. As noted in the preamble to the draft rule, the EPA considers these requirements necessary to help ensure there is extra air quality protection in ozone nonattainment areas with higher classifications as they experience worse air quality. However, it is difficult to develop a nationally applicable permit that meets one commenter's request to "require the most stringent emissions limitation or installation of BACT based on requirements of the neighboring air district." The Federal Indian Country Minor NSR rule requires the EPA to consider the level of control required in

surrounding areas and the EPA has met that requirement for the general permits by tailoring permit conditions to the attainment status where the source will be located.

For the “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country,” the EPA has determined that the VOC content limits effectively limit VOC emissions in nonattainment areas and are consistent with the BACT requirements suggested by the commenter. However, we are also adding add-on control requirements for this source category as an option for complying with the VOC content limits contained in the draft permit. This option provides owners and operators the flexibility to use non-compliant materials, while also protecting air quality. Finally, we note that the EPA has the authority to determine that a particular general permit is no longer sufficient to protect air quality for new or modified sources in a geographic area and, therefore, does not meet the requirements of the Federal Indian Country Minor NSR rule. Such a determination would, for example, consider local air quality conditions, typical control technology and other emission reduction measures used by similar sources in surrounding areas, anticipated economic growth of the area, and/or cost effective emission reduction alternatives.

Comment 1.6.2.2: One commenter (0035) argued that facilities utilizing fuel combustion heating units (e.g., ovens, dryers, oxidizers, etc.) in Serious and above ozone nonattainment areas should use only natural gas as their primary fuel for heatset printing presses (non-electric heated), and the NO_x emissions from heatset printing presses should not exceed 30 ppm, volumetric dry, corrected to 3 percent oxygen. The same commenter (0035) requested that if NO_x concentration limits are added to the emissions limits and standards for gas-fired dryers/ovens on heatset printing presses, the EPA should consider adding requirements for performance tests to be conducted on heatset printing press ovens with gas-fired burners to demonstrate compliance. The commenter provided a reference and link to SCAQMD Rule 1147 and BACT.

Response 1.6.2.2: The EPA has considered the commenter’s recommendations and has included the requirements proposed by the commenter into the requirements for ozone nonattainment areas in the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country.” The EPA has concluded that in ozone nonattainment areas a greater level of control is required to protect air quality. Thus, the requirements, which would reduce levels of NO_x from combustion sources, are appropriate for these areas. Therefore, we have added an overall capacity limit for combustion units, excluding engines, that applies to all areas, attainment and nonattainment. The more stringent provisions recommended by the commenter will apply only to Severe and Extreme ozone nonattainment areas because they are necessary to ensure that the permit provides adequate air quality protection. We have not required the more stringent provisions in Serious ozone nonattainment areas because we do not believe that in those areas the extra control is necessary to protect air quality. The more stringent provisions have been included in Section 2 of the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country.” We have also revised Sections 3 and 4 of the permit to reflect associated monitoring and recordkeeping requirements, respectively,

Comment 1.6.2.3: One commenter (0035) stated that in nonattainment areas, all facilities should vent ovens to air pollution control equipment with a minimum 95 percent overall VOC control efficiency. The commenter requested that the EPA clarify that in an Extreme ozone nonattainment area (the South Coast and San Joaquin Valley Air Basins), the major source threshold for VOC is 10 tpy. The commenter (0035) referenced SCAQMD BACT for PM and VOC emissions from a heatset lithographic printing press, which requires venting the press oven to air pollution control equipment with a minimum 95 percent overall VOC control efficiency. The commenter noted that the facility VOC emission threshold for a general permit can be as low as seven tpy from all printing lines combined; however, all heatset lithographic printing press ovens should be vented to air pollution control equipment with a minimum 95 percent overall VOC control efficiency.

Response 1.6.2.3: Upon consideration, the EPA has added the requirements suggested by the commenter to the requirements of the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country” to allow sources the flexibility to use add-on controls as an alternative to the VOC content limits in the permit. Specifically, we have included a requirement that ovens associated with heatset lithographic printing operations must be vented to an air pollution control device with a minimum 95 percent VOC control efficiency. As stated by the commenter, for Extreme ozone nonattainment areas, the major source threshold for VOC is 10 tpy. In ozone nonattainment areas, a greater level of control is required to protect air quality. Thus, the requirements, which would reduce VOC emissions from combustion sources, are appropriate for these areas. Furthermore, we have determined that provisions similar to those in SCAQMD requirements identified by the commenter are appropriate to include because the only Extreme ozone nonattainment areas in Indian country are located in California. Facilities in these nonattainment areas are, therefore, located near other facilities outside of Indian country that already comply with these more stringent requirements based on their location in a nonattainment area. Inclusion of the requirements requested by the commenter would create a more level regulatory playing field for facilities within and outside of Indian country. In addition, we are also clarifying for the commenter that in ozone nonattainment areas new or modified sources must obtain a permit for VOC emissions increases of two tpy or more. Sources in Extreme ozone nonattainment areas emitting above seven tpy are not eligible for the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country” and must obtain a source-specific permit prior to beginning construction.

Comment 1.6.2.4: One commenter (0035) stated that Serious and above ozone nonattainment area VOC limits for inks, coatings and adhesives should be limited, measured, and reported in g/L or lbs/gallon, excluding water and any other compounds exempted by the permitting authority or the local/neighborhood air district. The commenter noted that these units would be consistent with emission limits in SCAQMD regulations, as well as regulations in other neighboring air districts. The commenter (0035) also stated that if there is water or exempt compounds in the materials used, these units would be more stringent than VOC content limits expressed in g/L or lbs/gal as applied, including water and exempt compounds. The commenter provided reference and links to SCAQMD Rules 1130 and 102.

Response 1.6.2.4: The EPA agrees with the recommendation that the Serious and above ozone nonattainment area VOC ink, coating, and adhesive content limits should also be provided in g/L and lbs/gal, which is how we presented the draft VOC content limits for Serious and above ozone nonattainment areas in the draft permit. We have retained the VOC limits provided in g/L and lbs/gal in the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country.” Listing the emission limits in multiple units will provide limits that are consistent with limits in other state and local air permitting programs and will simplify recordkeeping for facilities. We also agree with the recommendation that the coating content limits should be on an “as applied” basis, excluding water and other compounds. We have added a definition for VOC to the permit to clarify the compounds not included when considering VOC. The definition references the list of exempt compounds in 40 CFR 51.100(s)(1).

Comment 1.6.2.5: One commenter (0035) recommended, for nonattainment areas, that all solvent cleaning operations (excluding batch loaded cold cleaners) should comply with lower emission standards. The commenter remarked that the draft standard in Condition 19 of the draft general permit is equivalent to five lbs of VOC/gal or 600 g/L. The commenter requested that the EPA consider the standards in SCAQMD Rule 1171 and provided a reference to the rule.

