

FACT SHEET

Prevention of Significant Deterioration for Fine Particle Pollution – Good Cause Final Rule to Remove Vacated Elements

ACTION

- On November 26, 2013 the US Environmental Protection Agency (EPA) issued a good cause final rule to remove elements of the Clean Air Act Prevention of Significant Deterioration (PSD) program for fine particle pollution. These elements address air quality modeling and monitoring provisions for fine particle pollution in areas protected by the PSD program.
- On January 22, 2013, the U.S. Court of Appeals for the District of Columbia vacated the significant monitoring concentration (SMC) provisions of the US Environmental Protection Agency's (EPA) Prevention of Significant Deterioration (PSD) program for fine particle pollution. At EPA's request, the Court also vacated and remanded portions of the significant impact levels (SILs) for fine particle pollution.
- Since this rule is a good cause final rule in response to the Court's decision to vacate the PM_{2.5} SILs and SMC, EPA will not be taking public comment on this action.

BACKGROUND

- Congress established the New Source Review (NSR) program as part of the 1977 Clean Air Act Amendments and modified it in the 1990 Amendments. NSR is a preconstruction permitting program that serves two important purposes.
 1. It ensures the maintenance of air quality standards when factories, industrial boilers and power plants are modified or added. In areas that do not meet the national air quality standards, NSR ensures that new emissions do not slow progress toward cleaner air. In areas that meet the standards, especially pristine areas like national parks, NSR's PSD program ensures that new emissions fall within protective air quality standards.
 2. The NSR program ensures that state of the art control technology is installed at new plants or at existing plants that are undergoing a major modification.

PM_{2.5} NSR Actions

1. On October 20, 2010, EPA published the final rule establishing increments for PM_{2.5}. An increment is the maximum allowable increase in ambient concentrations of a pollutant in an area. Increases above that level are considered to significantly deteriorate air quality and cannot be allowed.

2. In this rulemaking, EPA also established two screening tools that would exempt a permit applicant from some of the air quality analysis and monitoring required under the Act and EPA regulations: significant impact levels (SILs) and significant monitoring concentration (SMC).

FOR ADDITIONAL INFORMATION

- Interested parties can download information on this action from EPA's Web site at: www.epa.gov/nsr.
- The notice of proposed rulemaking and other background information are also available either electronically in www.regulations.gov, EPA's electronic public docket and comment system. Docket ID No. is EPA-HQ-OAR-2006-0605.