U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF AIR QUALITY PLANNING AND STANDARDS

TRIBAL AIR NEWS

ISSUE 1 FEBRUARY 2012

The Cross-State Air Pollution Rule and Tribes

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On July 6, 2011, EPA finalized the Cross-State Air Pollution Rule (also known as the Transport Rule). This rule cuts power plant pollution from 28 states in the eastern half of the country that contribute to harmful smog (ozone) and soot (fine particulate) pollution in downwind areas. On December 15, 2011, EPA finalized a supplemental rule to include five additional states in the Cross-State Air Pollution Rule's (CSAPR) ozone season nitrogen oxide (NO_X) program. On February 7, 2012, EPA issued two sets of minor adjustments to the CSAPR.

The CSAPR was scheduled to begin on January 1, 2012. On December 30, 2011, however, the U.S. Court of Appeals for the D.C. Circuit issued a ruling to stay the rule pending judicial review. This decision is not a ruling on the merits of the CSAPR. While this decision delays implementation of the CSAPR and the significant health benefits associated with the rule, it also leaves the Clean Air Interstate Rule (CAIR) in place while the Court considers the merits of the challenges to the CSAPR. Oral arguments are scheduled for April 13, 2012. In the meantime, EPA is working to ensure a smooth transition back to CAIR.

The Cross-State Air Pollution Rule will protect communities, including tribal communities, that are home to 240 million Americans from smog and soot pollution. The rule will prevent up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 cases of acute bronchitis, 400,000 cases of aggravated asthma, and 1.8 million sick days each year beginning in 2014 – achieving up to $280 billion in annual health benefits.

The Cross-State Air Pollution Rule uses the Clean Air Act's "good neighbor" provision to reduce sulfur dioxide (SO_2) and NO_X emissions that contribute to pollution problems in downwind states, supporting local efforts to meet current air quality standards. By 2014, the rule and other state and EPA actions will reduce SO_2 emissions by 73 percent from 2005 levels. NO_X emissions will drop by 54 percent.

The rule is achievable, cost-effective and flexible. It uses proven market-based compliance mechanisms to keep costs low, encourage technological innovation, and allow the power sector to transition to cleaner generation.

EPA received comments on the proposed rule from several tribes and tribal organizations.

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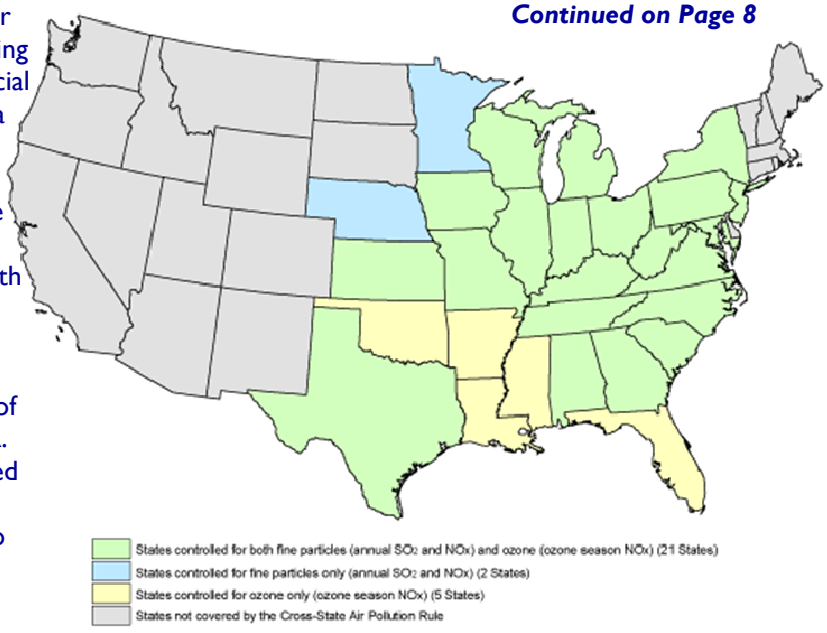
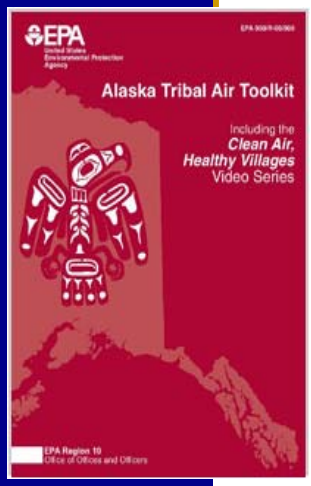


