



National Tribal Air Association

Fact Sheet:

EPA Revisions to Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Regulations Related to Project Emissions Accounting

Docket ID No.

EPA-HQ-OAR-2022-0381 [note Docket ID changed from a previous ID]

*The comment deadline is **July 2, 2024**. Your comment letter can be submitted electronically to the Federal Rulemaking Portal. <https://www.regulations.gov/> OR email to a-r-Docket@epa.gov.*

Background:

U.S. Environmental Protection Agency's (EPA) proposal would revise the rules for project emissions accounting used for determining whether a project modification will require a new source review (NSR) permit. Project emissions accounting includes the process and the calculations stationary sources use to determine whether NSR applies at an existing facility due to a physical change or a change in the method of operation there.

The project emissions accounting process requires sources to determine whether the modification will result in an emissions increase that triggers NSR and proceeds in two parts:

Step 1: Determine whether the project (which may involve aspects that increase emissions and other aspects that may decrease emissions) would result in a significant emissions increase.

Step 2: Determine whether the project would result in a significant *net* emissions increase, which includes the project emissions and emissions changes at the source that occur “contemporaneously” with the project (generally within 5 years prior to the project) and that meet certain criteria in the regulations.

EPA defines a project as a major modification that requires an NSR permit if it results in both a significant emissions increase and a significant net emissions increase.

What Changes is EPA Proposing to Make?

EPA is proposing to:

- Clarify the definition of the term “project” by adding that changes at the same major source may be considered part of the same project if they are “dependent on each other to be economically or technically viable;”
- Strengthen the monitoring, recordkeeping and reporting provisions in the NSR regulations to require regulated sources to submit additional records to EPA and improve compliance with, and enforcement of, the NSR applicability process; and
- Require that emissions decreases used in the first step of the process to determine if NSR applies to a project be both *legally* and *practically* enforceable (*i.e.*, enforceable as a practical matter) to ensure that emissions decreases included in the NSR accounting process will occur and will be maintained.

The proposed rule was based in part on EPA’s consideration of the concerns raised in a petition for reconsideration submitted by environmental groups. The petition asked the EPA to review whether the existing project emissions accounting rules and related guidance were allowing sources to rely on uncertain and unenforceable project emissions decreases and other issues that could allow a source to undercount its projected emissions and therefore misclassify a project that was actually a major modification to an existing stationary source.

How does this affect my Tribe?

The EPA’s NSR program imposes requirements on emissions sources that can affect criteria and hazardous air pollution from stationary sources. If these sources are near your reservation or Tribal members’ homes, work, or places of cultural importance, strong project accounting regulations ensure that the appropriate standards apply to that source and ensure that air emissions are not adversely affecting your Tribe’s air quality.

Tribes can comment to encourage EPA to strengthen project emissions accounting standards and recordkeeping requirements to ensure that sources are required to properly account for their emissions, so they are addressed through the NSR program.

How to Comment on the Rule:

Comments are accepted via <https://www.regulations.gov/> or by email: a-and-r-docket@epa.gov, Attn. Docket ID No. _____ . Comments are due on July 2, 2024.

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To Learn More:

In addition to the information provided on [EPA’s New Source Review Reform website](#) for the rule amendment, the NTAA has created a template letter that your Tribe can use to help with providing written feedback and is available on NTAA’s policy resource kit website. Any questions can be directed to the NTAA Program Manager, Carolyn Kelly, at carolyn.kelly@nau.edu or (203) 605-8820.