

Fact Sheet

Proposed Rule: Error Corrections to New Source Review Regulations

ACTION

- On November 22, 2019, the U.S. Environmental Protection Agency (EPA) proposed to revise non-controversial, non-substantive errors and make conforming changes to address the 1990 Clean Air Act Amendments (e.g., title V and Part 63) in the New Source Review (NSR) rules. While the NSR regulations in 40 CFR 51 and 52 have undergone restructuring and revisions over the years, a number of inadvertent errors accumulated during that time.
- This rule proposes to:
 - correct inadvertent typographical and spelling errors,
 - remove court vacated rule language,
 - remove or update outdated or incorrect cross references, and
 - conform certain provisions to changes contained in the 1990 Clean Air Act (CAA) Amendments.
- These corrections are considered to be non-substantive, non-controversial and administrative in nature and will provide clarity in the affected NSR regulations.
- The proposed rule does not require air agencies to submit State Implementation Plan (SIP) revisions for these changes by a specific deadline. Rather, we are proposing that air agencies can make these changes in conjunction with other SIP submittals.
- EPA will accept comment on this proposal for 30 days after the notice is published in the *Federal Register*.

BACKGROUND

- Congress established the NSR program as part of the 1977 CAA Amendments. NSR is a preconstruction permitting program that serves two important purposes:
 1. It ensures the maintenance of air quality standards when major stationary sources such as factories, industrial boilers and power plants are constructed.
 - In areas that meet the standards, including pristine areas like national parks, NSR's Prevention of Significant Deterioration (PSD) program ensures that new emissions will not cause air quality to deteriorate significantly and will continue to attain air quality standards.
 - In areas that do not meet the air quality standards, nonattainment NSR ensures that new emissions do not slow progress toward cleaner air.
 2. It ensures that state of the art control technology is installed at new plants or at existing plants while they undergo a major modification.

Additional Information

- Interested parties can download today's proposed rule from the EPA's web site at:
<https://www.epa.gov/nsr/nsr-regulatory-actions>.

How to Comment

- EPA will accept comments for 30 days beginning when this proposal is published in the *Federal Register*. All comments should be identified by Docket ID No. EPA-HQ-OAR-2019-0435 and submitted to the Federal e-rulemaking portal (*www.regulations.gov*). Follow the online instructions for submitting comments.
- For additional information about other ways to submit comments, please visit
<https://www.epa.gov/dockets/commenting-epa-dockets>.
- For general information about this proposed rule, contact Ben Garwood at (919) 541-1358 and *garwood.ben@epa.gov*, of the EPA's Office of Air Quality Planning and Standards.