New Tool for Alaska's Tribes



By: Nancy Helm

EPA Region 10 has completed a new tool for Alaska's tribal communities. ***Clean Air, Healthy Villages*** is a video and fact sheet series that looks at some of the major air quality issues facing Alaska Native Villages and explores solutions to help tribal communities address those challenges. The videos were filmed entirely in Alaska tribal communities. Tribal input helped EPA identify the five major sources of air pollution in rural Alaska: indoor air, road dust, diesel emissions, wood smoke, and solid waste burning. Together, the fact sheets and videos make up the Alaska Tribal Air Toolkit which can be used by anyone to educate and develop solutions for these challenging air quality problems facing rural Alaska tribes. To view the videos and other toolkit components or order copies of the DVD, see the Alaska Tribal Air website http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribalairalaska.

Ozone Advance

"There are a variety of reasons why it makes sense to be proactive about reducing ozone...."

By: Laura Bunte

What is it?

Ozone Advance is a collaborative effort by EPA, states, tribes, and local communities to encourage emission reductions in ozone attainment areas to help them maintain the National Ambient Air Quality Standard (NAAQS) for ozone. The program, which was originally called Ozone Flex, was first offered in 2001 for the 1-hour standard, and in 2006 for the 8-hour standard. EPA is now planning to offer an updated version of the program with a variety of changes in early 2012. The updated program is aimed at keeping attainment areas in attainment of the 2008 (75ppb) standard, and any future revised standards.

The goals of Ozone Advance are to (1) help attainment areas to reduce emissions in order to ensure the continued health protection of their citizens, (2) better position areas to remain in attainment, and (3) efficiently direct available resources toward actions to address ozone problems quickly. The program will encourage the near-term implementation of local strategies to reduce ground-level ozone.

Why should you be interested?

It makes sense to be proactive about reducing ozone:

(1) Keeping ozone levels low means better health and environmental protection. Breathing air containing ozone can reduce lung function and increase respiratory symptoms, thereby aggravating asthma or other respiratory conditions. Ozone exposure also has been associated with increased susceptibility to respiratory infections, medication use by asthmatics, doctor visits, and emergency department visits and hospital admissions for individuals with respiratory disease. Ozone exposure may also contribute to premature death, especially in people with heart and lung disease. High ozone levels can also harm sensitive vegetation and

Continued on Page 3

Ozone Advance Continued . . .

Continued from Page 2

ecosystems.
(2) Early reductions could better position some areas to avoid a nonattainment designation and all of the requirements (such as new source review and transportation conformity) associated with nonattainment. Or, if an area is eventually designated nonattainment despite their early efforts to reduce ozone, their proactive work could result in a lower classification (e.g. Marginal instead of Moderate), with fewer requirements.
(3) Reductions in ozone precursor pollutants (NOx and VOCs) are often accompanied by reductions in other pollutants such as particulate matter and/or hazardous air pollutants.
(4) Early emission reduction actions could potentially receive "credit" in State/Tribal Implementation Plans (SIPs/TIPs) in the event an area is eventually designated nonattainment, or could be folded into the SIP/TIP process in other ways, such as part of the baseline from which needed reductions are determined.
(5) Although tribes are not required to develop TIPs, the implementation of early actions to reduce ozone could help tribes who may want to develop a TIP in the future. Ozone Advance would assist tribes who are interested in doing some early work to develop relationships with sources in the area, and to begin taking action to reduce emissions.

