



United States Environmental Protection Agency Air Quality Permit by Rule for New or Modified True Minor Sources of Air Pollution in Indian Country

<http://www.epa.gov/air/tribal/tribalnsr.html>

Instructions for Notification of Coverage under the Air Quality Permit by Rule for New or Modified True Minor Source Gasoline Dispensing Facilities in Indian Country

Version 1.0

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If you wish to notify the reviewing authority of your intent to operate under the 'Permit by Rule for New or Modified True Minor Source Gasoline Dispensing Facilities in Indian Country,' please complete the form "Notification of Coverage under the Air Quality Permit by Rule for New or Modified True Minor Source Gasoline Dispensing Facilities in Indian Country."

This Permit by Rule implements the requirements of the minor New Source Review (NSR) rule as described under 40 CFR part 49.

These instructions are intended to provide you with information that may be useful in completing the Notification of Coverage Form. ***In the form, please provide information on all existing, new and modified units.***

Helpful Definitions from the Federal Indian Country Minor NSR Rule (40 CFR 49.152) – This is not a comprehensive list.

- **Modification** means any physical or operational change at a source that would cause an increase in the allowable emissions of the affected emissions units for any regulated NSR pollutant or that would cause the emission of any regulated NSR pollutant not previously emitted. [40 CFR 49.152(d)]

The following exemptions apply:

- (1) A physical or operational change does not include routine maintenance, repair, or replacement.
 - (2) An increase in the hours of operation or in the production rate is not considered an operational change unless such increase is prohibited under any federally-enforceable permit condition or other permit condition that is enforceable as a practical matter.
 - (3) A change in ownership at a source is not considered a modification.
- **Potential to Emit (PTE)** means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable as a practical matter. Secondary emissions, as defined at 40 CFR 52.21(b)(18) of this chapter, do not count in determining the PTE of a source.

Information collected on notifications includes the following:

Section 1: Contact Information

1. **Business Name:** Provide the complete company name. For corporations, include divisions or subsidiary name, if any.

2. Date: Provide the date you submit the completed notification.
3. Site Address: Provide the actual address of where the source is operating or proposing to operate and not the mailing address. Include the state and the zip code.
4. County: Provide the county in which the source is operating or proposing to operate.
5. Name of Operator or Contact at Site: Provide the name of the operator or contact at the site.
6. Telephone Number of Operator or Contact at Site: Provide a telephone number where the operator or contact at the site can be reached during business hours.
7. Owner: List the full name of the owner of the business.
8. Telephone of Owner: Provide a telephone number where the owner of the business can be reached during business hours.
9. Owner's Mailing Address: Provide the mailing address of the owner. Include the state and the zip code.
10. Correspondence Address: Provide the mailing address of the authorized contact person. Include the state and the zip code.
11. Authorized Contact Person: Provide the name, title, phone number, email address, and fax number of the authorized contact person. The authorized contact is the person authorized to receive requests for data and information.

Section 2: Facility and Technical Information for the Notification of Coverage under the Air Quality Permit by Rule for New or Modified True Minor Source Gasoline Dispensing Facilities in Indian Country

12. Brief Description of Your Gasoline Dispensing Facility: Is your facility new or is this a modification to an existing facility? Is this facility a retail facility, or a non-retail facility? If this is a new notification, describe the proposed new source. If this is a modification, describe the proposed modification. Information on the definition of a "modification" can be found at 40 CFR 49.152(d).
13. North American Industry Classification System (NAICS)/Standard Industrial Classification (SIC) Code and Description: Provide the NAICS/SIC Code and/or description for the facility (check all that apply):
 - 4471 NAICS (Gasoline Stations)
 - 44711 NAICS (Gasoline Stations without Convenience Stores)
 - 447110 NAICS (Convenience Stations with Convenience Stores)
 - 44719 NAICS (Other Gasoline Stations)
 - 447190 NAICS (Other Gasoline Stations)
 - 5411 SIC (Grocery Stores)
 - 5541 SIC (Gasoline Service Stations)
 - Other – please specify _____ NAICS; _____ SIC

14. Ozone Attainment Status: Indicate if this facility is located in an ozone nonattainment area and specify the classification of the ozone nonattainment area. If part of a tribe's area is designated as attainment and another part as nonattainment, the answer to this question should be based on the designation where the source would be located. If the source straddles the two areas, the more stringent classification applies. Information on the ozone attainment status of the area where your facility is located can be found at: <http://www.epa.gov/airquality/greenbook/>. Please contact your reviewing authority if you have questions about an area's attainment status.
15. Exemption from the Minor NSR Program: For a new facility, calculate the PTE of all proposed emission units and determine if the proposed construction is below the applicability thresholds in the Federal Indian Country Minor NSR Rule (the thresholds listed in Table 1 to 40 CFR 49.153). For a modification to your existing facility, calculate the emissions increase from your new or modified emission units and determine if the proposed construction or modification is below the thresholds listed. For a new emissions unit, the emissions change is the PTE of the new unit. For a modified emissions units, the emissions change is the change in allowable emissions of the unit.

