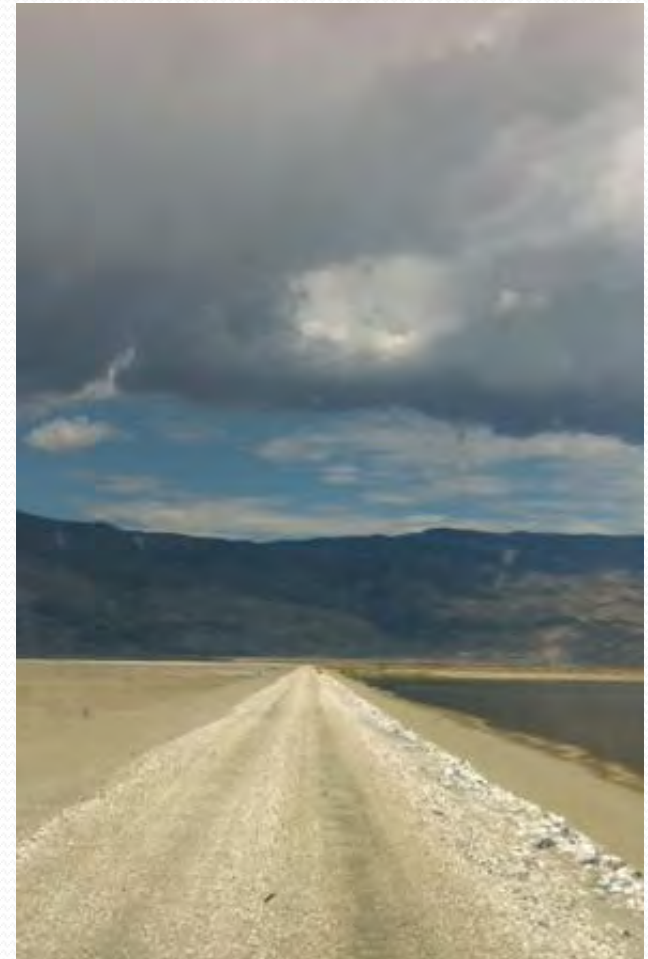


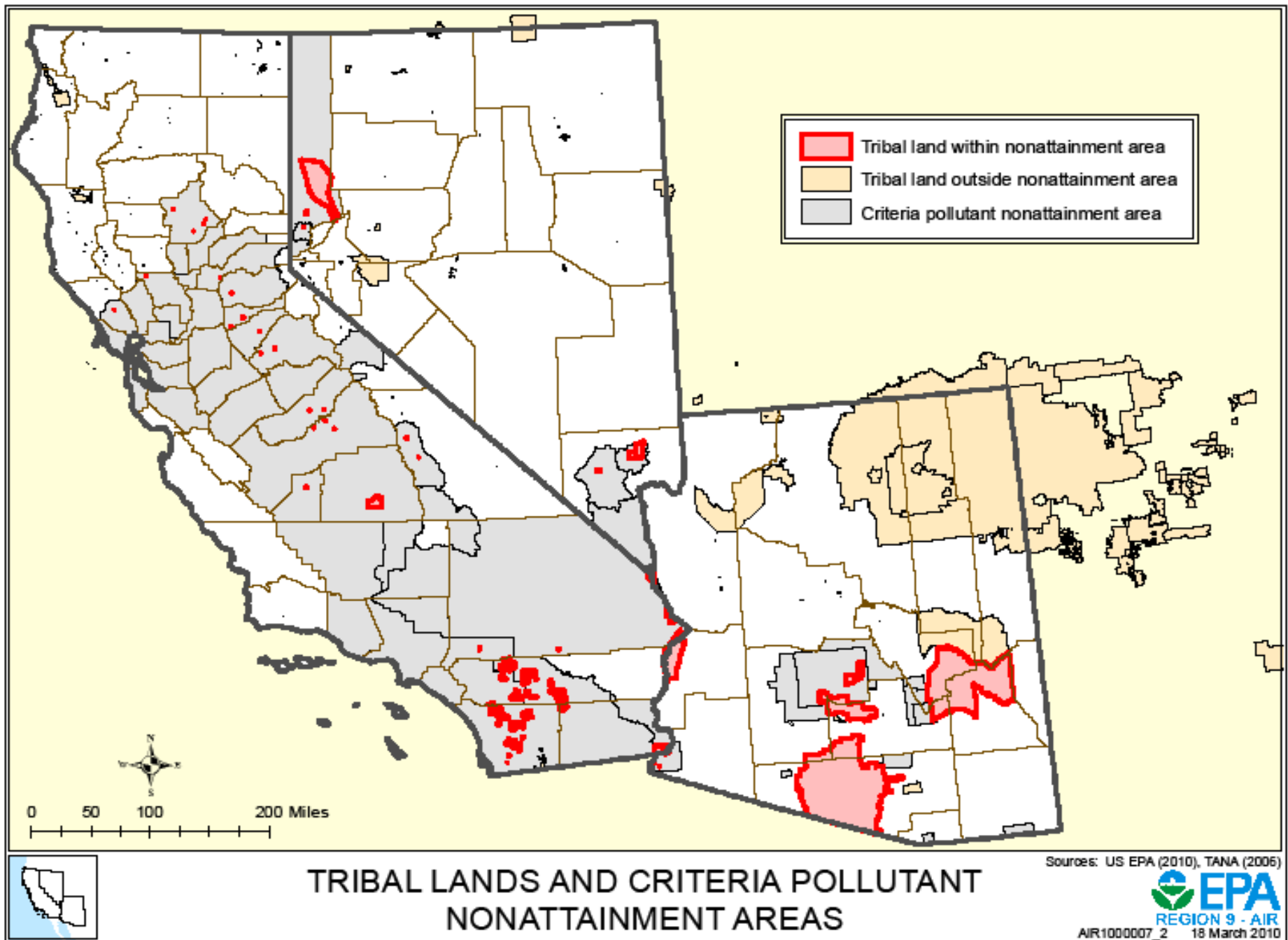
# EPA Air Division Session 2011 Tribal/EPA Conference