Response 1.6.2.5: The EPA appreciates this comment, as we considered SCAQMD rules when developing some of the nonattainment area emission requirements for Serious and above ozone nonattainment areas and concluded that the requirements in SCAQMD Rule 1171 are appropriate for inclusion in the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country” generally because they are necessary to ensure consistency (and, thus, a more level playing field) with requirements in neighboring areas under local requirements. The EPA has, therefore, included the emission standards and specific work practice standards in Rule 1171 referenced by the commenter as requirements for sources in Serious and above ozone nonattainment areas in the final “General Air Quality Permit for New or Modified Minor Source Graphic Arts and Printing Operations in Indian Country.”

Comment 1.6.2.6: One commenter (0035) recommended that, at graphic arts and printing operations in nonattainment areas, compression ignition emergency engines should comply with NSPS subpart IIII, and NESHAP subpart ZZZZ; the commenter also recommended additional limits on operating hours of up to 50 hours/year for maintenance and testing, and 200 hours/year total operation, for nonattainment areas.

Response 1.6.2.6: The EPA disagrees with the commenter that compression ignition emergency engines at graphic arts and printing operations in nonattainment areas should meet limits on operating hours in addition to complying with 40 CFR part 60, subpart IIII and 40 CFR part 63, subpart ZZZZ. The conditions in Section 2.0, Emission Limitations and Standards, of the draft general permit were developed based on a review of the NSPS and NESHAP requirements. The EPA incorporated requirements in the draft general permit that would ensure that emergency compression ignition engines constructed in Indian country would meet the requirements of subpart IIII and subpart ZZZZ and satisfy the requirements of 40 CFR 49.154(c)(4). Additional

operating limits are unnecessary and would conflict with the requirements of the NSPS and NESHAP, which would create an additional, unjustified reporting burden for sources. However, we do agree that in nonattainment areas, emergency engines, which are not otherwise exempt from the Minor NSR Program, should be certified to the EPA's standards in 40 CFR part 60, subpart III, and have revised the "General Air Quality Permit for New or Modified Minor Source Boilers and Emergency Engines in Indian Country," accordingly. This generally allows owners and operators to use model year 2006 and later emergency engines. Note that the Federal Indian Country Minor NSR rule exempts certain emergency engines with combined hp ratings less than 500 hp from the Indian Country Minor NSR Program in ozone nonattainment areas classified as Serious or below. Thus, this requirement would apply only when the combined hp rating is above 500 hp.

1.7 Comments on the Draft Sawmill Facilities General Permit and Implementation Tools

1.7.1 Comments on Specific Provisions of the Draft Sawmill Facilities General Permit

Comment 1.7.1.1: One commenter (0117) stated that prohibiting open burning (Condition 16 in the draft sawmill facilities general permit) conflicts with the FARR open burning rule (40 CFR 49.131).

Response 1.7.1.1: The condition in the draft general permit only bans open burning at sawmill facilities. It is not intended to prohibit open burning of all kinds, but was included to prevent operators of sawmill facilities from burning waste or other disposed materials on the property of the mill. It does not prohibit open burning at locations other than sawmill facilities and, thus, is consistent with the FARR in that regard. The EPA does not believe that there is a conflict. However, disposal of any waste from sawmill facility activity must be handled in accordance with applicable requirements in all tribal, local and federal regulations and statutes.

Comment 1.7.1.2: One commenter (0117) objected to Condition 11 in the draft general permit, stating that it is not necessary to label emission units and air pollution control equipment with ID numbers, and that serial numbers or the location of the unit should suffice.

Response 1.7.1.2: Regarding the labeling of emission units and air pollution control equipment, the EPA believes that the identification and labeling of these units is needed to facilitate identification by inspectors of equipment covered under the general permit. Therefore, the EPA is finalizing the labeling requirements included in the draft permit. It is worth noting that this requirement is consistent with all of the other permits in this final action and in the final action that we finalized in May 2015.³⁴ See Response 1.2.3 for additional information.

³⁴ "General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Five Source Categories," U.S. Environmental Protection Agency, 80 FR 25068, May 1, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-05-01/pdf/FR-2015-05-01-FrontMatter.pdf>.

Comment 1.7.1.3: One commenter (0117) stated that the pollution control requirements in Conditions 24 to 26 of the draft sawmill facilities general permit are too specific for a general permit.

Response 1.7.1.3: The EPA disagrees that Conditions 24 to 26 of the draft permit were too specific for a general permit. Specific permit conditions are necessary in order to ensure that the conditions in the general permit are enforceable. No changes have been made to the final “General Air Quality Permit for New or Modified Minor Source Sawmill Facilities in Indian Country,” as a result of this comment.

Comment 1.7.1.4: One commenter (0117) noted that if a planar mill does not have a baghouse or fabric filter, per Condition 24 of the draft general permit, they would be required to obtain a source-specific permit; the commenter stated that none of the four planar mills on their reservation use a baghouse or fabric filter.

Response 1.7.1.4: The EPA agrees that if a planned planar mill does not intend to install a baghouse or fabric filter, then the source would have to obtain a source-specific permit. The general permit applies only to new or modified sources. Existing planar mills do not need to obtain a permit unless they are going to modify their source and trigger applicability of the Federal Indian Country Minor NSR rule. The EPA determined that the use of a baghouse or fabric filter is a reasonable and readily available technology for new or modified sources. Sources that cannot, or do not wish to, install a baghouse or fabric filter must seek a source-specific permit.

Comment 1.7.1.5: One commenter (0117) stated that, per Condition 25 of the draft general permit, sawmill facilities with uncovered outdoor operations, or with covered operations that do not have a baghouse or fabric filter, would need to obtain a source-specific permit.

Response 1.7.1.5: The EPA agrees that if a sawmill facility does not intend to cover its outdoor operations and install a baghouse or fabric for each drop point, then the planned source would have to obtain a source-specific permit. The general permit applies only to new or modified sources. Owners/operators of existing sawmill facilities do not need to obtain a permit unless they are going to modify their source and, as a result, trigger applicability of the Federal Indian Country Minor NSR rule. The EPA determined that covering outdoor operations and installing a baghouse or fabric filters for each drop point are reasonable and readily available technologies for new or modified sources. Sources that cannot, or do not wish to, install a baghouse or fabric filter must seek a source-specific permit.

Comment 1.7.1.6: One commenter (0117) stated that, per Condition 26 of the draft general permit, sawmill facility operations that are indoors without a baghouse or fabric filter would be required to get a source-specific permit.

