

Fact Sheet — Amendments to Federal Implementation Plan for Managing Air Emissions from 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

ACTION:

- On March 6, 2020, the United States Environmental Protection Agency (EPA) made final changes to the Federal Implementation Plan for new and modified true minor sources in Indian country. These changes streamline the Clean Air Act permitting process for some oil and natural gas production activities.
- Specifically, the final rule allows for concurrent, rather than sequential, submission of two sets of documents:
 1. the Part 1 Registration Form to register applicability under the Federal Implementation Plan (FIP) 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 (National O&NG FIP), and
 2. the screening procedures documentation for threatened or endangered species and historic properties (protected resources).
- This final rule could reduce, by up to 30 days, the time between a source owner/operator's required submission of Endangered Species Act (ESA)/National Historic Preservation Act (NHPA) screening documents and beginning construction.
- Previously, a source was required to first submit their ESA/NHPA screening procedures documentation to EPA for approval, and after receipt of approval, submit their Part 1 Form. The source may not begin construction until 30 days after submittal of the Part 1 Form.
- The final rule will allow owner/operators to submit the Part 1 Form concurrent with their ESA/NHPA screening procedures documentation for protected resources. This change would start the 30-day construction waiting period upon EPA approval of the screening procedures documentation. This proposal would continue to provide the reviewing authority with an opportunity for full review and approval of the screening procedures documentation before construction begins.
- In addition, the final rule includes email as an optional form of written notification by the EPA Regional Office to the source owner/operator and corrects several incorrect citations and cross references.

BACKGROUND:

- In July 2011, EPA issued the Federal Minor New Source Review (NSR) Program in Indian country, a type of FIP, which was part of a larger rulemaking referred to as "Review of New Sources and Modifications in Indian Country." That action assured air quality protection despite a lack of approved minor NSR permit programs in Indian country.

- The FIP established a preconstruction permitting program to regulate emission increases resulting from construction and modification activities that were not already regulated by the major NSR permitting programs.
- The National O&NG FIP used a streamlined permitting approach for oil and natural gas sources to issue minor source NSR pre-construction permits. True minor sources in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector are required to comply with the FIP by submitting a Registration Form instead of obtaining a source-specific minor source permit.
- The FIP applies to new and modified true minor sources that are located or expanding in areas of Indian country that are designated as attainment or unclassifiable. On May 2, 2019, the Agency amended the FIP to extend coverage to the Uintah and Ouray Reservation as part of the Uinta Basin Ozone Nonattainment Area.
- This action creates no new requirements; rather, this rule, would streamline existing Federal Tribal NSR permit application processes.

ADDITIONAL INFORMATION:

- Interested parties can download the proposal from EPA's web site on the Internet at: <https://www.epa.gov/nsr> and on the tribal NSR page at <https://www.epa.gov/tribal-air/tribal-minor-new-source-review>.
- For additional information on this action, please contact Ben Garwood at Garwood.ben@epa.gov, or (919) 541-1358.