What will EPA offer my area if we decide to participate?
EPA would work with your area to help you get ozone reduction measures in place quickly. This would typically involve EPA providing technical advice and other non-technical assistance as needed by the area. Technical advice could relate to such matters as emissions inventory development/refinement, modeling, and information regarding control measures and programs. Non-technical assistance could be in the form of an expression of EPA support for measures presented to your tribal government for approval, and potential recognition of your area for its participation in Ozone Advance. EPA will not offer funding to Program participants at this time. EPA cannot guarantee that the steps taken in the program will keep an area in attainment, and the program does not establish any new requirements or defer/avoid any existing requirements.

How might a tribe become involved in the Program?
A tribe could become a program participant itself, or coordinate with a state or local government participant. The program guidance will specify that a state/local participant will coordinate with nearby tribal governments. State and local government participants should work with tribes by letting them know about any planned ozone advance actions and by providing tribes the opportunity to supplement them with actions of their own. They should work with tribes by alerting them to any planned actions and provide the opportunity for tribes to supplement these actions with measures/programs of their own.

How can you participate in the development of the Program?
The draft revised guidance for the program will be available for review and comment in early 2012. EPA will provide the draft guidance to the National Tribal Air Association for dissemination to interested tribes, and will provide it directly to any tribe upon request (see contact information below). We welcome your input!

Who can you contact if you have questions?
Laura Bunte
EPA Office of Air Quality Planning and Standards
Outreach and Information Division
(919) 541-0889
bunte.laura@epa.gov

S. Ute and Williams Announce Agreement

"This agreement demonstrates the Tribe's and Williams' commitment to environmental protection….."

The Southern Ute Indian Tribe and Williams have entered into an agreement that will improve air quality within the Southern Ute Indian Reservation and the greater Four Corners Region.

As owner and operator of the Ignacio natural gas processing plant, Williams will replace 10 compressor units – including seven 1950s -era reciprocating engines and three large gas turbines – with significantly more modern and efficient gas turbines.

The Tribe has agreed to participate in this significant upgrade project by granting Williams a 10-year rights-of-way extension for the company's pipelines and surface leases on Tribal Lands. While this rights-of-way extension has considerable value, the Tribe has agreed to grant the extension to Williams at no additional cost given the air quality improvements that will result with the installation of the new turbines.

"This agreement demonstrates the Tribe's and Williams' commitment to environmental protection generally and clean air in particular on the Reservation and in the Four Corners Region," said Tribal Chairman Pearl E. Casias. "Replacing the outdated compression units at the Ignacio plant with new, efficient turbines will provide a large and significant environmental and public health and welfare benefit to the Tribe and everyone who resides on the Reservation, as well as to surrounding areas."

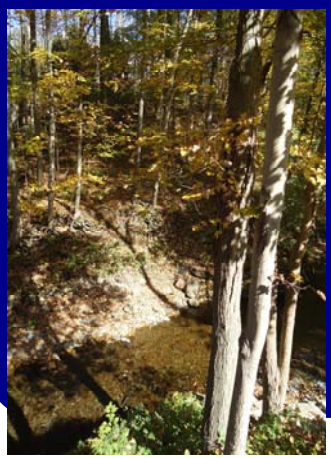
Under the terms of the agreement, the compressor upgrades are expected to be completed by September 2013.

"Williams has been in this area for more than 50 years, providing clean-burning natural gas to our nation," said Don Wicburg, Williams' general manager. "It is important to both Williams and the Tribe that we do our part to maintain the best possible air quality while providing good jobs and important economic development in our region."

"In addition to the other environmental benefits, it is the Tribe's hope that replacement of these compressors may help keep the Southern Ute Indian Reservation from being designated by the U.S. Environmental Protection Agency as a non-attainment area for ozone," Chairman Casias said.

