

Prevention of Significant Deterioration and Nonattainment New Source Review
(Final Rule for Review of New Sources and Modifications in Indian Country)

Change Worksheet Justification

EPA ICR Number 1230.30

OMB Control Number 2060-003

Following OMB approval of two application forms for sources to become synthetic minors in Indian country and a registration form for existing sources, EPA began receiving calls from industry questioning some inconsistencies between the forms and the final rule. Upon closer review of the documents, EPA discovered a few significant issues regarding requirements in the new rule and some enforcement issues. The requirements in the OMB-approved forms are contrary to the Agency's position that the need and extent of modeling should be determined on a case-by-case basis. In addition, the opportunity to provide a qualitative air quality impact analysis for areas that have little or no air quality issues needed to be provided as an option. Other clarifications also needed made to some of the instructions.

Prior to promulgation of the Tribal rule, industry could not avoid major New Source Review regulations in Indian country by voluntarily implementing control measures to reduce emissions. This policy prevented tribes from exercising economic self determination and controlling the air quality in their own lands. Because states already had that authority for decades, the tribes have had to deal with an unequal playing field.

The new Synthetic Minor program allows sources to become covered under minor New Source Review requirements in Indian country. Many sources have waited years for this opportunity. Unfortunately, the OMB-approved materials contain incorrect information. As a result, economic development and job creation opportunities are being delayed until the situation is resolved. EPA is being pressured by industry to correct the application materials to match regulatory requirements.

The changes to the forms will not change the original burden estimate for filling out the forms. The necessary revisions to the forms were primarily clarifications or corrections in the instructions to be consistent with the rule requirements.

The revised documents require modeling to be done only on a case-by-case basis as determined by the reviewing authority. The modeling requirement is much more restrictive than in the original documents. As a result, many fewer sources will need to conduct modeling. However, sources that do need to conduct modeling will still need to spend around 40 hours to meet the requirement.