



Minnesota  
Pollution  
Control  
Agency

Majors and  
Remediation  
Division  
Air Quality  
Program

# Facts about Federal Air Quality Regulations

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This fact sheet describes the National Ambient Air Quality Standards, New Source Review Program, National Emission Standards for Hazardous Air Pollutants and the New Source Performance Standards.

## What are the National Ambient Air Quality Standards (NAAQS)?

The NAAQS set the maximum concentration of pollutants allowed in the ambient air. NAAQS have been set for all of the criteria pollutants.

These standards were established to protect the public's health and welfare. The NAAQS are used with monitoring to determine if an area is in attainment with the NAAQS. More information on the NAAQS can be found in 40 CFR § 50.

## What is New Source Review (NSR)?

The NSR program was designed to ensure that new facilities would not threaten air quality and still allow for economic growth. The NSR program has been in effect since 1980. There are two parts of NSR program. They are "nonattainment area review" and "Prevention of Significant Deterioration" (PSD). You should note that there were fairly significant revisions to NSR that became effective on March 2003, and more revisions are expected.

To learn more about the specifics of these changes, see the Minnesota Pollution Control Agency's (MPCA) Web site at <http://www.pca.state.mn.us/air/>, or the U.S. Environmental Protection Agency's (EPA) Web site at <http://www.epa.gov/air/nsr-review/>.

Nonattainment area review applies to all major facilities located in nonattainment areas. As of the date of this document, there are no nonattainment areas in Minnesota. PSD review applies to all major facilities located in attainment areas.

Many similarities exist between the PSD and nonattainment review programs. The NSR program regulates fluorides, sulfuric acid mist, total reduced sulfur compounds and municipal waste combustors acid gases/metals, in addition to the six criteria pollutants.

The NSR program also provides additional protection to Class I areas. Class I areas are geographic areas that have special scenic and recreational value.

The Class I areas in our area include the Boundary Waters Canoe Area and Voyageurs National Park in Minnesota, the Rainbow Lakes Wilderness Area in northwestern Wisconsin, and Isle Royale National Park in Lake Superior. More information on the NSR program can be found in 40 CFR § 52.21.





## What are the National Emission Standards for Hazardous Air Pollutants (NESHAPs)?

The NESHAPs are located in 40 CFR pts. 61 and 63. Part 61 sets standards for nine hazardous air pollutants emitted from specific processes. The pollutants regulated under Part 61 are radon, beryllium, mercury, vinyl chloride, radionuclides, benzene, asbestos, inorganic arsenic and volatile hazardous air pollutants.

The EPA will not develop any additional Part 61 standards. Instead, the EPA will focus its efforts on the development of Part 63 standards, which regulate hazardous air pollutants.

Part 61 standards were developed based on adverse health effects, while Part 63 standards are being developed applying the maximum achievable control technology (MACT).

The source categories covered by the Part 63 standards include a wide variety of industries (such as foundries, wood furniture manufacturers and chromium electroplaters). MACT can be an emission rate, work practice, control technology or product substitution requirement.

The EPA originally planned to have all MACT standards finalized by the year 2000. That wasn't accomplished, but as of the date of this document, they have all been either promulgated or proposed. The complete list can be found on the Internet at

<http://www.epa.gov/ttn/atw/eparules.html>.

## What are the New Source Performance Standards (NSPS)?

The NSPS require a new emission source to be less polluting than older sources. Each NSPS applies only to source categories defined within the specific subparts of the NSPS regulations. The general provisions of the NSPS regulations are located in Subpart A of the rules (all NSPS regulations can be found in 40 CFR § 60). Subpart A specifically defines what modification and reconstruction mean for the NSPS regulations.

It is possible that more than one NSPS regulation may apply to your facility. It is also possible that if you make a change at your facility you can retrigger the applicability of an NSPS regulation, requiring you to submit the

notifications and conduct an initial performance test as required under Subpart A. You will also need to comply with the requirements in the individual NSPS subparts.

## Why are Federal Regulations Important?

You should know which conditions or limitations in your permits are related to federal rules for three reasons:

1. The MPCA has less flexibility on how we administer and enforce these regulations. The MPCA cannot grant waivers or variances to any of the deadlines or limitations specified under the NESHAP or NSPS regulations, only EPA can grant these requests.
2. If you are proposing to modify your facility, any change that relates to these four programs, including changes in synthetic minor limitations, is automatically a major modification, requiring you to obtain a major amendment before you can proceed with the modification. This requires delaying the construction or installation of the modification at the facility until the permit is issued.
3. It is possible to amend federal conditions in your permit, but in general it is not possible to delete these conditions. For example, if you installed Best Available Control Technology (BACT) on an emission unit as required under NSR, that BACT limit would always remain on that unit as long as it was operable.
4. It is important for you to know what regulations apply to your facility. Your permit should list the rules, conditions or limitations that apply to your facility and the rule or regulation from which they were derived. However, if an NSPS or NESHAP regulation was missed in your permit and applies to your facility, your facility still must comply with the provisions of the regulation.

For further information, contact the MPCA Customer Assistance Center at (651) 297-2274 or (800) 646-6247 (within Minnesota only).

**MPCA Web site:** <http://www.pca.state.mn.us>