

# Tribal Air News

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## Tribute to Virgil Masayesva, Leader in Environmental Protection



Virgil Masayesva, co-founder and director of Northern Arizona University's Institute for Tribal Environmental Professionals since 1993, died Wednesday, March 16, 2005. "NAU, the Hopi Tribe and all of Arizona have lost a true leader," said NAU President John Haeger. "Virgil Masayesva's contributions to his tribe, to NAU, to higher education and to the environment will live on. The bridges he helped build between native people and the higher education community are something all of NAU can be proud of."

Mr. Masayesva was an eloquent, skilled and committed supporter of tribal sovereignty and environmental protection. Through his hard work and steadfast leadership, he made a huge impact in building the capacity of tribal governments to implement environmental programs and achieve better air quality in Indian country.



When the Clean Air Act was amended in 1990 to include authorization for tribes to implement Clean Air Act programs on reservations, only a handful of tribes had experience running air quality management programs. Mr. Masayesva realized the need for a focused effort to make tribes aware of the new authority and to begin building more broadly in Indian country the capability to develop and manage air programs. In 1992 as liaison to Native American communities at NAU, Mr. Masayesva began working with others at the University and senior leaders at EPA to craft a strategy for providing support and capacity building to tribes who were interested in implementing Clean Air Act programs. Mr. Masayesva's efforts resulted in establishing of a Memorandum of Understanding between EPA and NAU to work cooperatively on addressing the environmental management needs of Indian country.

The creation of the Institute for Tribal Environmental Professionals (ITEP) at NAU where Mr. Masayesva was named its first director, undertook this effort. Starting with a small staff and support from several faculty members, Mr. Masayesva began building a suite of workshops that would introduce tribal environmental professionals to the intricacies and challenges of implementing the CAA. By the mid-1990's, a steady stream of tribal staff began to develop the necessary expertise to build air programs on reservations. With the promulgation of the Tribal Authority Rule in 1998, ITEP, through Mr. Masayesva's initiative, expanded exponentially. From the initial core curriculum of four workshops

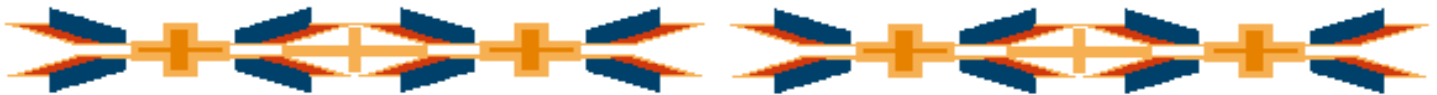
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## Virgil (continued from page 1)

(ranging from an introductory workshop on air quality management to a fundamentals workshop on air pollution control technology), ITEP's offerings expanded to nearly twenty workshops, including opportunities to learn about monitoring, data quality management, and some fundamentals of air pollution modeling.

From that handful of tribal governments with air programs in the late 1980's, tribal government interest in air quality management has expanded substantially. As a result of the training offered through ITEP to hundreds of tribal environmental professionals representing more than 400 tribes, over 100 tribes are currently managing air programs, maintaining air pollution emissions inventories, and pursuing sophisticated air quality monitoring strategies. Due in part to this legacy, ITEP received Clean Air Excellence awards from EPA's Office of Air and Radiation in 2000 and 2001.

At EPA, Mr. Masayesva will be remembered not only for his diligent efforts, but also for the knowledge and friendship he shared. The staff who work to support tribal environmental programs looked to him for inspiration and guidance. At EPA, Virgil Masayesva will be sorely missed by all who knew him.



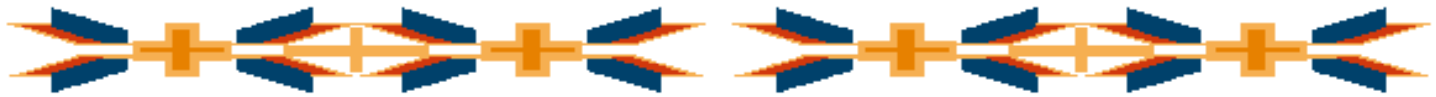
## May 20 Deadline for CARE Grants

EPA is sponsoring a new multimedia grants program called The Community Action for Renewed Environment or CARE. Tribal Environmental Programs and other tribal organizations can apply for these grants. CARE is designed to complement EPA's national regulatory approaches and meet community needs by building the capacity of communities to understand and take effective actions to address toxic concerns resulting at the local level. This program is designed to empower communities to develop a comprehensive understanding of all sources (air, water, or land) of risk from toxic pollutants, set priorities, and reduce risks through collaborative action at the local level. CARE is also designed to support community efforts to build self-sustaining community-based partnerships that will continue to improve local environments.

