

Tribal NSR Rule


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Questions from Tribes/Sources

- What is a major or minor stationary source?
- What sources are subject to the rule?
- What are the key dates for the rule?
- Where Can I Find More Information on Minor Source Registration?
- Who can I talk to for more information?

What are Attainment and Nonattainment Areas?

- Based upon the concentrations of pollutants, the air quality of every area of the U.S. is classified as one of the following categories:
 - ✓ **Attainment/Unclassifiable**- concentration of pollutants are equal to or lower than the National Ambient Air Quality Standards (NAAQS) or there is not enough data on air quality to determine.
 - ✓ **Nonattainment**- concentrations of pollutants in air exceed NAAQS limits.



How to Determine Attainment Designation

- Visit the EPA Greenbook:
<http://www.epa.gov/oaqps001/greenbk/ancl.html>
- Listed by State and then by County
- Contact EPA, State Air program or Local Air Permitting Authority

Nonattainment Counties in AZ

State	County	PM10/PM2.5	Classification
ARIZONA	Cochise Co	PM 10	* Fall (New Douglas (Cochise County), AZ - (Moderate))
	Coconino Co	PM 10	* Hayden AZ - (Moderate)
		PM 2.5	* Hayden AZ - (Moderate)
		PM 10	* Hayden AZ - (Moderate)
		PM 2.5	* Hayden AZ - (Moderate)
		PM 10	* Hayden AZ - (Moderate)
		PM 2.5	* Hayden AZ - (Moderate)
		PM 10	* Hayden AZ - (Moderate)
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		PM 2.5	* Hayden AZ - (Moderate)
		PM 10	* Hayden AZ - (Moderate)
		PM 2.5	* Hayden AZ - (Moderate)
		PM 10	* Hayden AZ - (Moderate)
	PM 2.5	* Hayden AZ - (Moderate)	

What is my Potential To Emit (PTE)?

- the maximum capacity of a stationary 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 fuel combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.
- Based on 8,760 hours of operation
- Reported in tons per year (tpy)

Special Cases

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- Emergency Generators
- Incinerators
- Any other source that uses secondary materials or produces hazardous materials

Emergency Generators

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- Assume 500 hours of operation instead of 8,760
- “Emergency” is defined in the RICE NESHAP
- Limited hours of certain “demand response” operations are allowed
- Contact EPA before entering into any demand response agreements with your local power authority

Incinerators

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- Don't burn trash! EVER
- Potentially requires a separate non-waste determination

Secondary Materials or Hazardous Materials

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- Use of Biomass as a fuel
- Secondary Aluminum smelters
- Gold mining
- Chemical Manufacturing

How do I Calculate PTE?

Category	Subcategory	Hours
Major NSR	Major NSR	8,760
Minor NSR	Minor NSR	500
Emergency	Emergency	500
...

What are the permitting options?

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- Major NSR permit (new and modifications)
- Synthetic Minor permit
- Minor NSR permit

What are the MAJOR source thresholds?

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- In **attainment** areas: A source with the potential to emit air pollutants, regulated under the Clean Air Act, greater than:
 - ✓ **100** tons per year (tpy), if specifically listed in the regulations or
 - ✓ **250** tpy, for all other sources
- In a **nonattainment** area: A source with a PTE air pollutants regulated under the Clean Air Act greater than:
 - ✓ **100** tpy or lower depending on the nonattainment classification severity regardless of source category

Examples of Major Sources: Power Plants, Cement Plants, Hotels/Casinos with large boilers or diesel engines, Landfills



Exempt Emission Units & Activities

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- Mobile Sources
- Ventilating Units for comfort
- Noncommercial food preparation
- Consumer use of office equipment
- Janitorial services
- Internal combustion engines used for landscaping
- Bench scale laboratory activities

What are the Minor Source Thresholds?

