

National Park Service  
Briefing Paper

Prepared for: Director  
Submitted: July 10, 1997

States: All

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Title: New Source Review (NSR) Reform

Issue: Revised Federal regulations, in part, to clarify and amend "Class I" area requirements.

Background:

- o In July 1993, the Environmental Protection Agency (EPA) established a NSR Reform Subcommittee under the auspices of the Clean Air Act Advisory Committee. The NSR Subcommittee's mission is to provide independent advice and counsel to the EPA on policy and technical issues associated with reforming the NSR rules and is comprised of individuals from industry, environmental groups, EPA, NPS, and the U.S. Forest Service.
- o The Subcommittee discussed specific issues and made recommendations to EPA regarding the following topics: Class I impacts, Best Available Control Technology, applicability, and existing source impacts. The NPS focused on issues facing the Federal Land Manager (FLM) in the NSR process (i.e., identification of Air Quality Related Values (AQRVs), adverse impacts, adequate Class I impact analyses, significant impact levels, emission offsets, "best" emission control technology, FLM notification, etc.).

Status:

- o Based on the Subcommittee's recommendations, EPA proposed revised NSR regulations in the July 23, 1996, Federal Register. EPA received extensive comments on the proposal and they are currently reviewing these comments. Final regulations are expected in June 1998.
- o To facilitate better consistency among the FLMs regarding permit review issues, the NPS, U.S. Forest Service, and U.S. Fish and Wildlife Service have initiated a process to work together to identify sensitive AQRVs, determine critical loads and criteria for adverse impacts, and standardize the requests for analyses that should be performed. The agencies have met twice and are currently forming workgroups to address ozone, acid deposition, visibility, and various policy and procedural issues.

Position of Interested Parties:

- o Industry and some regulatory authorities believe the revised regulations shift burdens from the FLM to the permit applicant and provide too much discretion to the FLMs. Industry supports deleting the new Class I provisions from the NSR Reform package altogether.

Department/Bureau Perspective:

- o The NSR rules need to be revised to enhance the FLM's involvement in the permitting process and to better protect the AQRVs of our parks, especially those currently being adversely impacted by air pollution. Overall, the NPS is pleased with the proposed revisions. The Class I area revisions address many of the issues that have frustrated us in our review

of permit applications in the past (e.g., lack of notification and coordination, lack of mitigation measures, indifference of the permitting authority to FLM recommendations. However, we are concerned that the proposed applicability provisions would exempt many potential sources of concern from NSR requirements and FLM review. (EPA estimates that the proposed rules would eliminate over 50 percent of the major source permitting actions that would take place under the existing regulations.)

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