(Reprinted with permission from Ace Stryker, Media Manager, Southern Ute)

Risk and Technology Review



The Clean air Act (CAA) requires the EPA to regulate hazardous air pollutants from large industrial facilities in two phases.

The first phase is "technology-based," where the EPA develops standards for controlling the emissions of air toxics from sources in an industry group (or "source category"). These maximum achievable control technology (MACT) standards are based on emission levels that are already being achieved by the controlled and low-emitting sources in an industry.

Within 8 years of setting the MACT standards, the CAA directs the EPA to assess the remaining health risks from each source category to determine whether the MACT standards protect public health with an ample margin of safety, and protect against adverse environmental effects. This second phase is a "risk-based" approach called residual risk. Here, the EPA must determine whether more health-protective standards are necessary. Also, every 8 years after setting the MACT standards, the CAA requires that the EPA review and revise the MACT standards, if necessary, to account for improvements in air pollution controls and/or prevention. EPA combines these 8-year reviews, referring to them as Risk and Technology Reviews or RTRs.

The next page lists all of the source categories, their projected/signed proposal and final dates, the project lead, and contact information.

Risk and Technology Review Project Information

SOURCE CATEGORY	PROPOSAL	FINAL	PROJECT LEAD	CONTACT INFO
Acrylic / Modacrylic Fibers	10/31/12	10/31/13	Nick Parsons	parsons.nick@epa.gov; 919-541-5372
Aerospace	3/15/11	1/15/15	Kim Teal	teal.kim@epa.gov; 919-541-5580
Chromium Electroplating	1/27/12	8/15/12	Phil Mulrine	mulrine.phil@epa.gov; 919-541-5289
Ferroalloys Production	11/4/11	6/29/12	Conrad Chin	chin.conrad@epa.gov; 919-541-1512
Flexible Polyurethane Foam Production	10/31/12	10/31/13	Kaye Whitfield	whitfield.kaye@epa.gov; 919-541-2509
Marine Vessel Loading	9/14/10	3/31/11	Mary Tom Kissel	kissel.mary@epa.gov; 919-541-4516
Mineral Wool	11/4/11	6/29/12	Susan Fairchild	fairchild.susan@epa.gov; 919-541-5167
Off-Site Waste Recovery Operations	10/31/12	10/31/13	Mary Tom Kissel	kissel.mary@epa.gov; 919-541-4516
Pesticide Active Ingredient Production	11/30/11	11/30/12	Andrea Siefers	siefers.andrea@epa.gov; 919-541-1185
+ Pharmaceuticals	9/14/10	3/31/11	Nick Parsons	parsons.nick@epa.gov; 919-541-5372
Phosphoric Acid / Phosphate Fertilizers	10/31/12	10/31/13	Tina Ndoh	ndoh.tina@epa.gov; 919-541-2750
Polyether Polyols Production	11/30/11	11/30/12	Andrea Siefers	siefers.andrea@epa.gov; 919-541-1185
+ Polymers and Resins I	9/14/10	6/30/11	Nick Parsons	parsons.nick@epa.gov; 919-541-5372
Polymers and Resins III	10/31/12	10/31/13	Nick Parsons	parsons.nick@epa.gov; 919-541-5372
Polymers and Resins IV	11/30/11	11/30/12	Nick Parsons	parsons.nick@epa.gov; 919-541-5372
Polycarbonates Production	10/31/12	10/31/13	Nick Parsons	parsons.nick@epa.gov; 919-541-5372
Portland Cement	6/15/17	6/15/18	Keith Barnett	barnett.keith@epa.gov; 919-541-5605
Primary Aluminum	11/4/11	6/29/12	David Putney	putney.david@epa.gov; 919-541-2016
Primary Lead Smelting	11/4/11	11/4/12	Nathan Topham	topham.nathan@epa.gov; 919-541-0483
Printing and Publishing	9/14/10	3/31/11	Kim Teal	teal.kim@epa.gov; 919-541-5580
Pulp and Paper I and II	12/15/11	7/31/12	Bill Schrock	schrock.bill@epa.gov; 919-541-5032
Secondary Aluminum	1/30/12	8/31/12	Rochelle Boyd	boyd.rochelle@epa.gov; 919-541-1390
+ Secondary Lead Smelters	4/29/11	12/16/11	Chuck French	french.chuck@epa.gov; 919-541-7912
+ Shipbuilding and Ship Repair	12/3/10	11/4/11	Tina Ndoh	ndoh.tina@epa.gov; 919-541-2750
Steel Pickling-HCL Process	1/27/12	8/15/12	Phil Mulrine	mulrine.phil@epa.gov; 919-541-5289
+ Wood Furniture	12/3/10	11/4/11	Nicholas Swanson	swanson.nicholas@epa.gov; 919-541-4080
Wool Fiberglass	11/4/11	6/29/12	Susan Fairchild	fairchild.susan@epa.gov; 919-541-5167

