

## Part 610 – National Environmental Compliance Handbook

### Subpart H – Exhibits

#### 610.101 Clean Air Act Evaluation Procedure Guide Sheet

##### **CLEAN AIR ACT EVALUATION PROCEDURE GUIDE SHEET**

**NOTE:** Steps 1 and 2 help determine whether construction permitting is needed for the planned action or activity. Step 3 helps determine whether the opportunity for emissions reduction credits exist. Step 4 helps determine whether any other permitting, recordkeeping, reporting, monitoring, or testing requirements are applicable. Each of these steps should be updated with more specific language as needed, since air quality permitting and regulatory requirements are different for each State. In each step, if more information is needed or there is a question as to whether there are air quality requirements that need to be met, the planner or client should contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what air quality regulatory requirement must be met prior to implementing the planned action or activity.

##### **STEP 1**

Is the proposed action or alternative expected to increase the emission rate of any regulated air pollutant?

**Note:** The definition of a “regulated air pollutant” differs depending on the air quality regulations in effect for a given site. For a Federal definition of “regulated air pollutant,” please refer to 40 CFR Section 70.2. Other definitions for “regulated air pollutant” found in State or local air quality regulations may be different. *States should tailor this question to the State air quality regulations and definitions since those will include any Federal requirements.*

**If "No,"** it is likely that no permitting or authorization is necessary to implement the proposed action or alternative. Document the finding on the NRCS-CPA-52 and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the planned action or activity. **Go to step 3.**

**If “Yes,” go to Step 2.**

## **STEP 2**

Can the proposed action or alternative be modified to eliminate or reduce the increase in emission rate of the regulated air pollutants? **Note:** This step is to prompt the planner to review the planned action or activity to see if there is an opportunity to either eliminate the emission rate increase (possibly remove a permitting requirement) or reduce the emission rate increase (possibly move to less stringent permitting).

**If "No,"** it is likely that permitting or authorization from the appropriate air quality regulatory agency will be required prior to implementing the planned action or activity. Document the finding on the NRCS-CPA-52 and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the proposed action or alternative. **Go to Step 3.**

**If "Yes,"** modify the proposed action or alternative and **repeat Step 1.**

## **STEP 3**

Is the proposed action or alternative expected to result in a decrease in the emission rate of any criteria air pollutant for which the area in which the site is located is in an EPA designated nonattainment area for that criteria air pollutant? **Note:** For an explanation of criteria air pollutants and nonattainment areas, refer to section 610.21 of the NECH. Further information regarding nonattainment areas can also be found on the U.S. EPA nonattainment area Web page.

**If "No,"** go to **Step 4.**

**If "Yes,"** the opportunity for obtaining nonattainment pollutant emission credits may exist. Document the finding on the NRCS-CPA-52 and advise the client of that potential opportunity. If the client is interested in registering nonattainment pollutant emission credits, advise him or her to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine if and how credits can be documented or registered for potential sale. **Go to Step 4.**

## **STEP 4**

Is the site or proposed action or alternative subject to any other Federal (e.g., New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, etc.), State, or local air quality regulation (including odor, fugitive dust, or outdoor burning)? **Note:** Refer to section 610.21 of the NECH for a further discussion of air quality regulations.

**If "No,"** additional requirements are not likely to be needed prior to implementing the proposed action or alternative. **Document the finding on the NRCS-CPA-52 and proceed with planning.**

**If "Yes," additional permitting, authorization, or control requirements may be needed prior to implementing the proposed action or alternative.** Document the finding on the NRCS-CPA-52, and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what requirements must be met prior to implementing the proposed action or alternative.