Response 1.7.1.6: The EPA agrees that if an indoor sawmill facility operation does not intend to control its emissions to the atmosphere with a baghouse or fabric filter, then the planned source would have to obtain a source-specific permit. The general permit applies only to new or modified sources. Owners/operators of existing sawmill facilities do not need to obtain a permit unless they are going to modify their source and, as a result, trigger the Federal Indian Country Minor NSR rule.

Comment 1.7.1.7: One commenter (0117) objected to weekly visible emissions surveys (Conditions 33 and 34 of the draft general permit). The commenter argued that weekly visible emissions surveys would be burdensome, especially compared to Title V sawmill facilities that have a quarterly survey frequency.

Response 1.7.1.7: The EPA disagrees with the commenter that weekly visible emission surveys are overly burdensome. The surveys are not resource-intensive using Method 22,³⁵ as specified in the draft permit (versus the Method 9³⁶ opacity test, which requires certified observers). The fact that there may be some Title V permits for sawmill facilities that require only quarterly surveys does not mean that quarterly monitoring is appropriate for sources wishing to operate pursuant to the general permit. The general permits developed by the EPA have consistently used weekly visible emissions surveys for monitoring opacity and fugitive emissions. Frequent monitoring of equipment is necessary to ensure a source is in compliance at all times. No changes have been made to the conditions of the final “General Air Quality Permit for New or Modified Minor Source Sawmill Facilities in Indian Country,” as a result of this comment.

Comment 1.7.1.8: One commenter (0117) pointed out that Condition 35 of the draft general permit, which requires an initial performance test for fugitive emissions, references Condition 17 of the draft general permit, which applies to emissions units and not sources of fugitive emissions.

Response 1.7.1.8: The commenter is correct. The final “General Air Quality Permit for New or Modified Minor Source Sawmill Facilities in Indian Country” has been modified to correct Condition 17, which inadvertently applied only to affected emission units. The opacity limited is intended to apply to affected emission units and fugitive equipment. We have modified the final “General Air Quality Permit for New or Modified Minor Source Sawmill Facilities in Indian Country” to also require that sources of fugitive emissions shall not discharge into the atmosphere any gases that exhibit 20 percent opacity or greater averaged over any consecutive six-minute period. These changes correct the final “General Air Quality Permit for New or

³⁵ Appendix A-4 to 40 CFR part 60 - Test Methods 6 through 10B, Method 9 - Visual determination of the opacity of emissions from stationary sources, https://www.ecfr.gov/cgi-bin/text-idx?SID=ff80e78b603d3fe6e25595510b35f885&mc=true&node=pt40.8.60&rgn=div5#ap40.8.60.a_67.

³⁶ Appendix A-7 to 40 CFR part 60 - Test Methods 19 through 25E, Method 22 - Visual determination of fugitive emissions from material sources and smoke emissions from flares, https://www.ecfr.gov/cgi-bin/text-idx?SID=ff80e78b603d3fe6e25595510b35f885&mc=true&node=pt40.8.60&rgn=div5#ap40.8.60.a_67.

Modified Minor Source Sawmill Facilities in Indian Country,” which requires an initial performance test to verify compliance with the opacity limitations in the permit.

Comment 1.7.1.9: One commenter (0117) stated that the testing requirements in Condition 37 of the draft general permit for emergency engines are excessive, especially for older engines.

Response 1.7.1.9: The EPA disagrees with the commenter that the testing requirements for emergency engines are excessive. The requirements in the permit apply only to engines that have not been certified to the applicable standards in the permit. In addition, the testing requirement is consistent with the requirements that *already* apply to these engines under 40 CFR part 60, subpart JJJJ. Finally, the testing requirements in the permit would likely not apply to older engines since they apply only to engines subject to 40 CFR part 60, subpart JJJJ, which are the EPA’s NSPS standards for newer engines. The testing requirements are necessary to ensure that uncertified engines operating under the permit comply with applicable limits in the permit.

Comment 1.7.1.10: One commenter (0117) recommended revising Condition 40.b of the draft general permit to read: “For each kiln, monthly throughput ‘by species’ in Mbf.”

Response 1.7.1.10: The EPA agrees with the commenter’s recommendation, which clarifies that records must be kept that reflect the monthly throughput of the individual tree species because different species release differing amounts of VOC. We have modified the final “General Air Quality Permit for New or Modified Minor Source Sawmill Facilities in Indian Country,” accordingly.

Comment 1.7.1.11: One commenter (0117) pointed out a circular reference in Condition 50.c of the draft general permit.

Response 1.7.1.11: The commenter is correct that Condition 50.c in the draft general permit inadvertently contained a circular reference. The “Annual Reports” Condition in the final “General Air Quality Permit for New or Modified Minor Source Sawmill Facilities in Indian Country” has been corrected to refer correctly to the “Deviation Reports” Condition.

1.7.2 Comments on Request for Coverage for the Draft Sawmill Facilities General Permit

Comment 1.7.2.1: One commenter (0117) noted that, in the request for coverage for the draft sawmill facilities general permit, when the answer to a question would invalidate the use of a general permit, the instructions sometimes direct the applicant to contact the permitting authority for a source-specific permit; however, in other instances the instructions do not tell the applicant that they do not qualify for the general permit.

Response 1.7.2.1: Upon reviewing the commenter’s concerns, the EPA acknowledges that not all of the questions of the Request for Coverage Form include a directive to contact the permitting authority for a source-specific permit based on a particular answer. This directive was only included for questions for which a specific “yes” or “no” answer would result in the permittee not qualifying for a general permit. In the case of Question 19 in the draft Request for Coverage Form, which was identified by the commenter as an example, the question requests the distance of the facility from the nearest property boundary or nearest residence. Because we are not finalizing setback requirements for sawmill facilities, this question has been removed from the final Request for Coverage Form; therefore, the commenter’s concern regarding this particular question is moot.

2.0 Comments on the Appropriateness of Utilizing a Permit by Rule for Graphic Arts and Printing Operations

Comment 2.1: Three commenters (0115, 0122, 0035) provided comment regarding the EPA’s proposal to establish a permit by rule for graphic arts and printing operations. One commenter (0115) agreed that the approach could provide significant time savings due to its streamlined approach; however, two commenters (0115, 0122) were concerned that a permit by rule approach does not provide the public, including Indian tribes, the opportunity to comment on a minor source’s use of the permit. Another commenter disagreed that a permit by rule is consistent with the Federal Indian Country Minor NSR rule, which requires preconstruction permits. The commenter asserted that use of a permit by rule would effectively mean that sources exceeding the minor source permit threshold are effectively exempt from permitting. One commenter (0122) argued that the use of a permit by rule on tribal lands is not appropriate for either true minor or synthetic minor sources. The commenter (0122) was concerned that under a permit by rule a facility might not be aware of all aspects of the process that need to take place and that they must meet to comply. According to the commenter, the minimal time and cost savings, due to the actual number of facilities in Indian Country, is not worth the damage that could be incurred by lack of notification and missing critical permitting steps. Two commenters (0115, 0122) requested that the EPA provide either a notice and comment period or a consultation process for tribes for the permit by rule approach, citing that tribes must be given an opportunity to comment to recognize their sovereignty. For these reasons, the commenters (0115, 0122) supported only a general permit approach.