Through this program, EPA, State or Tribal governments and other local organizations can build community capacity to understand and reduce risks by providing funding, information, training, technical support, help with building collaborative partnerships, and access to voluntary programs to address community concerns.

Two types of grants will be awarded as part of this program. Level I cooperative agreements (about \$75,000) are used to support collaborative problem solving partnerships to address toxics risks and to support the efforts of these partnerships to develop a comprehensive understanding of toxic risks and set community priorities for risk reduction. Level II agreements (about \$300,000) provide funding to projects in communities that aim to demonstrate actual toxics risk reductions in their environment.

**Completed proposals for the first CARE funding opportunity are due to EPA by May 20, 2005.** The complete Request for Applications (RFA) is posted at <http://www.epa.gov/care>. If you have questions, call Holly Wilson at 919-541-5624 or Laura McKelvey at 919-541-5497 or Call toll free at 1-877-CARE 909 (1-877- 227-3909)



# Navajo Become First to Administer Title V

The Navajo Nation EPA (NNEPA) has taken over Title V permitting responsibilities for twelve existing and all new major stationary air pollution sources on the Navajo Reservation. The Navajo Nation is the first tribe to administer a title V operating permits program. The U.S. Environmental Protection Agency delegated authority to NNEPA to administer the federal Title V operating permits program (Part 71). On October 15, 2004, EPA Region IX and the NNEPA entered into a Delegation of Authority Agreement (“Agreement”) which specifies the terms of the delegation.

At the signing ceremony on November 4, 2004, Laura Yoshii, the EPA’s deputy regional administrator for the Pacific Southwest region, noted: “Today marks a great achievement for the Navajo Nation and is an important first step toward the tribe’s development of an air quality control program.” “We will continue to work with the tribe to increase its environmental program capacity and to promote local environmental stewardship.”



“This major accomplishment caps years of coordinated and combined efforts by the U.S. EPA, NNEPA, the Navajo Nation Council and the Navajo Department of Justice,” said Navajo Nation President Joe Shirley, Jr. “I extend my appreciation to everyone for all their dedication and hard work.”

Under the agreement, Region IX will continue to oversee the Part 71 permits for the Navajo Generating Station and the Four Corners Power Plant. In conjunction with the delegation, Region IX also determined that the NNEPA meets the eligibility requirements for treatment in the same manner as a state (“TAS”) for the purpose of entering into the Agreement and waived its collection of Part 71 permit fees for those sources covered by the Agreement in light of NNEPA’s demonstration they can collect fees under tribal law sufficient to fund the delegated Part 71 program.

The NNEPA intends to eventually seek full Part 70 approval of its Title V operating permits program. The fees collected by the NNEPA during the administration of the Part 71 program will help them to establish the staff and resources necessary to apply for full Part 70 approval. EPA Region IX has worked closely with the NNEPA over the last two years to help them develop their air quality program and increase their regulatory capacity. Part 71 delegation is an important first step towards NNEPA’s development of a comprehensive air quality control program.

Delegating the Part 71 program to the Tribe supports EPA’s goals of increasing tribal environmental program capacity and promoting local environmental stewardship. EPA believes that NNEPA’s implementation of the federal permitting program will improve responsiveness to the public and regulated community.

# eRulemaking Makes Participation Easier

The eRulemaking Initiative began as one of the Presidential Management Agenda (PMA) E-Government initiatives, which were announced by the White House in 2001. One of the principal goals of the PMA is to expand electronic government services to citizens and businesses by leveraging existing information technology systems to create new applications and more efficient operations. The purpose of the E-government initiatives is to make the Federal Government citizen centric and give the citizen better and easier access to government information.