Deborah Jordan  
Air Division Director  
EPA Region 9  
October 19, 2011

# How We Work with Tribes

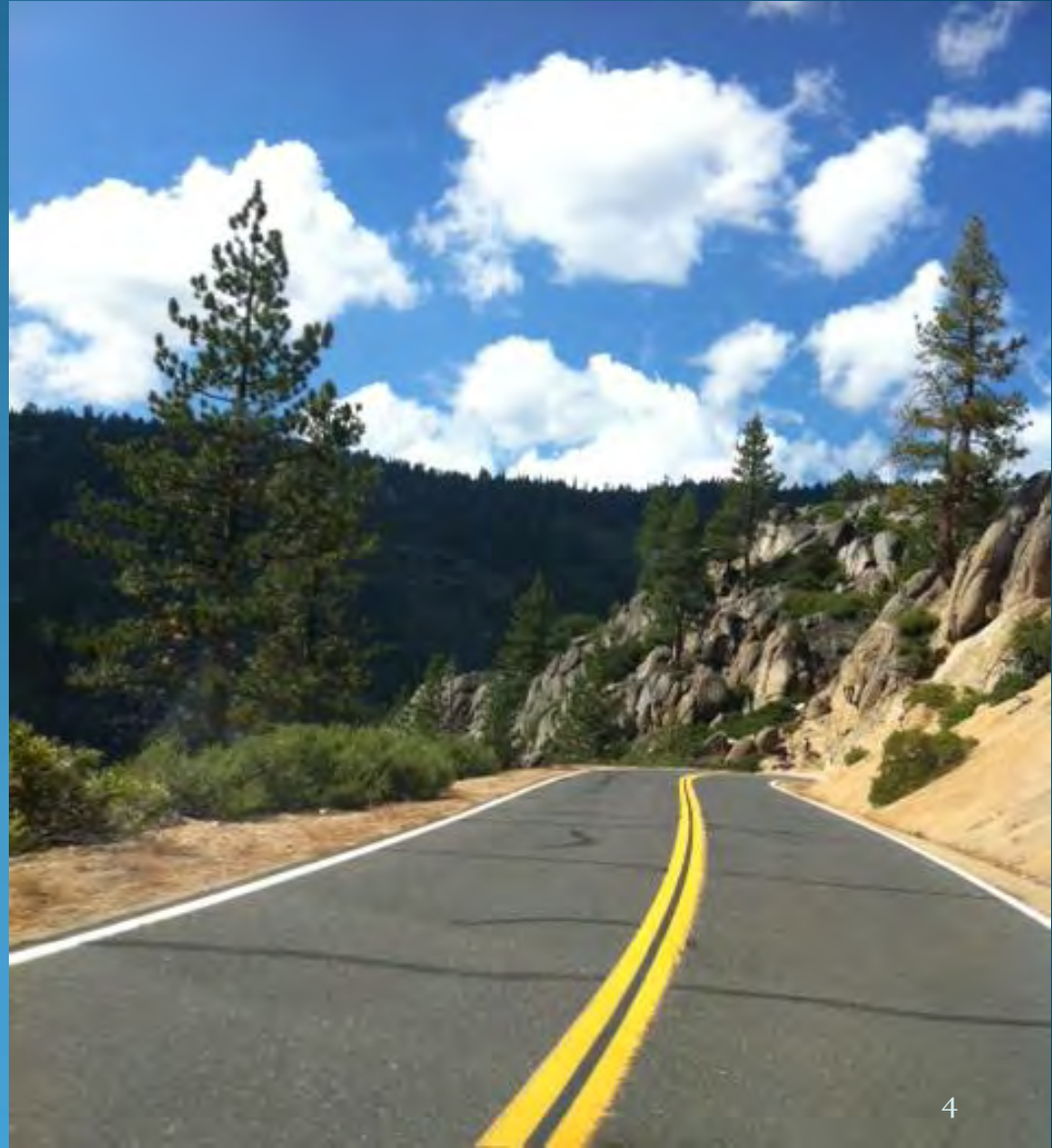
- Provide outreach and consultation on air quality regulations and policies affecting tribes.
- Educate and inform on air quality issues.
- Award and manage tribal Clean Air Act (CAA) grants.
- Provide technical support for air quality monitoring.
- Issue permits and Federal Implementation Plans (FIPs) for sources of air pollution on tribal lands.





