

**UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE**

NTL No. 2009–N11

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**NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL, GAS, AND SULPHUR
LEASES IN THE OUTER CONTINENTAL SHELF (OCS)**

Air Quality Jurisdiction on the OCS

This Notice to Lessees and Operators (NTL) clarifies that the Minerals Management Service (MMS) regulates air quality for OCS facilities in the area of the Gulf of Mexico west of 87°30'W longitude, and that the U.S. Environmental Protection Agency (EPA) has air quality jurisdiction everywhere else on the OCS.

Regulatory Background

The 1990 Clean Air Act Amendments directed the EPA to regulate air emissions from OCS sources located offshore of States along the Pacific, Arctic, and Atlantic coasts, and along the Gulf Coast in areas east of 87°30'W longitude. The applicable part of the statute is found in Section 328 of the Clean Air Act. Section 328(a)(1) states in part that “[t]he authority of this subsection shall supersede section 5(a)(8) of the Outer Continental Shelf Lands Act [OCSLA] but shall not repeal or modify any other Federal, State, or local authorities with respect to air quality.” EPA promulgated implementing regulations in 40 CFR 55 on September 4, 1992.

The MMS air quality regulations in 30 CFR 250.302, 303, and 304 were promulgated as mandated by section 5(a)(8) of OCSLA but, since the 1990 Clean Air Act Amendments transferring jurisdiction to EPA, no longer apply to air emission sources in OCS areas where EPA has jurisdiction.

Air Emissions Information

Requirements for submittal of air emissions information accompanying an Exploration Plan are provided in 30 CFR 250.218, 224, and 225. Requirements for submittal of emissions information accompanying a Development and Production Plan or a Development Operations Coordination Document are specified in 30 CFR 250.249, 257, and 258. These regulations require you to provide this information regardless of whether the proposed activities are in an area under MMS air quality jurisdiction or EPA air quality jurisdiction. If the proposed activities are in an area under EPA air quality jurisdiction, the emission estimates, control measures, and modeling results used in your submittal to the MMS should be consistent with the emissions information you submit to EPA as part of your air permit application.

Contact: For further information contact Dirk Herkhof at (703) 787-1735.

Guidance Document Statement

The MMS issues NTLs as guidance documents in accordance with 30 CFR 250.103 to clarify, supplement, and provide more detail about certain MMS regulatory requirements and to outline the information you must provide in your various submittals. Under that authority, this NTL sets forth a policy on and an interpretation of regulatory requirements that provides a clear and consistent approach to complying with those requirements.

Paperwork Reduction Act of 1995 Statement

The collections of information referred to in this NTL are requirements contained in 30 CFR 250, subparts B and C. The Office of Management and Budget (OMB) has approved the information collection requirements in these regulations under OMB control numbers 1010-0151 and 1010-0057, respectively. This NTL does not impose additional information collection requirements subject to the Paperwork Reduction Act of 1995.



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