The eRulemaking Initiative was conceived as one of the first major e-democracy initiatives of the Federal government. Through this Initiative, citizens can easily access and participate in a high quality, efficient, and open rulemaking process. This Initiative will provide one place on the internet where citizens can find all federal rulemaking dockets.

The Initiative will provide an electronic system that allows citizens to view, download, and search all documents that make up a rule making docket across the federal government. The search capabilities will enable a user to receive search results from more than one agency. For example, if a person types in the word 'salt,' the search results will provide all the documents that have the word 'salt' in them from all federal agencies in the system. This is a major change from current Agency or Department specific systems.

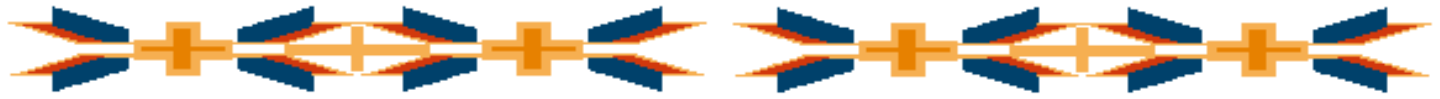
Regulations.gov, (<http://www.Regulations.gov>), the first milestone of the eRulemaking Initiative, is a groundbreaking achievement that puts the federal government's rulemaking process at the American public's fingertips. It is the first one-stop, Internet site for the public to search, view and comment on all proposed rulemakings across the Federal Government. It is also the first time virtually all federal agencies can accept electronic or web-form comments.

The next phase of the eRulemaking initiative will replace and build on the capabilities offered by Regulations.gov to establish a full-featured federal docket management system. It will serve as a central repository for all federal rulemaking dockets, which include federal register notices, supporting materials such as scientific or economic analyses, and public comments, as well as non rulemaking dockets. The system will also allow the public to comment on rules that are open for comment as well as view and download comments that others have made on rule. Another feature of this system is an E-mail notification that will alert users when documents or comments are placed in a particular docket. The user can then stay on top of any activity going on in the docket or dockets of interest. The system will also allow citizens to generate and print Reports, such as a list of the top requested agency dockets, and be able to create their own customized reports. The federal-wide docket system will be incorporated into the existing Regulations.gov Web site and will go into production in the summer of 2005 with the Environmental Protection Agency and National Archives and Records Administration using the system. Other Agencies and Departments will move into the system throughout 2005-2007. As each Agency and Department is adopted into the system more combined federal rulemaking information will be available to the public.

The third component of the Initiative addresses the development of federal rules by providing a "Rule-writer Toolbox." As a voluntary component of the initiative, this will include a collection of useful tools, databases and best practices to assist federal rulewriters in the development, review, and publication of federal regulations and analysis of public comments. Many of these tools will be available to the public.

The eRulemaking Initiative, managed by EPA, is a collaborative, cross-agency initiative involving more than 150 federal rulemaking agencies and governed by an executive committee of 19 partner departments and agencies. The eRulemaking Initiative is putting the federal government's rulemaking process at the American public's fingertips and will enable citizens to directly see and comment on rules that will affect their lives and environment.





# UPDATES...

## Next steps: after PM and Ozone Designations

In 2004, EPA designated all parts of the US, including Indian country, for the 8-hour ozone and PM2.5 national ambient air quality standards (NAAQS). 64 tribes are located in 8-hour ozone nonattainment areas, and 35 tribes are in PM2.5 nonattainment areas. In order to implement these new standards, states are required to submit State Implementation Plans (SIPs) within 3 years. But what about tribes? Of course, tribal governments are not required to develop a Tribal Implementation Plan (TIP). Often, tribes in nonattainment areas have poor air quality due to transport of pollutants from off-reservation. Tribes in such a situation may find that the best way to improve their air quality is to get involved in the neighboring state’s SIP process. If sources or urban areas are located upwind, then giving input to what, when and how much the sources are controlled could impact air quality for downwind tribal communities. EPA intends to be active in assisting tribes to understand the SIP process so they can effectively give input as the states develop SIPs. To that end, OAQPS has led a regional Work Group to develop training for tribes which will be offered this summer and fall. For more information, contact Julie McClintock, [mcclintock.julie@epa.gov](mailto:mcclintock.julie@epa.gov), or Doug McDaniel (EPA Region 9), at [mcdaniel.doug@epa.gov](mailto:mcdaniel.doug@epa.gov).