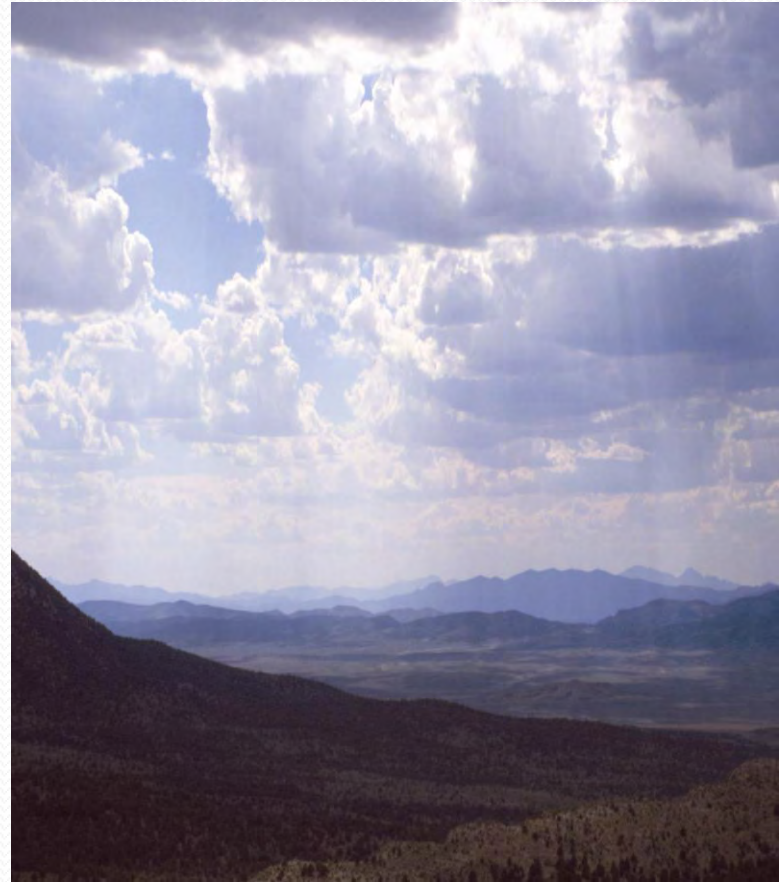
# Region 9 Tribal Air Priorities

- Designations
- Permits and FIPs
- Monitoring



# Designations Overview

- Designations: inform and involve tribes in all stages of the process
  - Standards setting
  - 2008 Ozone Standard
  - Tribal Designations Policy



# Designations—Standard Setting

- NAAQS updated every 5 years, revised standards trigger designation process.
- O<sub>3</sub> —designations process for 2008—going on now. Final designations by mid 2012.
- PM<sub>10</sub>/PM<sub>2.5</sub>—delayed, TBD.