Response 2.1: The EPA is being responsive to the concerns expressed by the commenters and we are not finalizing a permit by rule, either in lieu of or in conjunction with a general permit, for the graphic arts and printing operations source category for two reasons. First, many sources in this source category are major sources and require synthetic minor source permits in order to gain minor source status. While some of these sources may be true minor sources, the potential variation in size of individual sources warrants including a mechanism for creating synthetic minor sources. The permit by rule is not a mechanism that can be used to create synthetic minor sources; the general permit is a mechanism that can create synthetic minor sources, as it affords the opportunity for the Reviewing Authority to perform a review. The EPA established this approach when we finalized the first set of general permits and permits by rule in

May 2015.³⁷ The EPA does not believe that it would be appropriate to use a permit by rule as a mechanism for creating synthetic minor sources as the permit by rule process does not afford the Reviewing Authority or the general public the opportunity to review the appropriateness of a particular source using the permit for a specified purpose. The general permit process, on the other hand, does provide the opportunity for such a review. The EPA established this approach when we finalized the first set of general permits and permits by rule in May 2015.³⁸ Therefore, a general permit is more appropriate for this source category. Second, we agree with commenters that the permit by rule approach does not provide the public, including Indian tribes, the opportunity to comment about a minor source's use of the permit. We are, therefore, finalizing a general permit for this source category, which is an approach that affords the public an opportunity to object to a source gaining coverage under the permit pursuant to 40 CFR 49.157(a)(5).

Comment 2.2: Another commenter (0035) disagreed that a permit by rule is consistent with the Federal Indian Country Minor NSR rule, which requires preconstruction permits. The commenter asserted that use of a permit by rule would effectively mean that sources exceeding the minor source permit threshold are effectively exempt from permitting. The commenter (0035) also expressed the view that, while it may be theoretically possible to enforce against a source that has constructed in violation of the permit by rule, the reality is that such enforcement is very difficult as courts are loathe to require closure of a business absent imminent health hazards. The commenter noted that a permit by rule could be useful for sources below the threshold at which the rule requires pre-construction permits, but that it is not consistent with the concept of preconstruction permits for sources identified in the Federal Indian Country Minor NSR rule. The commenter (0035) also expressed concern that facilities that are minor sources approaching the major source threshold would not be subject to any public notice. The commenter requested that any permit by rule be limited to the very smallest of the sources slightly exceeding the minor source thresholds, or to sources below those thresholds. The commenter (0035) specifically argued against the use of a permit by rule for graphic arts and printing operations, stating that printing operations can release toxic air contaminants and combustion contaminants from natural gas-fired ovens, oxidizers, and emergency internal combustion engines, which may impact neighboring communities and cause public health impacts.

Response 2.2: The EPA disagrees with the commenter that the use of permits by rule effectively means that sources exceeding the minor source permit threshold are exempt from a permit. We also disagree that the permits by rule are not consistent with the concept of preconstruction permits in the Federal Indian Country Minor NSR rule. A permit by rule establishes a standard set of requirements that must be met by any source commencing construction in reliance on that permit and, thus, serves the same purpose as any other preconstruction permit. The primary difference between a permit by rule and a general permit is procedural, not substantive. For a permit by rule, a source merely needs to notify the Reviewing

³⁷ "General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Five Source Categories," U.S. Environmental Protection Agency, 80 FR 25068, May 1, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-05-01/pdf/FR-2015-05-01-FrontMatter.pdf>.

³⁸ Ibid.

Authority of its intent to construct and to operate in compliance with the requirements in the permit by rule and then do so. Whereas, with a general permit, the source must wait until the Reviewing Authority actually grants coverage under that general permit before commencing construction. As to consistency with the concept of preconstruction permits in the Federal Indian Country Minor NSR rule, the rule specifically authorizes the issuance of general permits and the permits by rule we have issued thus far.³⁹ The permits by rule are designed to ensure that eligible sources will be subject to a set of enforceable terms and conditions that are the same as provided in the corresponding draft general permit made available for comment, as revised as part of the notice and comment process.

The EPA is not finalizing a permit by rule for graphic arts and printing operations. However, we did finalize three permits by rule in our first set of permits on May 1, 2015.⁴⁰ Permits by rule are available only to true minor sources, and each permit by rule contains throughput limits that will ensure that facilities subject to the rule remain true minor sources. Facilities that cannot meet the throughput limitations or emission controls in the permit by rule would not be eligible for coverage. Facilities that are able to comply must submit a Notification of Coverage Form to the EPA certifying that the facility will comply with all of the permit conditions and limitations. The requirements of the permits by rule are written protectively, and the permit by rule is available only to facilities that can comply with the throughput limitations and control measures provided in the permit. We note that the relevant Reviewing Authority can revoke a permit by rule for a specific source or set of sources if it believes in any instance that a permit by rule is not appropriate for use by a given source or sources in a particular location. We disagree that it would be difficult to enforce against a source that has constructed in violation of the permit by rule requirements. The EPA has worked to ensure that each permit by rule contains clear, enforceable terms and conditions such that noncompliance can readily be identified.

As noted above in Response 2.1, the EPA is finalizing a general permit for graphic arts and printing operations and not a permit by rule. Regarding the comment that a permit by rule is inappropriate for graphic arts and printing operations due to emissions of toxic air pollutants, the Federal Indian Country Minor NSR rule does not regulate HAPs. Therefore, the presence of HAPs is unrelated to whether the use of a permit by rule is appropriate for a particular source category.

Regarding combustion contaminants, as noted, we are finalizing a general permit for graphic arts and printing operations and not a permit by rule, which is consistent with what the commenter appears to be requesting. The general permit does provide standards for combustion equipment (i.e., ovens, dryers and oxidizers), except engines,⁴¹ including more stringent requirements for Severe and Extreme ozone nonattainment areas.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ In the final general permit, we removed provisions for emergency engines as sources with such engines should seek coverage under the final “General Air Quality for New or Modified Boilers and Emergency Engines Minor Sources in Indian Country.” The final “General Air Quality Permit for Graphic Arts and Printing Operations in Indian Country,” consistent with the Federal Indian Country Minor NSR rule, does, however, contain an exemption for smaller emergency engines as follows: “The combined maximum engine power of all emergency engines shall be no greater than 1,000 hp in attainment areas or 500 hp in ozone nonattainment areas classified as serious or lower.”