## Working Effectively with Tribes Training

One of the goals of the OAQPS Tribal program is to provide training to educate staff about Tribal communities so they can apply this knowledge to the day-to-day work of rulewriting and policymaking. This goal helps us fulfill our obligation under the 1984 EPA Indian Policy which asks that we insure the close involvement of tribal governments in making decisions and managing environmental programs affecting reservation lands. On October 28, 2004, EPA’s Office of Air Quality Planning and Standards (OAQPS) held a one day training session, “Working Effectively with Tribes”. Julia Coates, a Cherokee Tribal member and lecturer, gave a wonderful talk about American Indian history and U.S. policies toward tribes from the past. Tony Redhouse introduced Navaho cultural concepts through music and dance. Brandy Toft, Leech Lake Band of Ojibwe, and Dan Blair, Gila River Indian Community described their air programs and explained why growing their own air programs are important to tribes. Finally, experienced staff and Tribal professionals shared pointers on how to communicate with Tribes and their environmental staff.

## Training Events

**Dates**      **Course Name**      **Location**      **Course Sponsor**

**Please keep in mind that these dates are subject to change.**

**The schedule at <http://www.nau.edu/itep/> reflects the most current date changes.**

Apr 19-22	Educational Outreach for Air Quality Professionals (Outreach)	Phoenix, AZ	ITEP-NAU
May 16-20	Management of Tribal Air Programs and Grants (MGMT)	Coeur d’Alene, ID	ITEP-NAU
May 24-27	Gaseous Pollutant Monitoring	Las Vegas, NV	TAMS Center
June 7-10	The Clean Air Act and Permitting (CAA/P)	Indianapolis, IN	ITEP-NAU

**Additional training events, that are sponsored by EPA, can be found at <http://www.epa.gov/air/oaqps/eog>**

# Tribal Code Modifications in the Air Quality System

The Air Quality System contains ambient air pollution data collected by EPA, state, local, and tribal air pollution control agencies from thousands of monitoring stations. AQS also contains meteorological data, descriptive information about each monitoring station (including its geographic location and its operator), and data quality assurance/quality control information. The Office of Air Quality Planning and Standards (OAQPS) and other AQS users rely upon the system data to assess air quality, assist in Attainment/Non-Attainment designations, evaluate State Implementation Plans for Non-Attainment Areas, perform modeling for permit review analysis, and other air quality management functions. AQS information is also used to prepare reports for Congress as mandated by the Clean Air Act.

State, local and tribal agencies submit their data directly to AQS using a web application. Registered users may also retrieve data through the AQS application and through the use of third party software such as the Discoverer tool from Oracle Corporation.

There are approximately 147 air quality monitoring sites currently being operated by Tribes. The air quality data they provide is valuable for developing a more complete understanding of air quality throughout a given region. In addition, access to the data allows EPA and the tribes to understand and work towards solving air quality management problems. Data from many of these sites are not reported to EPA's Air Quality System (AQS). Under the current format, Tribes would need to enter their data using existing

state and county codes rather than using codes representing a tribal entity. To better recognize our government -- to -- government relationship, EPA and the tribes have established a workgroup to determine the best approach for modifying the AQS.

In order to better meet the tribes' needs, AQS needed to change -- updating the user interface. This includes input transactions, forms and reports within the system. Once these changes are finished, tribal users will be able to submit and retrieve tribal data efficiently. EPA expects most of the modifications to be finished by late spring 2005.