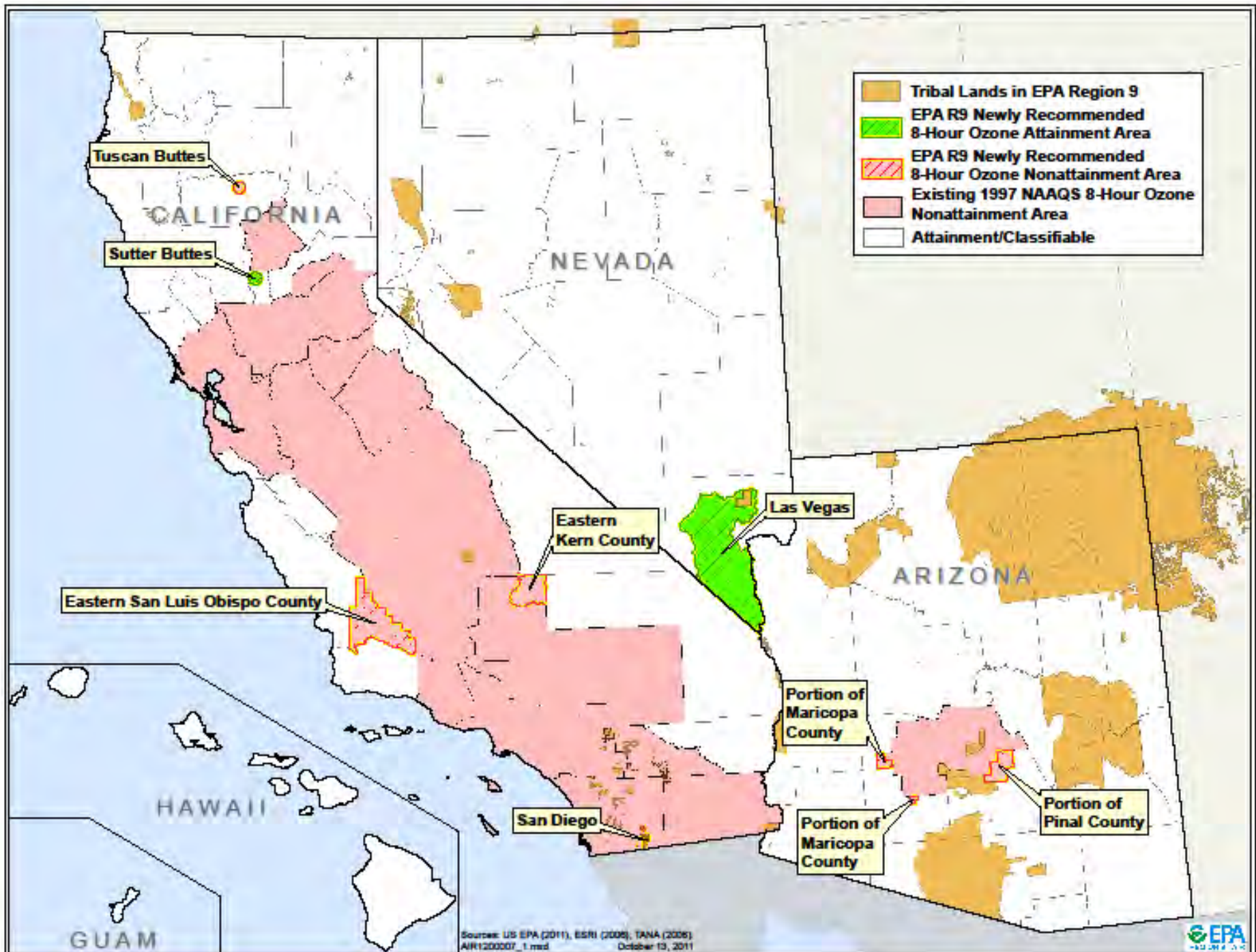
# Designations—Standard Setting

- Pb—revised 2008, limited designations October 2010 , majority of designations—late 2011.
- SO<sub>2</sub>—revised June 2010, recommendations due June 2011, final designations June 2012.
- NO<sub>2</sub>—revised April 2010, recommendations due January 2011, final designations January 2012 .

# Designations—2008 Ozone Standard

- EPA is implementing the 2008 Ozone standard, .075ppm.
- Region 9 is using states and tribes' 2009 recommendations and quality-assured ozone data from 2008-2010 as a starting point.
- We will be contacting tribes that we believe may be in nonattainment areas to offer additional outreach and consultation.
- Final designations expected—mid 2012.





# Designations—Tribal Policy

- Draft Policy: On a case-by-case basis, and after consultation with tribes, EPA may allow for designation of an area of Indian country separately from adjacent areas
- Tribes must meet criteria when submitting a request for a separate area.
- OAQPS offered consultation on the policy in August 2011 and conducted formal consultation with several Region 9 tribes.
- EPA plans to finalize this policy by the end of the year for use in the Ozone designation process.

# Permits and FIPs Overview

- Permits and Federal Implementation Plans (FIPs): regulate sources on tribal lands
  - BART FIPs
