

## Fact Sheet

### Error Corrections to New Source Review Regulations – Final Rule

#### ACTION

- On June 22, 2021, the U.S. Environmental Protection Agency (EPA) finalized a rule to correct non-substantive errors, and make conforming changes to address the 1990 Clean Air Act (CAA) Amendments (e.g., revisions to sections 112 and 169) in the New Source Review (NSR) rules. The NSR regulations in 40 CFR 51 and 52 have undergone restructuring and revisions over the years and a number of inadvertent errors have accumulated during that time.
- This final rule:
  - corrects inadvertent typographical and spelling errors,
  - removes court vacated rule language,
  - removes or updates outdated or incorrect cross references, and
  - conforms certain provisions to changes contained in the 1990 CAA Amendments.
- This final rule includes an additional change to address the January 29, 2021 D.C. Circuit Court vacatur of nonattainment NSR ozone interprecursor trading (IPT). EPA is removing these IPT provisions in this final Error Corrections rule consistent with the Administrative Procedures Act good cause exemption.
- These corrections are non-substantive and administrative in nature and will provide clarity to the affected NSR regulations. In total, well over 100 sections in four sets of NSR regulations are being revised.
- The final rule does not require air agencies to submit state implementation plan (SIP) revisions for these changes by a specific deadline. Rather, air agencies can make any necessary changes in conjunction with other SIP submittals.

#### 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 or modified.
    - In areas that meet the national ambient air quality standards (NAAQS), including pristine areas like national parks, NSR's Prevention of Significant Deterioration 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 NAAQS, 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 this final rule from the EPA's web site at: <https://www.epa.gov/nsr/nsr-regulatory-actions>.
- For general information about this final rule, contact Ben Garwood at (919) 541-1358 and [garwood.ben@epa.gov](mailto:garwood.ben@epa.gov), of the EPA's Office of Air Quality Planning and Standards.