

**FINAL RULE FOR IMPROVEMENTS TO EPA'S NEW SOURCE REVIEW  
PROGRAM: REASONABLE POSSIBILITY IN RECORDKEEPING**

**FACT SHEET**

**ACTION**

- On December 14, 2007, the U.S. Environmental Protection Agency (EPA) issued a final rule that provides additional explanation and more detailed criteria to clarify the “reasonable possibility” recordkeeping and reporting standard of the 2002 New Source Review (NSR) reform rules.
- The “reasonable possibility” standard establishes for sources and reviewing authorities the criteria for determining when recordkeeping and reporting are required for a modification that does not trigger major NSR. The standard also specifies the recordkeeping and reporting requirements for such sources.
- This final action will require recordkeeping and reporting when the projected increase in emissions to which the "reasonable possibility" test applies equals or exceeds 50 percent of the Clean Air Act's NSR significance levels for any pollutant.
- NSR significance levels are pollutant-specific threshold emission rates (tons per year). If a project results in an emissions increase of a regulated NSR pollutant that equals or exceeds the significance level for that pollutant, the increase is a "significant emissions increase" and NSR permitting requirements would apply.
- The emissions increase to which the reasonable possibility trigger is applied is calculated as the difference between the project's (1) baseline actual emissions and (2) sum of projected actual emissions and emissions attributable to an independent factor (such as demand growth).
- This rule responds to the 2005 remand from the U.S. Court of Appeals for the D.C. Circuit in New York v. EPA, 413 F.3d 3 (D.C. Cir. 2005) (New York) requiring that EPA either provide an acceptable explanation for its “reasonable possibility” standard or devise an appropriately supported alternative.

**BACKGROUND**

- Congress established the NSR program as part of the 1977 Clean Air Act Amendments and modified the program in the 1990 Amendments. The NSR program assures that state-of-the-art emissions control technology is installed at new plants or at existing plants that are undergoing a major modification.

- The NSR permitting program serves two important purposes.
  1. In areas that do not meet the national air quality standards, NSR assures that new emissions do not slow progress toward cleaner air.
  2. In areas that meet the standards, especially pristine areas like national parks, the Prevention of Significant Deterioration portion of the NSR program assures that new emissions do not lead to violations of air quality standards.

#### **FOR ADDITIONAL INFORMATION**

- Interested parties can download information on the final rule from EPA's Web site at: [www.epa.gov/nsr](http://www.epa.gov/nsr).
- Today's final action and other background information are also available either electronically in [www.regulations.gov](http://www.regulations.gov), EPA's electronic public docket and comment system, or in hard copy at EPA's Air and Radiation Docket and Information Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW, Washington, DC (Docket ID No. EPA-HQ-OAR-2001-0004). The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.