Table 1 - Minor NSR Thresholds

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Regulated NSR Pollutant	Minor NSR Threshold for Nonattainment areas (tpy)	Minor NSR thresholds for attainment areas (tpy)
Carbon monoxide (CO)	5	10
Nitrogen oxides (NOx)	5 ^a	10
Sulfur dioxide (SO ₂)	5	10
Volatile Organic Compounds (VOC)	2 ^b	5
PM	5	10
PM ₁₀	1	5
PM _{2.5}	0.6	3
Lead	0.1	0.1
Fluorides	NA	2
Sulfuric acid mist	NA	2
Hydrogen sulfide (H ₂ S)	NA	2
Total reduced sulfur (including H ₂ S)	NA	2
Reduced sulfur compounds (including H ₂ S)	NA	2
Municipal waste combustor emissions	NA	2
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	NA	10

^a If part of a Tribe's area of Indian country is designated as attainment and another part as nonattainment, the applicable threshold for a proposed source or modification is determined based on the designation where the source would be located. If the source straddles the two areas, the more stringent thresholds apply.

^b In extreme ozone nonattainment areas, section 182(a)(2) of the Act requires any change at a major source that results in any increase in emissions to be subject to major NSR permitting. In other words, any changes to existing major sources in extreme ozone nonattainment areas are subject to a "100" tpy threshold, but that threshold does not apply to minor sources.

Four Stationary Sources...

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#1 Attainment PTE = 105 tpy CO

#2 Attainment PTE = 55 tpy NOx

#3 Nonattainment Extreme for Ozone PTE = 4 tpy VOC

#4 Nonattainment PTE = 210 tpy PM10

Four Stationary Sources...

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#1 Attainment PTE = 105 tpy CO
Hotel, Casino, Convention Center, Gas Station
Potential Synthetic Minor

#2 Attainment PTE = 55 tpy NOx
Airport off the grid
Minor Source

#3 Nonattainment PTE = 4 tpy VOC
Extreme for Ozone
Gas Station
Minor Source

#4 Nonattainment PTE = 210 tpy PM10
Rock Crusher & Batch Asphalt plant
Major Source

What is the Source?

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- Attainment Area
- Casino located just outside of town, nearby local businesses. The Tribe also owns and runs a gas station across the street, but it is not the only gas station in the area. The hotel and conference center, connected by a pedestrian bridge, attracts visitors who come to visit the nearby National Park and is host to an annual cultural event.
- PTE : Casino 55 tpy CO, Gas Station 25 tpy CO, Hotel 15 tpy CO, Convention Center 5 tpy.
- Total PTE = 105 tpy CO



What are the Key Dates for the Rule?

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- All major sources or major modifications are now subject to the rule
- Synthetic minor source are now subject to the rule
- Minor sources are being phased in and will be subject to the rule by September 2, 2014

❖ *Subject to the rule = Must obtain a pre-construction permit*

Key Dates for Minor Sources

The diagram illustrates the timeline for minor sources. It starts with the Rule Published on July 1st, 2011. A 60-day period follows. The Registration deadline for existing minor sources is March 1st, 2013, which is 18 months after the rule was published. The Rule becomes Effective on August 30th, 2011. The Full effect of the rule for True Minor sources occurs on September 2nd, 2014, which is 36 months (+ 90 days) after the rule became effective. A Transition Phase for new sources constructed after the effective date is also indicated.

1. Existing Minor sources have up to 18 months after the effective date to register.
2. Minor sources that begin construction after the effective date but before September 2nd, 2014 have 90 days to register after they begin operation. Sources that qualify for a General Permit have 6 months after a GP is published to apply for a permit.
3. New Minor sources built or modified after September 2nd, 2014 must obtain a site specific permit prior to commencing construction, which will also serve as their registration.

Where Can I Find More Information

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- General Tribal Air Information:
 - <http://www.epa.gov/air/tribal/index.html>
- Permitting information including minor source & synthetic minor forms
 - Region 9: <http://www.epa.gov/region9/air/tribal/>
- RoTribalAirPermits@epa.gov