One of the first changes has been to modify the profile screen to allow tribal users to identify themselves. EPA has added a Tribal User checkbox. Figure 1 highlights the addition. By

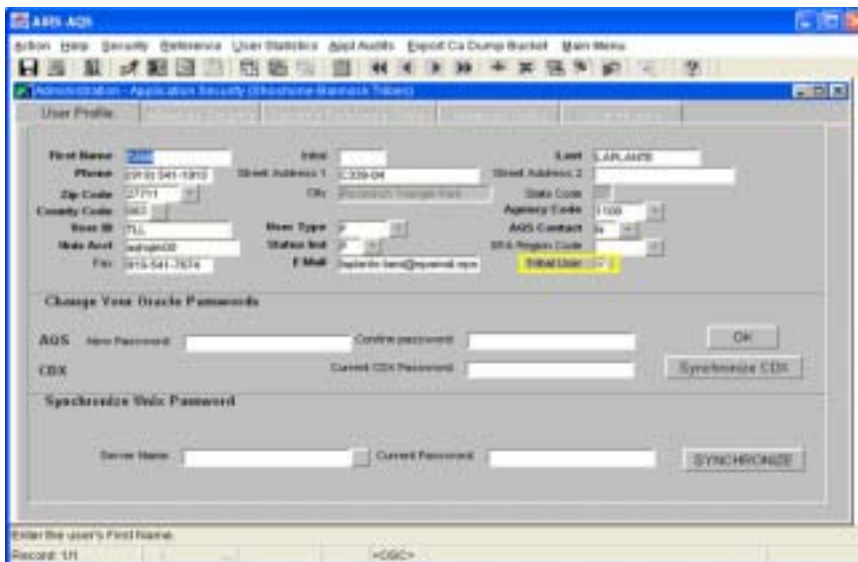


Figure 1

checking this box, tribal users will be directed to their own screens including tribal codes that they can enter instead of entering data using a state and/or county code. Figure 2 shows an example of a tribal screen.

The tribal code box will be the first column before other selection criteria. Other users will need to enter state and county codes. This allows each set of users to either be in tribal mode or state/county mode.

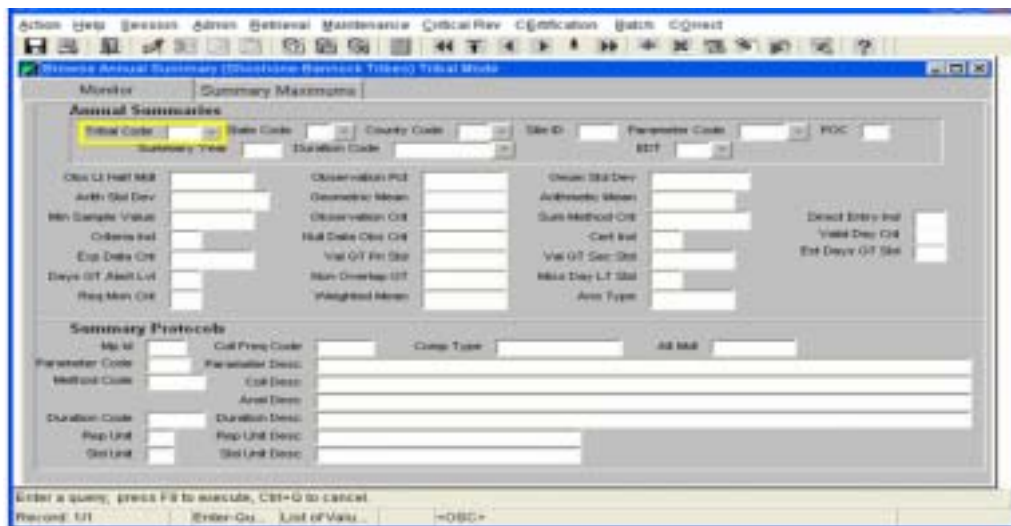


Figure 2

When in Tribal Mode, the tribal user will input their tribal code, hitting the tab key will allow the user to skip State Code and County Code automatically -- making data entry much easier. Should they wish to include a state code or county code, they can always just click in the area with the mouse to input the data.

The user profile screen also will allow users to operate both as tribal users, (i.e. be allowed to retrieve data using tribal codes), and non-tribal users, (i.e. retrieve data by state and county). You may also toggle this on and off by using the menu selection at the top of the screen. Users can select **Action**, then select **Tribal Mode On** or **Tribal Mode Off**.

