

## Final Amendments to the Federal Implementation Plan for the Indian Country Minor New Source Review Program for the Oil and Natural Gas Industry: Fact Sheet

### Summary of action

- On May 2, 2019, the U.S. Environmental Protection Agency (EPA) signed final amendments to the 2016 federal implementation plan (FIP) for managing air emissions from new and modified true minor oil and natural gas sources in Indian country. The FIP limits emissions of harmful air pollutants, while providing streamlined construction authorization for new and modified “true minor sources” in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector.
- The final amendments will allow the FIP to continue to apply in portions of the Uintah and Ouray Indian Reservation that were included in an area EPA has designated as nonattainment for the 2015 national ambient air quality standards for ozone. The current FIP applies only in areas designated as attainment, attainment/unclassifiable or unclassifiable.
- The final amendments will provide a permanent mechanism for streamlining construction authorizations for new and modified true minor sources on the reservation, including on the portions of the Reservation that are designated as nonattainment. EPA designated the Uinta Basin Ozone Nonattainment Area on April 30, 2018. The effective date of the designation was August 3, 2018.
- Separately, EPA is developing a reservation-specific rule for oil and natural gas sources on the Uintah and Ouray Indian Reservation. That rule will contain requirements to reduce ozone-forming emissions from existing, new and modified minor oil and natural gas sources on the reservation, while allowing continued development of its oil and natural gas resources. The reservation-specific rule also will help ensure consistency between regulatory requirements for oil and natural gas sources on the reservation and those on lands under state jurisdiction. EPA anticipates proposing the reservation-specific rule in the coming months.
- EPA took public comment on the proposed amendments to the FIP for 60 days after the proposal was published in the Federal Register. The Agency held a public hearing May 30, 2018 at the EPA Region 8 office in Denver. The rule will become effective when it is published in the Federal Register.

### About the FIP

- New and modified “true minor sources” in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector may comply with the FIP in lieu of

seeking source-specific minor New Source Review (NSR) preconstruction permits in Indian country.

- For crude oil, production operations include equipment and activities generally found prior to the point where crude oil enters storage and transmission terminals where the oil is loaded for transport to refineries.
- For natural gas, production and processing operations include equipment and activities that occur prior to natural gas plants or prior to the point where natural gas enters the transmission and storage segment for distribution.
- Under the federal Indian Country Minor New Source Review rule, a “true minor source” is a stationary source that emits, or has the potential to emit, regulated NSR pollutants in amounts that are equal to or greater than minor NSR emissions thresholds but less than major source thresholds in either the Agency’s Prevention of Significant Deterioration (PSD) program or federal major NSR program for nonattainment areas in Indian country (without the need to take an enforceable restriction to ensure its potential emissions remain below these levels).
- Owners/operators using the FIP must submit a two-part registration form, rather than a permit application. Under the FIP, sources must comply with eight federal air standards:
  - Performance standards for the oil and natural gas industry;
  - Performance standards for volatile organic compound (VOC) liquid storage tanks;
  - Performance standards for stationary compression ignition internal combustion engines;
  - Performance standards for stationary spark ignition internal combustion engines;
  - Performance standards for new stationary combustion turbines;
  - Air toxics standards for industrial, commercial and institutional boilers and process heaters;
  - Air toxics standards for oil and natural gas production facilities; and
  - Air toxics standards for stationary reciprocating internal combustion engines.
- Owners/operators planning to use the FIP also are required to assess the potential for proposed construction to impact threatened and endangered species and historic properties.

Designating areas for the 2015 ozone standards

- On Dec. 20, 2017, EPA informed the Ute Indian Tribe that the Agency planned to designate portions of Duchesne and Uintah counties in Utah as nonattainment for the 2015 ozone standards. Portions of the Uintah and Ouray Indian Reservation would be in the nonattainment area, which includes both Indian country and state-regulated lands.
- EPA signed designations for the 2015 ozone standards for most areas on April 30, 2018, including the Uinta Basin nonattainment area. The effective date of the designations was August 3, 2018.

For more information

- To read today's final amendments, visit <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/actions-and-notice-about-oil-and-natural-gas#regactions>.
- More information on the 2016 (FIP) for managing air emissions from new and modified true minor sources in Indian country is available at <https://www.epa.gov/tribal-air/final-federal-implementation-plan-oil-and-natural-gas-true-minor-sources-and-amendments>.
- Information on the April 30, 2018 designations for the 2015 ozone standards is available at <https://www.epa.gov/ozone-designations/additional-designations-2015-ozone-standards>.