

APPROVAL AND PROMULGATION OF PLANS IMPLEMENTING RECENT CHANGES TO THE NEW SOURCE REVIEW PERMITTING PROGRAM

FACT SHEET

ACTION

- C On December 16, 2003, the Environmental Protection Agency (EPA) updated references in the Code of Federal Regulations to reflect recent changes to the New Source Review (NSR) permitting program. This action is administrative only and does not alter EPA's procedures for applying or enforcing the NSR program.
- C The NSR program has two main components. One, known as Prevention of Significant Deterioration (PSD), applies in areas meeting national air quality standards. The other applies in areas that don't meet national air quality standards - nonattainment NSR. This administrative action applies only to the PSD component.
- C Under the Clean Air Act, a state may implement its own PSD program, but the state must submit its proposed program to EPA for approval. If the program meets the minimum federal requirements and is approved by EPA, the program becomes a part of the State Implementation Plan (SIP).
- C Currently, some states or local clean air jurisdictions lack an approved PSD program generally either because EPA disapproved their proposed program or because the state failed to submit a proposed program. In these areas, the federal implementation plan (or federal PSD program) applies. In many cases, EPA delegates authority to implement the federal PSD program to the state.
- C On October 27, 2003, EPA published, in the *Federal Register*, revisions to its NSR permitting program. This rule created categories of activities that are automatically considered routine maintenance, repair and replacement and thus exempted from the requirements of the NSR program.
- C At the same time, the Agency announced its intent to update references to the federal PSD program in certain states' plans to implement these changes. This final rule makes adjustments needed for these plans to appropriately reference the October rule revisions.

NEW SOURCE REVIEW BACKGROUND

- C Congress established the New Source Review program as part of the 1977 Clean Air Act Amendments and slightly modified it in the 1990 Amendments. NSR is a preconstruction

permitting program that serves two important purposes.

- < First, it ensures that air quality is not significantly degraded from the addition of new and modified factories, industrial boilers and power plants. In areas with unhealthy air, NSR assures that new emissions do not slow progress toward cleaner air. In areas with clean air, especially pristine areas like national parks, NSR assures that new emissions do not significantly worsen air quality.
- < Second, the NSR program assures people that any large new or modified industrial source in their neighborhoods will be as clean as possible, and that advances in pollution control occur concurrently with industrial expansion.
- < Exempt from the above NSR program requirements are activities deemed to be “routine maintenance, repair and replacement.” This term, however, has never been defined by the EPA, and thus has been aggressively debated over the years. The October 27, 2003 (68 FR 61248) action was intended to clarify, for all parties, the term “routine replacement” of the routine maintenance, repair and replacement exclusion by providing a clear category of activities that will be considered routine replacement.

ADDITIONAL INFORMATION

- C Interested parties can download information on the NSR from EPA's Web site at: www.epa.gov/nsr. EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of information on air pollution programs and issues. The address is: www.epa.gov/oar/.
- C This rule and other technical support documents are also available through the EPA's Air and Radiation Docket and Information Center (Docket Number OAR-2002-0068 or legacy number A-2001-004) by calling (202) 2566-1742 or fax (202) 566-1741 (a reasonable fee may be charged for copying).