3.0 General Comments on the EPA’s Control Technology Review

Comment 3.1: One commenter (0121) expressed confusion over the term “control technology”; the commenter requested that the EPA clarify if this refers to add-on controls or if it includes controls that may be part of the equipment itself.

Response 3.1: The term “control technology” refers to integrated controls, add-on controls, and other emissions reduction techniques (e.g., work practice standards and the use of compliant materials). We considered a variety of control options, including both front-end, pollution prevention measures and post-process add-on controls. In the development of the draft permits, the EPA identified a range of control technologies by reviewing requirements in NSPS and NESHAP rules applies to each source type, in addition to researching both state and local air quality regulations for similar source categories in surrounding areas.

Comment 3.2: One commenter (0035) stated that because the EPA intends to issue general permits at the national level instead of through Regional Administrators, the Agency should require the most stringent requirements applicable in adjacent areas of Indian country. The commenter (0035) recommended that the general permits require the use of BACT and the most current version of adjacent area rules and regulations to avoid a competitive disadvantage. The commenter (0035) also noted that the EPA may wish to consider making general permits applicable only within one of the EPA regions, in order to avoid making sources in Indian country subject to more stringent requirements than those in adjacent states. The commenter made several recommendations to specific conditions in the concrete batch plants, boilers, and graphic arts and printing operations general permits to incorporate BACT, as discussed in Sections 1.3, 1.4, and 1.6 of this document.

Response 3.2: Regarding the level at which the EPA issues general permits, the commenter is correct that all of the general permits that the EPA has issued (including this set) have been established to date at the national level. However, we may in the future issue general permits on a smaller geographic scale for a particular state or region of the country. In fact, in the first batch of streamlined permits we issued, we indicated that EPA Region 9 will be developing a general permit or permit by rule for areas within California for gasoline dispensing facilities.⁴² In addition, once the EPA issues a general permit at the national level, Regional offices serving as the Reviewing Authority are responsible for processing the Request for Coverage and issuing the Approval of Request for Coverage under nationally-issued general permits (as well as any general permits issued by that Region for a smaller geographic area). Alternatively, a tribe may act as the Reviewing Authority for its area of Indian country if it has taken delegation of responsibility for implementing the permit program.

⁴² “General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Five Source Categories,” U.S. Environmental Protection Agency, 80 FR 25068, May 1, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-05-01/pdf/FR-2015-05-01-FrontMatter.pdf>.

Regarding other points made by the commenter, as discussed in the preamble to the draft permits, we have crafted the minor source general permits to ensure air quality is properly protected and to provide a streamlined approach, where appropriate. The EPA also undertook a survey of existing national and state requirements, and reviewed, weighed, and compared these requirements to develop general permits that would help provide a level playing field for minor sources in Indian country. The EPA has not necessarily adopted the most stringent of these observed standards, but rather, has evaluated all relevant rules and regulations to determine the most appropriate and commonly employed standards for each source and unit type covered under the Federal Indian Country Minor NSR rule. The EPA conducted a control technology review as part of this rulemaking and included limits within the general permits that will provide the appropriate level of control irrespective of an area's designation. For nonattainment areas, a greater level of control is required to achieve the NAAQS and the EPA has finalized more stringent requirements for those areas, where appropriate. For example, the graphic arts and printing operations permit by rule provides lower annual tpy emissions limitations for VOC for ozone nonattainment areas and additional VOC content limits for permitted sources that locate or modify in Serious, Severe or Extreme ozone nonattainment areas. We also acknowledge that we did consider SCAQMD rules when we developed some of the nonattainment area emission requirements in the draft general permits. We believe that this is appropriate because many of the nation's tribal lands located in nonattainment areas are in California and we decided to draw on the requirements of area districts in California in those areas, namely the SCAQMD and the San Joaquin Valley Air Pollution Control District. Furthermore, when developing the throughput limits for each permit, we set emission limitations below the major source thresholds in order to provide a margin of safety and to ensure that facilities do not exceed the thresholds (e.g., in the event of excess emissions). Regarding the commenter's additional recommendations to specific conditions in the concrete batch plants, boilers, and graphic arts and printing operations general permits, see Sections 1.3, 1.4, and 1.6 of this document for the EPA's response to the commenter's concerns.

The EPA has the authority to determine that a particular general permit or permit by rule is no longer sufficient to protect air quality for new or modified sources in a particular geographic areas and, thus, does not meet the requirements of the Federal Indian Country Minor NSR rule. Such a determination would consider, for example, local air quality conditions, typical control technology of other emission reduction measures used by similar sources in surrounding areas, anticipated economic growth in the area, and/or cost effective emission reduction alternatives. If the EPA were to make such a determination, it could either issue a revised general permit for use in that area or require sources in that area to obtain source-specific permits. In addition, the EPA Regional Administrators may adopt general permits or permits by rule that apply within those areas.

4.0 General Comments on the Inclusion of Setback Limitations

Comment 4.1: Two commenters (0115, 0122) supported the inclusion of setback requirements for boilers, concrete batch plants, spark and compression ignition engines, and sawmill facilities; these commenters requested that the EPA not only apply the setback requirements to schools and nursing homes, but also to other physical locations such as community centers, health care facilities, hospitals, agricultural fields, ball fields, parks,

locations designated for cultural and subsistence activities, and waterways. The same commenters (0115, 0122) requested that the EPA carefully consider each tribe's sovereign right to manage and oversee land use within its own boundaries. The commenters (0115, 0122) noted that some tribes may not provide for setback requirements where others may already have setback requirements that are less restrictive than those in the draft permits. The commenters (0115, 0122) recommended that: (1) the EPA consult and communicate with tribes on the application of setback requirements; and (2) the EPA insert a provision in the general permits allowing a tribe to obtain a partial or full waiver from the requirements (e.g., from the types of buildings to which the requirements apply).

Two commenters (0118, 0120) objected to the inclusion of setback requirements in the stationary compression ignition and spark ignition engines general permits. The commenters (0118, 0120) argued that the EPA has not demonstrated the need for or provided any data to support setback requirements, and that no current NSPS or NESHAP for engines includes similar requirements. The commenters further argued that setting distances to property boundaries is counter to, and conflicts with, U.S. Forest Service, national and state parks and wildlife areas, BLM and wildlife preserve requirements created to minimize surface disturbance and encroachment on endangered species areas. One commenter (0118) noted that specific setback requirements are already included in Indian mineral leases. Another commenter (0120) urged that setback regulations have historically been considered "land use" regulation relegated to state and local jurisdictions; the commenters stated that establishing a setback requirement that applies to all of Indian country would create jurisdictional conflicts. The commenter (0120) further warned that the EPA would be setting precedent that could cause other regulatory agencies to follow suit.