  - Tribal New Source Review (NSR) Rule





# Permits and FIPs—BART FIPs

- EPA promulgates FIPs for tribes as necessary to protect air quality .
- Regional Haze Rule requires reductions in the emissions of air pollutants that impact visibility.
- 2 Regional Haze Best Available Retrofit Technology (BART)-eligible sources on the Navajo Nation: Four Corners Power Plant (FCPP) and Navajo Generating Station (NGS).



# Permits and FIPs—BART FIPs

- August 2009 - EPA issued the Advanced Notice of Proposed Rulemaking to seek public input on cost effectiveness and visibility benefits of controls for FCPP and NGS.
- October 6, 2010—FCPP rulemaking proposed.
- February 2011, EPA published a FCPP Supplemental Proposal—alternative-to-BART proposed by Arizona Public Service.
  - Public hearings on this proposal were held in March 2011 and the public comment period was extended until May 2011.
- EPA plans to finalize FCPP rulemaking after consultation with Navajo Nation.

# Permits and FIPs—BART FIPs

- EPA has not yet proposed BART for NGS.
- EPA requests input as we seek to understand the impact of controls at NGS on tribes prior to our proposal. Specifically:
  - Impact to water rights settlements
  - Impact on tribal revenues and employment opportunities
- EPA currently conducting Government-to-Government Tribal Consultations in accordance with EPA Tribal Policy.