+ Completed RTR's

New Greenhouse Gas Standards for Heavy Duty Trucks

By: Rosalva Tapia

"These new standards will save all American businesses that operate and own these commercial vehicles approximately $50 billion in fuel costs over the life of the program."

On August 9, 2011, President Obama met with industry officials and discussed the first-of-their-kind fuel efficiency and greenhouse gas pollution standards for work trucks, buses, and other heavy duty vehicles and thanked them for finalizing a successful national program for these vehicles. The U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA) developed the standards in close coordination with industry as well as other stakeholders. The cost savings for American businesses are on top of the $1.7 trillion that American families will save at the pump from the historic fuel-efficiency standards announced by the Obama Administration for cars and light duty trucks, including the model year 2017-2025 agreement previously announced by the president. These new standards will save all American businesses that operate and own these commercial vehicles approximately $50 billion in fuel costs over the life of the program.

Under the comprehensive new national program, trucks and buses built in 2014 through 2018 will reduce oil consumption by a projected 530 million barrels and greenhouse gas (GHG) pollution by approximately 270 million metric tons. Like the administration's historic car standards, this program – which relies heavily on off-the-shelf technologies – was developed in coordination with truck and engine manufacturers, fleet owners, the State of California, environmental groups and other stakeholders.

The joint DOT/EPA program will include a range of targets which are specific to the diverse vehicle types and purposes. Vehicles are divided into three major categories: combination tractors (semi-trucks), heavy-duty pickup trucks and vans, and vocational vehicles (like transit buses and refuse trucks). Within each of those categories, even more specific targets are laid out based on the design and purpose of the vehicle. This flexible structure allows serious but achievable fuel efficiency improvement goals charted for each year and for each vehicle category and type.

These standards are expected to yield an estimated $50 billion in net benefits over the life of model year 2014 to 2018 vehicles, and to result in significant long-term savings for vehicle owners and operators. A semi-truck operator could pay for the technology upgrades in under a year and realize net savings of $73,000 through reduced fuel costs over the truck's useful life. These cost saving standards will also reduce emissions of harmful air pollutants like particulate matter, which can lead to asthma, heart attacks and premature death.

By the 2018 model year, Americans can expect this program to achieve significant savings relative to current levels, across vehicle types. Certain combination tractors – commonly known as big-rigs or semi-trucks – will be required to achieve up to approximately 20 percent reduction in fuel consumption and greenhouse gas emissions by model year 2018, saving up to 4 gallons of fuel for every 100 miles traveled.

For heavy-duty pickup trucks and vans, separate standards are required for gasoline-powered and diesel trucks. These vehicles will be required to achieve up to approximately 15 percent reduction in fuel

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New Greenhouse Gas Standards Continued. . .

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consumption and greenhouse gas emissions by model year 2018. Under the finalized standards a typical gasoline or diesel powered heavy-duty pickup truck or van could save one gallon of fuel for every 100 miles traveled.