One commenter (0117) did not support the use of physical markers on property to show compliance with the setback requirements.

Response 4.1: Due to the lack of an EPA analysis demonstrating the air quality benefits of requiring setbacks, we lack sufficient information to incorporate them in the final general permits for concrete batch plants, boilers and emergency engines, spark and compression ignition engines, and sawmill facilities. Therefore, the final general permits for these source categories do not contain setback provisions. Nonetheless, the Reviewing Authority retains the discretion to deny the granting of source coverage under the general permits based on local air quality concerns.

5.0 Requirements Concerning Threatened or Endangered Species and Historic Properties

Comment 5.1: Two commenters (0115, 0120) expressed concerns regarding provisions for listed species and historic properties. One commenter (0120) contended that the Bureau of Land Management and the Bureau of Indian Affairs currently develop a Resource Management Plan for oil and gas activities on Indian lands that triggers ESA and NHPA review; the commenter argued that it is unnecessary to repeat an ESA or NHPA review during the general permit process given that it may rely on this existing review. The commenter (0120) further asserted that the draft provisions would require minor source permit applicants to interface with

various federal agencies in the absence of any procedures governing that interaction, and that the legal consequences of certifying compliance with the ESA and NHPA are undefined.

Response 5.1: The EPA is aware that in many cases (as the commenters state for oil and gas sources), new sources locating in Indian country may also need approvals or other authorizations from other federal agencies such as the Bureau of Indian Affairs (BIA) or the Bureau of Land Management (BLM), which may trigger a review under the ESA and/or the NHPA. Such approvals or authorizations by other agencies are, however, separate from the authorization provided in the EPA's minor NSR general permits. However, to avoid duplication of effort, we believe it is appropriate for facilities seeking to be covered under the general permits to use listed species and historic property assessments, analyses, and outcomes obtained through BIA/BLM's separate compliance with the ESA and NHPA in connection with their own actions to satisfy the relevant screening procedures for coverage under the minor NSR general permits. We anticipate that where a separate ESA or NHPA compliance process is undertaken by BIA/BLM in connection with a new source, that process will often satisfy the EPA's permit screening procedures.

Therefore, we have modified the procedures in Appendix A for threatened and endangered species that are attached to the Request for Coverage Forms to clarify that this approach is the first consideration in the screening process. We believe that this option as a first choice is already clear in the historic properties screening procedures and, therefore, we have not revised Appendix B to the Request for Coverage Forms in that regard.

Comment 5.2: One commenter (0115) expressed concerns about the ability of permit applicants to meet the compliance requirements of the ESA and NHPA, citing limitations in time and availability of in-house expertise; the commenter asserted that the process could be costly and requested whether the EPA has assessed the time and cost impacts to comply with the ESA and NHPA.

Response 5.2: The EPA has structured the ESA/NHPA processes so as to minimize the burdens, as well as the level of expertise needed to complete the processes. The EPA understands that satisfactorily addressing the screening procedures for threatened and endangered species and historic properties will impose some burden on sources seeking coverage under general permits. However, we have attempted to streamline the screening processes in order to minimize the effort needed to complete them. For example, both sets of procedures have been clarified to make more explicit that sources can, as appropriate, rely on prior assessments performed by other federal agencies to satisfy the procedures.

6.0 Comments on Throughput Limits and Capacity Limits for the Six Source Categories

6.1 Concrete Batch Plants: Comments on the Use of Throughput Production Limits as a Surrogate for Annual Tons per Year Emission Limits

Comment 6.1.1: Two commenters (0115, 0122) supported the use of throughput production limits as a surrogate for annual tpy emission limits in the draft concrete batch plants

general permit; these commenters declared that facilities currently track information about the material they process, and that complying with a throughput limitation would be less costly. One commenter (0115) stated that the draft rule does not provide for different production limits for facilities located in attainment and nonattainment areas for PM, and requested that the EPA consider this issue more closely.

Response 6.1.1: The EPA appreciates the commenters' support for the use of throughput limits. The EPA also appreciates the commenters concern regarding separate production limits for PM₁₀ and PM_{2.5} nonattainment areas. The throughput limit in the draft permit was set to ensure that a source in any area (attainment or nonattainment) would not be a major source.

6.2 Boilers and Process Heaters: Comments on the Use of Capacity Limits as a Surrogate for Annual Tons per Year Emission Limits

Comment 6.2.1: For the draft boilers general permit, two commenters (0115, 0122) supported the use of varying capacity limits as a surrogate for annual tpy emission limits based on boiler and process heater size. The commenters (0115, 0122) supported the use of different capacity limits for process heaters and process heaters and boilers combined located in ozone nonattainment areas. The commenters (0115, 0122) also supported finalizing two boilers general permits – one intended for smaller, simpler sources using capacity limits, and one for larger, more complex sources using tpy emission limitations and additional monitoring and recordkeeping. These same commenters requested a conversation with the EPA regarding this approach.

Response 6.2.1: The EPA appreciates the support of the commenters for the provisions noted, which we are retaining in the final “General Air Quality Permit for New or Modified Minor Source Boilers and Emergency Engines in Indian Country,” including the capacity limits and other requirements for nonattainment areas. We have, however, decided to issue only one final boilers permit. We do not agree that two are needed; we believe that one boilers permit can accommodate boilers of varying sizes.

6.3 Stationary Compression Ignition and Spark Ignition Engines: Comments on the Use of Capacity Limits as a Surrogate for Annual Tons per Year Emission Limits

Comment 6.3.1: Two commenters (0118, 0120) expressed concerns with the capacity limits included in the spark ignition engines general permit. The commenters noted an inconsistency between the engine site capacity limit of 1,750 hp and the emission limits set by reference to Table 1 of subpart JJJJ. One commenter (0118) provided the example that, using the EPA's PTE spreadsheet and a single 1,000 hp, 4-stroke lean burn engine, the CO limit of 2.0 grams per hp-hr in Table 1 yields a total annual CO emission PTE of just under 20 tpy, which would allow for up to 5,000 hp site capacity based on a 100 tpy limit. The commenters (0118, 0120) stated that these issues bring into question whether the spark ignition and compression ignition engines permits should include capacity-based limits or emissions-based limits. Both commenters (0118, 0120) reasoned that emission limits are preferable to capacity limits, because an emission limit approach would allow flexibility for operators to determine how to configure

engines. One commenter (0118) argued that if the EPA uses capacity limits, then it would seem pointless to also include emission limits or monitoring. The commenter stated that capacity limits are most appropriate for small engines to simplify exclusion from minor source NSR, stating that neither the spark ignition engines general permit nor the compression ignition engines general permit addressed excluding low emitting small engines. The commenter (0118) further argued that the upper limit used should actually be 250 tpy to avoid the PSD Program in attainment areas.