You only need to consider the thresholds for nonattainment areas if your source is located in an area designated nonattainment. If in a nonattainment area, then you only need to consider the nonattainment threshold for the pollutant(s) for which the area is designated nonattainment.

If the PTE of your new facility or the emissions increase at your existing facility is below the applicable thresholds listed for ALL pollutants, the new or modified source is exempt from the NSR minor program. You do not need a permit for this source. The EPA is providing a PTE calculator to assist with this task. The calculator is available online at: <http://www.epa.gov/air/tribal/tribalnsr.html>.

16. Qualification for Permit by Rule – Facility in Attainment Area: If located in an attainment area, calculate the PTE of your entire facility (include new, modified, and existing units) and determine if the facility is below the NSR major source threshold of 250 tons per year (tpy). If the PTE of the proposed facility is equal or above 250 tpy for ANY pollutant, this new or modified source does not qualify for this Permit by Rule. The EPA is providing a PTE calculator to assist with this task. The calculator is available online at: <http://www.epa.gov/air/tribal/tribalnsr.html>.
17. Qualification for Permit by Rule – Facility in Nonattainment Area: If located in a nonattainment area, calculate the PTE of your entire facility (include new, modified, and existing units) and determine if the facility is below the NSR major source thresholds listed. Note the NSR major source classification is pollutant specific. You only need to consider the nonattainment area thresholds for the particular pollutants for which the area is designated as nonattainment. If the PTE of the proposed facility is equal to or above the threshold for ANY pollutant for which the area is designated as nonattainment then this new or modified source does not qualify for a permit by rule. The EPA is providing a PTE calculator to assist with this task. The calculator is available online at: <http://www.epa.gov/air/tribal/tribalnsr.html>.
18. 40 CFR 49.164 Requirements: 40 CFR 49.164 specifies the requirements that apply to a new or modified gasoline dispensing facility. Some of these requirements are applicable to sources based on size and location of storage tanks, gasoline throughput, presence or absence of controls, and if your source is located in a serious, severe, or extreme ozone nonattainment area. Determine if your source is located in a serious, severe, or extreme ozone nonattainment area. Examine these requirements and determine if you are able and willing to comply with them. If you do not believe you can comply with these limits, you must obtain a site-specific permit from the reviewing authority.

19. Emission Units: For each emission unit at your facility include:
- A description of the equipment or process (include any input materials or fuels used);
 - The maximum rated capacity or production rate of the equipment/process;
 - Description of any pollution control equipment;
 - The estimated operating schedule for the equipment (e.g., 10 hours per day, 6 days a week); and
 - For existing equipment, the date it was installed.

Typical equipment associated with this source category may include: gasoline storage tanks, gasoline pumps and emergency engines.

For each emission unit, you must also submit your supporting documentation for your PTE calculations. And, for any existing emission unit you must include the actual annual emissions.

Section 3: Information on Completing Screening Processes that Have Been Satisfied Prior to Submitting a Notification of Coverage under the Air Quality Permit by Rule for New or Modified True Minor Source Gasoline Dispensing Facilities in Indian Country

20. Threatened or Endangered Species: To gain coverage under this Permit by Rule via a Notification of Coverage Form, sources must obtain confirmation from the EPA that they have satisfactorily completed the screening process with respect to the protection of species that are federally-listed as threatened or endangered under the Endangered Species Act (ESA) or of habitat that is federally-designated as “critical habitat” under the ESA. The document entitled “Procedures to Address Threatened and Endangered Species and Historic Properties for New or Modified True Minor Sources in Indian Country Seeking Air Quality Permits by Rule” contains the EPA’s guidance to assist sources in completing this process. You must obtain written confirmation from the EPA that the procedure has been satisfied prior to notifying the EPA to gain coverage under the Permit by Rule.
21. Historic Properties: To gain coverage under this Permit by Rule via a Notification of Coverage Form, sources must obtain confirmation from the EPA that they have satisfactorily completed the screening process for evaluating historic properties under the National Historic Preservation Act. The document entitled “Procedures to Address Threatened and Endangered Species and Historic Properties for New or Modified True Minor Sources in Indian Country Seeking Air Quality Permits by Rule” contains the EPA’s guidance to assist sources in completing this process. You must obtain written confirmation from the EPA that the procedures have been satisfied prior to notifying the EPA to gain coverage under the Permit by Rule.

Section 4: Additional Information about this Air Quality Permit by Rule for New or Modified True Minor Source Gasoline Dispensing Facilities in Indian Country

This section of the application shows the annual pollutant emission rates that the limitations in the Permit by Rule are intended to achieve.

Applicant's Statement

Certify that the information supplied in the application is correct, then sign the document, print your name, and date the document in the spaces provided.