

PUBLIC NOTICE



**PROPOSED RULE**  
**NAVAJO NATION CLEAN AIR ACT –**  
**MINOR SOURCE PROGRAM REGULATIONS**



The Navajo Nation Environmental Protection Agency (“NNEPA”), Navajo Nation Air Quality Control Program (“NNAQCP”) is accepting written comments on its proposed Minor Source Program Regulations, which are being promulgated pursuant to the Navajo Nation Clean Air Act, 4 N.N.C. §§ 1101-1162.

Written comments, data, or documentary information on the proposed rule, written requests to be notified of any final rule issued for the Minor Source Program, and any written inquiries or requests for additional information regarding this rulemaking should be submitted to Tennille Denetdeel at [tbbegay@navajo-nsn.gov](mailto:tbbegay@navajo-nsn.gov), by mail to the Navajo Nation Air Quality Control Program, P.O. Box 529, Fort Defiance, Arizona 86504, or in person at the NNAQCP office, Route 112 North, Building #2427, in Fort Defiance. Inquiries or requests for additional information may also be made by calling (928) 729-4248. All correspondence should reference the Minor Source Program Regulations, and all comments and requests must be received by January 18, 2019 by 5:00 p.m. (MST). All comments and requests will be considered prior to the issuance of any final rule.

NNAQCP will hold public hearings on December 11, 2018 from 3:00 p.m. to 7:00 p.m. at the Counselor Chapter House, December 12, 2018 from 3:00 p.m. to 7:00 p.m. at the Aneth Chapter House, and December 13, 2018 from 3:00 p.m. to 7:00 p.m. at the Nenahnezah Chapter House. During the public hearing, NNAQCP will provide an opportunity for interested persons to orally present their views, data, or arguments, in Navajo or English. The rulemaking docket will remain open for 20 days following the hearing to provide an opportunity for submission of written rebuttal and supplementary information.

The rulemaking docket is available for public inspection and copying at the NNAQCP office, Route 112 North, Building #2427, Fort Defiance, Arizona 86504. Public inspection hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays). All comments submitted are available to the public as part of the administrative record.

NNAQCP will send notification of the issuance of any final Minor Source Program rule to each person who has submitted written comments or a written request to be notified of the final decision.

Persons wishing to be included on the NNAQCP mailing list to receive individual notice of future rulemakings should contact Tennille Denetdeel in writing at Navajo Nation Air Quality Control Program, P.O. Box 529, Fort Defiance, Arizona 86504, telephone: (928) 729-4248, or by e-mail at [tbbegay@navajo-nsn.gov](mailto:tbbegay@navajo-nsn.gov). Electronic files of rulemaking public notices and

rulemaking documents can be requested from NNAQCP by e-mail at [airquality@navajonnsn.gov](mailto:airquality@navajonnsn.gov).

### **Brief Description of Proposed Rule:**

The Navajo Nation Environmental Protection Agency, Navajo Nation Air Quality Control Program (“NNAQCP”) is proposing a rule to establish a minor source permitting program under the Navajo Nation Clean Air Act. A “minor source” is a source of air pollution that emits less air pollution than a “major source” but enough air pollution to require permitting under the thresholds set by the proposed rule.

A federal rule, the Tribal Minor New Source Review Program for Indian Country, 76 Fed. Reg. 38784 (July 1, 2011), 40 C.F.R. §§ 49.151-161, currently regulates minor sources on the Navajo Nation. After issuing its own Minor Source Program regulations, NNAQCP will seek to implement this program in place of the federal government. This will give the Navajo Nation greater control over its air resources, and will allow the Navajo Nation to regulate emissions of air pollution that may impact the environment and public health and welfare.

The proposed rule is similar to the existing federal rule but is more comprehensive. The rule would require all minor sources of air pollution to obtain a “unitary permit,” which is a permit that includes both preconstruction review and operating requirements. Preconstruction review means that before a new source of air pollution is constructed or a qualifying modification is made to an existing source, NNAQCP will review the source’s plans and can require technologies that control air pollution to be included, among other requirements. In contrast, operating requirements cover the day-to-day operations of a minor source and may include emission limitations and requirements for monitoring, reporting, and recordkeeping. New sources and sources that undergo qualifying modifications will have to comply with both preconstruction review and operating permit requirements, while existing sources will have to comply only with the operating permit requirements. This approach is more comprehensive than the federal rule because the federal rule does not require operating permits.

Many minor sources of air pollution would be covered under “general permits” associated with this rule. A general permit is a permit that covers an entire category of activities. Sources that fall within a category covered by a general permit do not have to apply for a site-specific permit, but instead may simply request coverage under the general permit and comply with the provisions of the general permit. NNAQCP will propose general permits for public review soon, covering gas stations and oil and natural gas sources, that is, stationary sources engaged in the extraction and production of oil and natural gas or the processing of natural gas.

In addition, the proposed rule would require sources of air pollution that emit less than a minor source to register as a source of air pollution, unless exempted. “Registration” requires the owner or operator of the source to send information about its emissions to NNAQCP. This requirement is more comprehensive than the federal rule, which does not require sources that emit less than a minor source to register.

The proposed rule also would impose fees to cover the costs of administering the minor source program, including permit application, revision and renewal fees, annual emissions fees, fees for coverage under general permits, and registration fees.