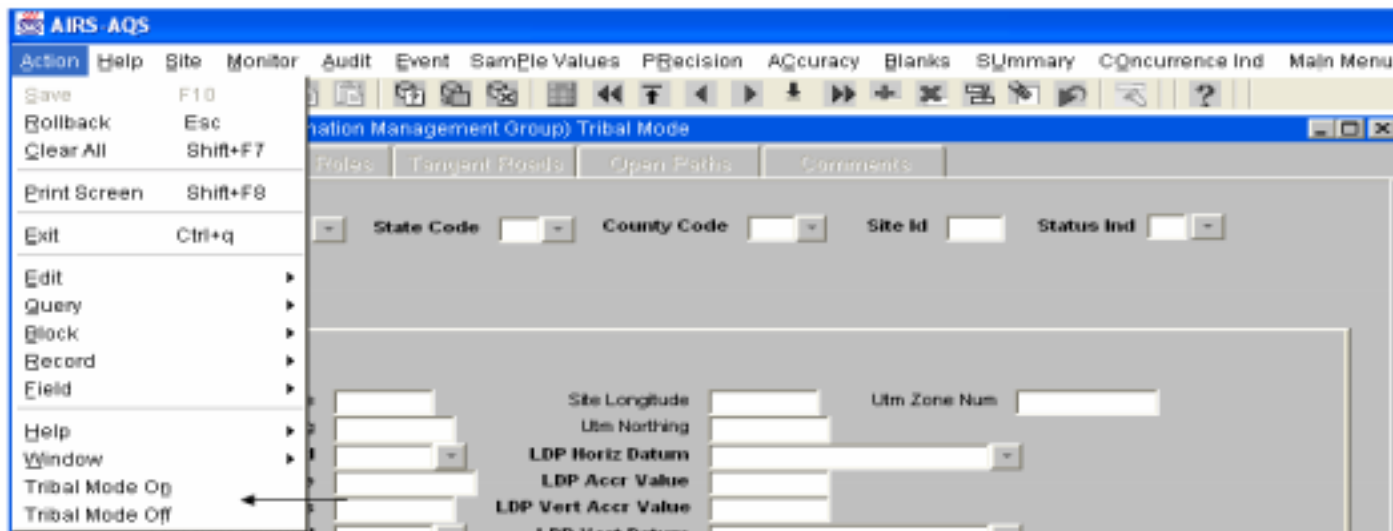


Figure 3

Figures 4 and 5 show more of the screens that have been changed to include Tribal Code.