Response 6.3.1: The EPA acknowledges that, in setting the capacity limits in the draft spark ignition engines general permit, the limit was based on the highest emission factor under the NSPS for the various engines types. We also acknowledge that there is significant variability in the emission factors for the different types of engines. Given the differences, we are revising the capacity limits to add a fuel-based capacity limit option for natural gas-fired spark ignition engines. In addition, the draft spark ignition engines general permit was not intended to apply to engines at oil and natural gas production facilities. The EPA has issued a separate, final rulemaking addressing the oil and natural gas production and natural gas processing segments of the oil and natural gas sector that includes requirements for non-emergency engines.⁴³ Non-emergency spark ignition engines (and any additional emergency engines) located at sources that are not in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector are eligible for coverage under the final “General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country.”

Regarding excluding small engines, we note that the Federal Indian Country Minor NSR rule exempts stationary internal combustion engines with a manufacturer's site-rated hp of less than 50. The EPA finalized this exemption during the development of the general permits.⁴⁴ We have revised the engines permitting documents to reflect this exemption.

Regarding the use of emission limits versus capacity limits, we recognize that different source categories operate differently and that whether emission limits or capacity limits are more appropriate can vary by source category and individual sources. Our chosen approach for the engines source categories may not be preferred by all potential owners and operators in the category. In the case of the engines general permits, as noted, we have retained the capacity limits but we have also added additional flexibility by allowing for the use of synthetic minor fuel limits in lieu of the engine capacity limits. This flexibility is close to the approach suggested by the commenter, as it allows for engines of greater capacity as long as overall fuel use remains below the specified threshold. We consider this approach the best option for the types of owners and operators that we expect to be subject to the permits – striking a balance between flexibility and ease of compliance. Sources needing even greater operational flexibility should consider

⁴³ “Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector,” U.S. Environmental Protection Agency, 81 FR 35944, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

⁴⁴ “Review of New Sources and Modifications in Indian Country – Amendments to the Federal Indian Country Minor New Source Review Rule,” U.S. Environmental Protection Agency, 79 FR 31035, May 30, 2014, <https://www.gpo.gov/fdsys/pkg/FR-2014-05-30/pdf/2014-11499.pdf>.

applying for a source-specific permit. The general permits are intended for common, straightforward permitting actions.

Regarding the upper tpy emission limit used for setting the limits in the permit, we disagree with the commenter's suggestion of using 250 tpy. While we could have set the capacity limits closer to the PSD major source threshold, we determined it was not appropriate in this case. First, one of the main purposes for developing the general permits and permit by rule was to streamline the permitting process. The general permits developed by the EPA can also serve as synthetic minor permits to allow sources to avoid Title V permitting by keeping a source's PTE below the 100 tpy permitting threshold. We find this approach to be a significant advantage for the types of source categories covered by the general permits developed thus far. Secondly, sources of the magnitude suggested by the commenter would likely require site-specific modeling prior to issuance of a pre-construction permit. If allowed, the EPA would likely have to determine in every case that the source may have adverse impacts on air quality and require a source-specific permit to conduct the necessary demonstration. Such an approach would not be beneficial to the regulated community. While the EPA will still determine whether sources applying for a general permit need a source-specific permit due to air quality concerns, we do not believe it will be as often as would be required if we used the upper threshold in attainment areas as suggested by the commenter.

Comment 6.3.2: Two commenters (0115, 0122) supported the draft approach for establishing capacity limits for compression ignition emergency and non-emergency engine sources that differentiate among locations in ozone attainment, unclassifiable, or Marginal/Moderate ozone nonattainment areas. The commenters requested that the EPA explain why the general permit for stationary spark ignition engines does not use a similar approach. One commenter (0118) stated that nonattainment minor source permitting should be regionally specific and based on emissions inventory evaluation and modeling to determine the requirements after a designation is made; the commenter declared that because no nonattainment designation has been made in any tribal land areas, it is premature to specify minor source permitting requirements.

Response 6.3.2: The general permit for spark ignition engines does not need separate limits for sources in different types of ozone areas. The limiting pollutant – the pollutant with the highest emissions in setting the capacity limits – is CO. The established limits in the draft general permit are set low enough to ensure sources in ozone nonattainment areas will be below the major source thresholds, regardless of the area's classification. The final "General Air Quality Permit for New or Modified Minor Source Spark Ignition Engines in Indian Country" is not available in Serious CO nonattainment areas. Currently, there are no CO nonattainment areas.

Regarding the comment that nonattainment minor source permitting should be based on an emissions inventory evaluation and modeling, in this instance it is not necessary to develop an emissions inventory or perform ambient air modeling in order to establish minor source permits in attainment or nonattainment areas that are protective of air quality. The general permits in this action are intended to prevent the construction of sources that would interfere with attainment or maintenance of the NAAQS in attainment and nonattainment areas. However, some of the

general permits in today's action do not cover all potential nonattainment areas (for example, the general permit for non-emergency compression ignition engines does not apply in Severe and Extreme ozone nonattainment areas) because, in order to protect air quality in such areas, we would have had to construct an overly stringent, potentially unworkable permit for such sources in such areas. A better alternative is to direct such sources to work with the Reviewing Authority to develop a more workable, source-specific permit. Moreover, the Reviewing Authority has the discretion under the Federal Indian Country Minor NSR rule to not grant coverage under a general permit to a particular source or in a particular area if there is a concern that the general permit will not be protective of air quality in the area.

6.4 Graphic Arts and Printing Operations: Comments on the Use of Tons per Year Numbers as Emission Limitations

Comment 6.4.1: Two commenters (0115, 0122) expressed support for the draft permit's use of an upper emission limit of 25 tpy of VOC from individual printing presses and an overall total tpy emission limit for all printing lines for graphic arts and printing operations.

Response 6.4.1: The EPA acknowledges the support provided by the commenters for the use of tpy emission limits in the graphic arts and printing operations general permit.

6.5 Sawmill Facilities: Comments on the Use of Tons per Year Numbers as Emission Limitations

Comment 6.5.1: Three commenters (0115, 0117, 0122) supported the EPA's draft emission limitations for sawmill facilities, including a limitation of 25 million board feet on a 12-month rolling basis and a total tpy VOC emission limitation that becomes more stringent based on the increasing classification of the ozone nonattainment area in which the facility is located. However, one commenter (0117) asserted that it was unlikely a sawmill facility would be a true minor NSR facility and approach 80 tpy VOC without triggering the major source threshold for HAPs (Condition 23 of the draft sawmill facilities general permit).

