

Contact Information

For questions about the NSR Rule for Indian country, contact:

- *Jessica Montanez* (919-541-3407, montanez.jessica@epa.gov)
- *Raj Rao* (919-541-5344, rao.raj@epa.gov)

For specific information on the permitting process and requirements, contact:

Region 1 (CT, ME, MA, NH, RI, VT)
Ida McDonnell - 617-918-1653

Region 2 (NJ, NY, PR, U.S. Virgin Islands)
Gavin Lau - 212-637-3708

Region 3 (DE, MD, PA, VA, WV, DC)
There are currently no federally recognized tribes in Region 3.

Region 4 (AL, FL, GA, KY, MS, NC, SC, TN)
Gracy Danois - 404-562-9119

Region 5 (IL, IN, MI, MN, OH, WI)
Benjamin Giwojna - 312-886-0247

Region 6 (AR, LA, NM, OK, TX)
Richard Thomas - 214-665-8528

Region 7 (IA, KS, MO, NE)
Robert Fenemore 913-551-7745

Region 8 (CO, MT, ND, SD, UT, WY)
Monica Morales - 303-312-6936

Region 9 (AZ, CA, HI, NV, Guam, American Samoa)
Sara Bartholomew - 415-947-4100

Region 10 (AK, ID, OR, WA)
Doug Hardesty - 208-378-5759

Helpful Web Sites

US EPA

- www.epa.gov

NSR Website

- www.epa.gov/nsr
- www.epa.gov/Region7/programs/artd/air/nsr/nsr.htm

Full Text of CAA

- www.epa.gov/oar/oaq_caa.html

Office of Air and Radiation Tribal Air Website

- www.epa.gov/oar/tribal

American Indian Environmental Office (AIEO)

- www.epa.gov/indian/index.htm

Small Business Information (SBI)

- www.epa.gov/smallbusiness

Electronic Dockets and Information Centers

- www.regulations.gov

Federal Register - EPA Documents

- www.epa.gov/fedrgstr/index.html

Code of Federal Regulations (CFR)

- www.gpoaccess.gov/index.html

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Minor New Source Review (NSR) Rule for Indian Country



AN OVERVIEW FOR SMALL BUSINESS



Title I of the Clean Air Act (CAA) requires that the New Source Review (NSR) program be established to protect public health and welfare, national parks, and wilderness areas as new sources of pollution are built or existing sources modified. The program is designed to ensure that new sources of pollution are constructed to be as clean as possible, recognizing that facility construction is typically the most economical time to incorporate state-of-the-art pollution prevention practices or air pollution control technologies.

The EPA is filling a regulatory gap by developing New Source Review Rules for Indian country, which will establish a preconstruction permitting program for minor stationary sources throughout Indian country and major stationary sources located in nonattainment areas in Indian country.

This brochure highlights the provisions of the Tribal Minor NSR rule as they would apply to small businesses, which are generally minor sources. Although many states have developed regulatory programs for minor sources, the state regulations generally do not apply in Indian country. In addition, there is currently no federal minor NSR program.

What are Minor Sources?

For the purposes of this rule, minor sources are sources which emit or have the potential to emit (PTE) any regulated NSR pollutant in amounts less than the major source thresholds for those pollutants. Examples of minor sources could include gasoline stations, dry cleaners, spray paint operations, automotive repair shops, etc. These minor sources, which are currently unregulated, constitute a significant percentage of the total number of sources in Indian country.

What will this Rule Achieve?

The purpose of the rule is to ensure that economic growth will occur in harmony with the preservation of existing clean air resources by providing tribal governments and businesses with an effective business development tool that supports an improved quality of life for Native Americans, both economically and environmentally.



How will Small Businesses be Affected by the Rule?

Once a Tribal NSR rule is put in place, a small business will have to determine whether the rule applies to the facility. If it does, then the business will apply for and obtain an enforceable permit that meets the requirements of the rule. These requirements may include the installation of control technologies and air quality analysis before the business begins construction.



The business would apply for a federal permit from EPA in most instances, as EPA will be primarily responsible for program implementation. Should a tribe choose to, they could apply for delegation for the program and, after making the

required demonstrations, become responsible for issuing permits under the authority of the Tribal Authority Rule.

New Minor Sources: Currently, new minor sources locating in Indian country may not be subject to enforceable permits, emission limits, or controls. The Tribal NSR rule will put in place uniform requirements for obtaining a federally enforceable permit for small businesses locating in Indian country.

Existing Minor Sources: Existing minor sources will be impacted by this rule if they plan to make changes or modifications to their equipment and operations that result in increases in emissions above the minor source thresholds.



“Synthetic Minor” Sources: Any stationary source that would otherwise be a major source may voluntarily accept enforceable limits on its potential to emit to avoid review as a major source. Such sources are referred to as “synthetic minor” sources.

The Minor New Source Review Rule for Indian country will fill a significant regulatory gap because there is currently no permitting mechanism for minor stationary sources located anywhere in Indian Country.

How can Small Businesses Comment on the Proposed Rule?

Small business owners and operators possess information about their facility's operation that enables the regulation writers to craft more practical, informed rules that can be less burdensome to the business owner and tribal governments.

Upon proposal of the rule, there will be a minimum 90-day comment period during which interested parties can submit written comments. You can submit your comments, identified by Docket ID No. EPA-HQ-OAR-2003-0076, by one of the following methods:

- www.regulations.gov. Follow the on-line instructions for submitting comments.
- E-mail: a-and-r-docket@epamail.epa.gov.
- Fax: 202-566-1741
- Mail: Attention Docket ID No. EPA-HQ-OAR-2003-0076, U.S. Environmental Protection Agency, EPA West (Air Docket), Mailcode: 6102T, 1200 Pennsylvania Avenue, Northwest, Washington, DC 20460. Please include a total of 2 copies.

Do not submit information that you consider to be Confidential Business Information (CBI) through www.regulations.gov or e-mail.

Small businesses can review the rulemaking docket upon proposal, which contains information EPA reviewed and considered in developing the rule. Docket materials can be viewed between 8:30 a.m. and 4:30 p.m. Eastern Time (ET), Monday through Friday, excluding Federal holidays, at:

EPA Docket Center
Public Reading Room, Room B102
EPA West Building
1301 Constitution Avenue, NW
Washington, DC 20460

Anyone can contact the Docket office with phone and fax requests for material. A reasonable fee is charged for the duplication of materials.

You may also access the docket online at www.regulations.gov. Use the docket number listed above.