# Permits and FIPs—BART FIPs

- Other EPA regulations potentially impacting NGS and other power plants:
  - Air Toxics Rule (Mercury, Acid Gases, and other air toxics) – March 2011 proposal and November 2011 final.
  - Green House Gas New Source Performance Standards for Power Plants – EPA is preparing proposal, schedule announced soon.
  - Coal Combustion Residue (Fly Ash) Handling Regulations – June 2010 proposal.

# Permits and FIPs—Tribal New Source Review Rule

- Tribal NSR Rule became effective on August 30, 2011.
- Tribal NSR rule creates pre-construction air permitting programs for new minor sources and modifications in Indian country, and for new major sources and modifications in Indian country in nonattainment areas.
- EPA will continue to regulate major sources and modifications on Tribal Land in attainment areas under the Prevention of Significant Deterioration (PSD) Program.

# Monitoring Overview

- Monitoring: Provide technical assistance and guidance
  - Informational and regulatory



# Monitoring— Informational/Regulatory

- Tribes can collect air quality data for two purposes: informational and regulatory
- Informational Purposes:
  - Can be used for air quality forecasting and preliminary air quality assessment
  - QA practices not explicitly required by regulation



# Monitoring— Informational/Regulatory

- Regulatory Purposes:
  - Data used by EPA in regulatory decision making must be accurate and reliable.
  - Regulatory decisions may include: comparison to NAAQS or Attainment/Non-Attainment designations.
  - QA is required to ensure accurate and reliable data.
  - All data collected by State/Local/Tribal organizations must withstand legal challenges.
  - All relevant QA requirements can be found in 40 CFR 58 Appendix A.
- Contact your project officer with questions.

# Tribal/EPA Accomplishments

- Building capacity.
- Gila River Indian Community Tribal Implementation Plan (TIP).
- Las Vegas Paiute/Clark County Collaboration.
- Tribal Diesel Emission Reduction Act (DERA) Projects.



# Building Capacity

- EPA award 25-30 tribal air grants annually for approximately \$3 million.
- Grants build tribal air quality management capacity: monitoring, emissions inventories, regulations, indoor air assessments, education.



# Gila River Indian Community TIP

- In January 2011, Region 9 finalized approval of the Gila River Indian Community's Tribal Implementation Plan (TIP).
- The plan provides a framework for protecting air quality, including ordinances, a permit program, civil and criminal enforcement, air monitoring, and an emissions inventory.
- The plan also includes specific ordinances for local businesses and industries such as aluminum extrusion plants, an explosives manufacturer, several sand and gravel operations, and regulations that cover dust emissions.



# Las Vegas Paiute/Clark County Collaboration

- Agreement allows the Las Vegas Paiute Tribe to collaborate on air monitoring with Clark County.
- The Tribe monitors and collects data using the Clark County QAPP until they develop an approved QAPP themselves. Clark County is assisting the tribe with AQS and training.
- Las Vegas Paiute also sits on the monthly TAC (Technical Advisory Committee) discussions with Clark County, industry , and other interested air quality partners in the Las Vegas area.



# Diesel Emission Reduction Act (DERA) Projects

- In 2010 EPA awarded DERA grants to 2 tribes in southern CA:
- Morongo Band of Mission Indians—\$250,000 to replace and retrofit 7 buses and 2 pieces of heavy duty construction equipment.
  - Tribe chose vehicles that log extensive miles per year and that operate near sensitive populations.
  - Retrofits reduced CO and HC emissions by 90% and PM by 85%; replacements reduced PM by 95% and NOx and HC by 50%.





# Diesel Emission Reduction Act (DERA) Projects

- Soboba Band of Luiseño Indians –\$78,000 to retrofit 9 school buses .
  - The 9 school buses travel nearly 700 miles per day, serving 16 reservations.
  - CO and HC were reduced by 90%, PM emissions were reduced by 85%.



# Diesel Emission Reduction Act (DERA) Projects

- In 2011 EPA awarded \$150,000 to the Salt River Pima Maricopa Indian Community.



- Project will retrofit 7 pieces of heavy duty mining equipment . Retrofits will reduce PM, HC, and CO by 90%



# Looking to the Future



# EPA Region 9 Contacts

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