Response 6.5.1: The EPA acknowledges the commenters' support for the draft emission limitations for sawmill facilities. Regarding the comment that a source may trigger the major source threshold for HAPs prior to reaching the 80 tpy per 12-month rolling emission limits, the EPA has determined that such a scenario could arise and has added a synthetic minor limit for HAP emissions in the final "General Air Quality Permit for New or Modified Minor Source Sawmill Facilities in Indian Country." The Request for Coverage Form for sawmill facilities defines the criteria for which facilities may apply for the general permit. The Form specifically indicates that a new or modified minor source sawmill facility that is a major source of HAPs is not eligible for the general permit.

Comment 6.5.2: One commenter (0101) requested that the EPA use a 12-month rolling total limit for the production limits and emissions limitations in Conditions 19, 23, and 41 of the draft sawmill facilities general permit. The commenter also expressed concern that new sources

in operation for less than 12 months would not be able to determine compliance with the draft conditions for the first 11 months. The commenter (0101) provided the following language for consideration:

“The 12-month rolling total emissions shall be calculated monthly within 15 days following the end of each calendar month by summing the emissions over the most recent 12 calendar months. Monthly emissions shall be determined by summing the daily emissions from the operational days within the month. For the first twelve (12) months, the average monthly emission rate for months where the facility was operational shall be assumed to apply to the months where the facility was not operational. For example, if the new facility has only operated for three months and emits two, three and seven tons per month for the first three months, then the average of those monthly emissions (four tons) will apply to the remaining nine months. The Permittee shall keep this emission report on-site for inspection or submittal upon request.”

Response 6.5.1: The draft sawmill facilities general permit currently uses a 12-month rolling total for the production limits and emissions limitations in Conditions 19, 23, and 41 of the draft general permit. Regarding the concern that new sources would have difficulty determining compliance with the draft conditions in the first 11 months, the general permit requires that sources maintain records of monthly production and monthly VOC emissions and submit an annual report that evaluates the source’s compliance status with the emission limitations and standards. This will allow a source to evaluate its eventual compliance with the 12-month rolling total well before the 12th month. Thus, new sources will be responsible for tracking their facility production and emissions on a monthly basis. Sources will be responsible for evaluating monthly production or emission rates against the annual throughput and emission limits. We anticipate that new permitted sources will be cognizant of whether their production or emissions are too high initially and will make adjustments as necessary to ensure they do not exceed the throughput or emissions limits and violate the terms of the permit. Given these considerations, we have not modified the final “General Air Quality Permit for New or Modified Minor Source Sawmill Facilities in Indian Country,” as suggested by the commenter.

7.0 Comments on Finalizing Two Permitting Mechanisms for the Graphic Arts and Printing Operations Source Category

Comment 7.1: One commenter (0115) supported the EPA’s draft hybrid approach for graphic arts and printing operations to allow for the use of permits by rule for true minor sources and general permits for synthetic minor sources.

Response 7.1: The EPA is not finalizing a hybrid approach of establishing general permits for synthetic minor sources and permits by rule for true minor sources. We do not believe that it is appropriate to issue a permit by rule for graphic arts and printing operations, in addition to a general permit. As explained in Response 2.1, we are not finalizing a permit by rule, either in lieu of or in conjunction with a general permit, for the graphic arts and printing operations source category. Because the EPA does not believe that sources in the graphic arts

and printing source category are appropriate candidates for permits by rule, particularly since some of them may be major sources seeking synthetic minor status. Furthermore, we believe that having two permit types would add additional complication to administration of the rule with little, if any, apparent benefit. We are not finalizing such a hybrid approach.

8.0 Amending the Federal Indian Country Minor New Source Review Rule

Comment 8.1: Two commenters (0115, 0122) supported the proposal to amend 40 CFR 49.156(e)(4) to shorten the review period to 45 days for the graphic arts and printing operations source category. Conversely, one commenter (0035) recommended not reducing the review period since the EPA requires time to: (1) review the material safety data sheets of graphic arts materials used; (2) review the specifications on gas-fired burners on heatset printing presses and oxidizers; and (3) evaluate internal combustion engines for compliance with NSPS and NESHAP requirements.

Response 8.1: We agree with the commenter that this source category requires a 90-day review period, particularly since the general permit is also serving as a permit to create synthetic minor sources. Consequently, the EPA is not finalizing revisions to §49.156(e)(4) to shorten the general permit application review process from 90 to 45 days for the graphic arts and printing operations source category.

9.0 Comments Concerning Tribal Consultation (Executive Order 13175)

Comment 9.1: Two commenters (0115, 0122) took exception to the EPA's claim that the draft rule would "not impose duties or responsibilities on tribes." The commenters noted that several Indian tribes own and operate facilities covered under source categories identified in the draft rule, and, thus, the draft rule will impose duties or responsibilities on some tribes. The commenters (0115, 0122) requested that the EPA review the number of tribes that own and operate facilities represented by the source categories listed in the draft rule and determine the extent of the duties and responsibilities imposed on the tribes.

Response 9.1: This action has tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. The EPA disagrees with the assertion that the draft rule "imposes duties or responsibilities on tribes." As noted in the preamble to the proposed rule, the EPA concluded that the proposed rule would not impose duties or responsibilities on tribes, although it will have tribal implications. Some tribes may own affected facilities in the source categories for which we are issuing general permits via this action. However, this action merely provides general permits to aid interested minor sources in Indian country in satisfying the requirement under the Federal Indian Country Minor NSR rule that they obtain a minor source permit prior to beginning construction. This action does not impose any requirements on sources in these source categories that may need to obtain a source-specific minor source permit to construct in Indian country. The use of the general permits in today's final action is optional; they do not impose any compliance requirements on any source unless and until the EPA grants coverage under one of the permits to a source.

The EPA conducted outreach on the July 17, 2014, proposal via on-going monthly meetings with tribal environmental professionals in the development of this final action. The EPA offered consultation to elected tribal officials immediately after proposal on June 14, 2014, via letter to 566 tribes to provide an opportunity for meaningful and timely input into the development of this regulation. No tribal officials requested consultation on this action. This action reflects tribal comments on and priorities for developing general permits and permits by rule in Indian country. This Response to Comment Document details all of the comments we received on the July 17, 2014, proposal from tribal and other entities. We received comments from five tribal commenters. We have responded favorably to tribal comments in the several areas, including:

- General support for the establishment of general permits and permits by rule for the six categories;
- Structure and general requirements of the draft general permits;
- Authorizing multiple locations for the use of certain general permits;
- Specific provisions of the draft spark ignition and compression ignition engines general permits;
- Specific provisions of the draft sawmill facilities general permit;
- Appropriateness of utilizing a permit by rule for graphic arts and printing operations; and
- Use of throughput limits and capacity limits.