



OFFICE OF AIR QUALITY PLANNING AND STANDARDS

RESEARCH TRIANGLE PARK, NC 27711

November 22, 2024

Sent Via Electronic Mail

Dear Honorable Leader:

The U.S. Environmental Protection Agency (EPA) is initiating consultation with federally recognized Indian Tribes to obtain input on the agency's proposed amendments to the Standards of Performance for new, modified, and reconstructed stationary combustion turbines and stationary gas turbines, also known as the New Source Performance Standards (NSPS) for stationary gas and combustion turbines, at 40 CFR Part 60 Subparts GG and KKKK. These proposed amendments reflect the Agency's review of available control technologies to limit emissions of criteria air pollutants.

In this rulemaking, the EPA is proposing that combustion controls combined with selective catalytic reduction post-combustion control technology is the best system of emission reduction to reduce nitrogen oxides (NO_x), with limited exceptions. Based on this approach and new technical information, the EPA is proposing to lower NO_x emission limits for most of these turbines. The EPA also is proposing provisions for these turbines that burn hydrogen to ensure that they meet the same NO_x control levels as those burning natural gas or other non-gas fuels. The EPA also is proposing amendments to clarify the existing regulations. This NSPS has a consent decree deadline for signature of a final rule by November 12, 2025.

The proposed rule will publish in the *Federal Register* in the coming weeks, and the EPA will be accepting public comments for 90 days after the publication date in the *Federal Register*. We have enclosed a fact sheet regarding the proposed NSPS. For more information about this proposed action and information on how to submit comments, please see the EPA rulemaking website:

<https://www.epa.gov/stationary-sources-air-pollution/stationary-gas-and-combustion-turbines-new-source-performance>.

The EPA's anticipated timeline for the consultation period is expected to extend through February 15, 2024. This consultation process will be conducted consistent with the *EPA Policy on Consultation with Indian Tribes*¹ and the *Guidance for Discussing Tribal Treaty or Similar Rights*.² The EPA invites you and/or your designated consultation representative(s) to participate in this process to discuss information related to the Review of New Source Performance Standards for Stationary Combustion Turbines and Stationary Gas Turbines, including treaty or similar rights, Indigenous knowledge, and sacred sites.

¹ <https://www.epa.gov/tribal/epa-policy-consultation-indian-tribes>

² <https://www.epa.gov/tribal/epa-policy-consultation-indian-tribes-guidance-discussing-tribal-treaty-or-similar-rights>

If your Tribe has questions about the proposed action or would like to request government-to-government consultation with the EPA on this rulemaking, please have your staff contact Regina Chappell, Tribal Consultation Advisor, at chappell.regina@epa.gov or (919) 541-3650, by February 1, 2024. We also encourage you to submit written comments to the docket to identify any information that you believe may be relevant to the development of the final rule. Tribes may submit written comments at <https://www.regulations.gov/>, Docket ID No. EPA-HQ-OAR-2024-0419, any time during the open comment period following publication in the *Federal Register*.

We request your input to assure that we develop the best rule possible. We endeavor to conduct our efforts with sensitivity to the needs and culture of your Tribe and with attention to the potential impact of our actions. I look forward to hearing from you on this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Penny Lassiter". The signature is written in a cursive, flowing style.

Penny Lassiter
Director, Sector Policies and Programs Division

ENCLOSURES

1. Fact Sheet

cc: Tribal Environmental Director
Tribal Environmental Staff