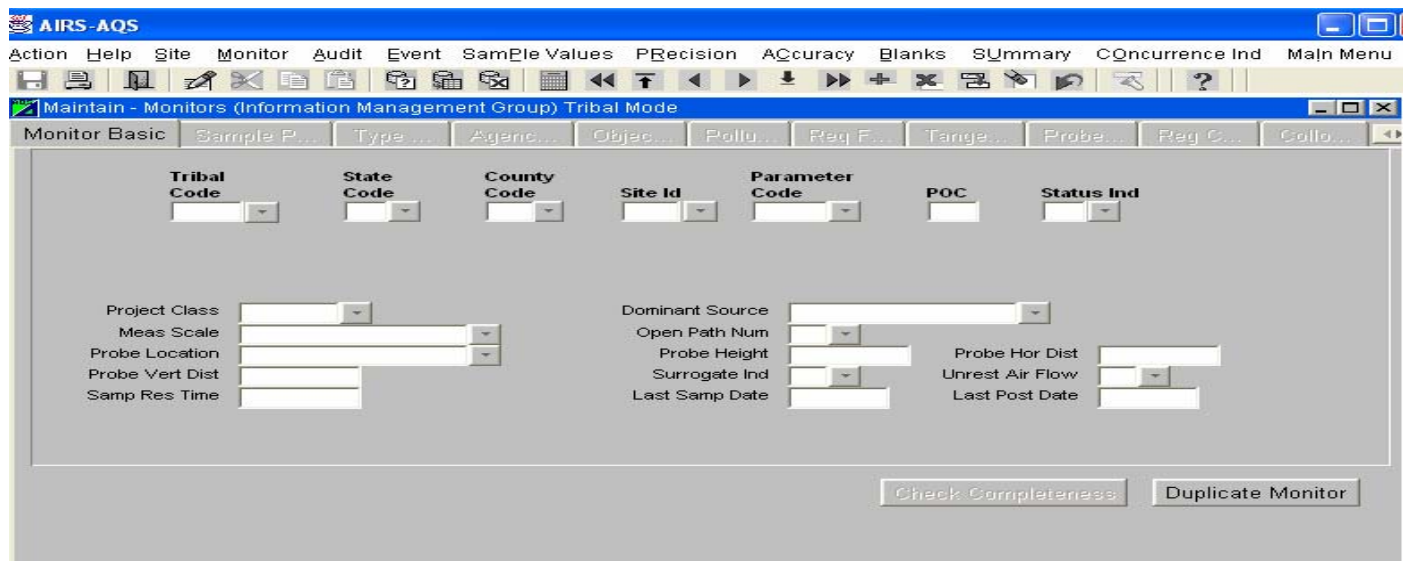


Figure 4

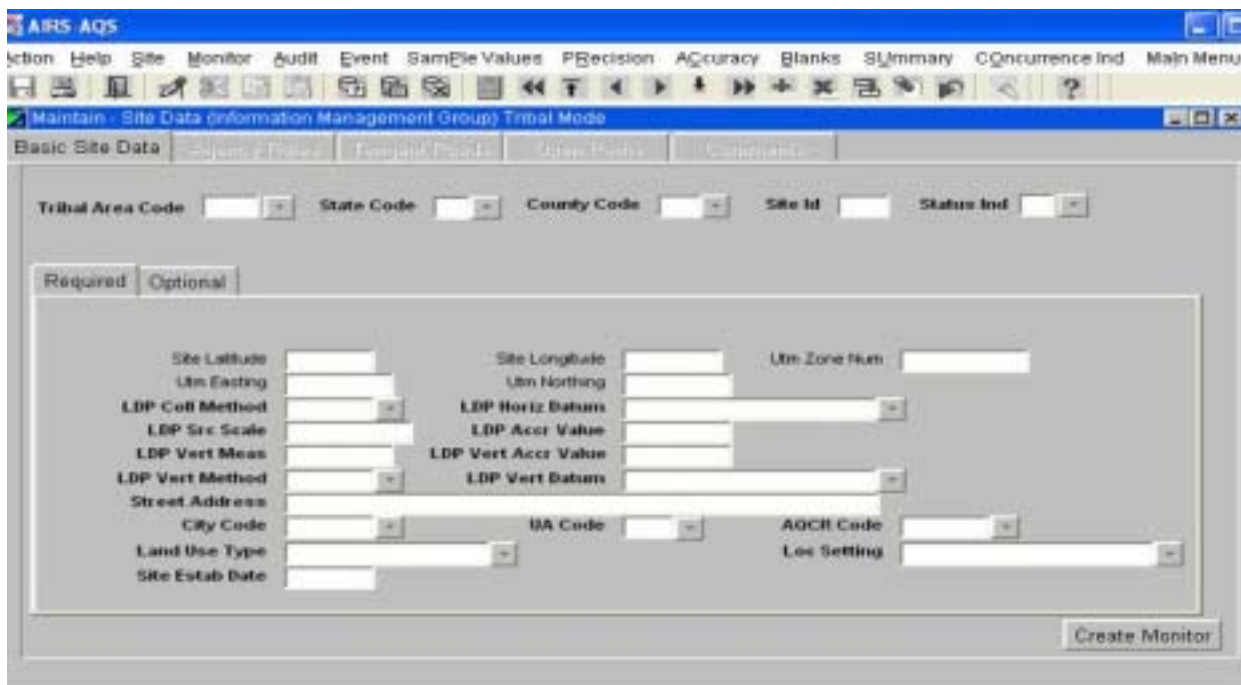


Figure 5

AQS will be holding their annual conference in San Diego, California on 13-16 June 2005. To register for this conference please contact Jerry Husketh at (919) 541-5449, e-mail [husketh.jerry@epa.gov](mailto:husketh.jerry@epa.gov) or go to our web site and register online at <http://www.epa.gov/ttn/airs/airsaqs/conference/conferences.htm>.