Vocational vehicles – including delivery trucks, buses, and refuse trucks – will be required to reduce fuel consumption and greenhouse gas emissions by approximately 10 percent by model year 2018. These trucks could save an average of one gallon of fuel for every 100 miles traveled.

Beyond the direct benefits to businesses that own and operate these vehicles, the program will also benefit consumers and businesses by reducing costs for transporting goods, and spur growth in the clean energy sector by fostering innovative technologies and providing regulatory certainty for manufacturers.

These standards help reduce both air pollution and fuels use, which is vital to both respiratory health on tribal lands and the financial success of the tribally owned and/or operated medium and heavy duty vehicles.

For the original press release information, please visit EPA's website: http://www.epa.gov/otaq/climate/regulations.htm and on NHTSA's website: http://www.nhtsa.gov/fuel-economy.
For more information on the standards, please visit EPA's website: http://www.epa.gov/otaq/climate/regulations.htm#1-2).

Tribal Consultation

In April 2009, the Environmental Protection Agency's (EPA) Office of Air Quality Planning and Standards (OAQPS) finalized the "Consulting with Indian Tribal Governments." http://1.usa.gov/ua83mH

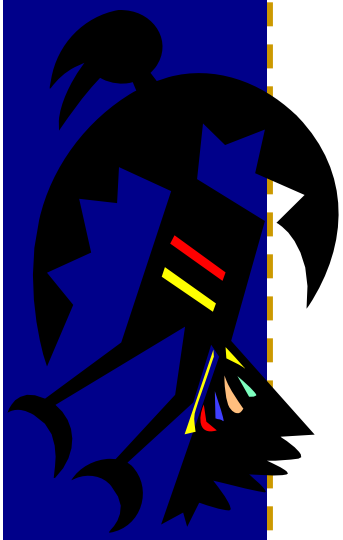
This consultation policy describes collaborative views regarding tribal consultation and is intended to assist OAQPS personnel in reviewing EPA regulatory actions for possible impacts on tribes and Indian country. Consulting with and offering early, meaningful tribal involvement is consistent with the federal trust responsibility to federally-recognized tribes. This policy was developed as a tool to introduce OAQPS staff and managers to the basics of government-to-government consultation with American Indian governments, as it applies to the work performed in OAQPS.

It has been several years since the policy was first implemented, and we have learned through our consultation process with tribes that there is a need to refine and amend the current document.

OAQPS is requesting tribal professionals and representatives to participate on an advisory committee to review the current policy. The purpose of this advisory committee will be to review the current consultation policy, provide comments, address changes required, assess comments and changes based on tribal input over the past years, and review the edited/redlined document for tribal leaders and EPA management review.

If you are interested in participating on this committee, please email your contact information to Angel McCormack (mccormack.angel@epa.gov) or Toni Colon (colon.toni@epa.gov). A conference call will be scheduled in February to begin this process.

Cross-State Continued. . .



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The comments addressed the absence of formal consultation with tribes on the proposed rule and inadequate protection of tribal sovereignty. In response to these comments, EPA sent a letter to all federally-recognized tribes in the country offering consultation and on January 7, 2011, EPA issued a Notice of Data Availability (NODA) requesting comment on allocations for new units in Indian country, among other topics. The Agency held two consultation and information-sharing conference calls in January and February 2011. Sixteen tribes participated to discuss the proposed rule.

As a direct result of these conversations and in conjunction with written public comments, EPA established an Indian country new unit set-aside in each state in CSAPR whose borders encompass Indian country (Florida, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, New York, North Carolina, South Carolina, Texas, and Wisconsin). The size of the set-aside was determined by taking the maximum area of Indian country in any covered state relative to the total area of the state. EPA used that percentage, which came to 5 percent, to determine the number of allowances from the state set-aside that would be designated for Indian country new units. This 5 percent level was also suggested by several tribal commenters and discussed during consultation.

Allowances from the Indian country new unit set-aside are allocated in essentially the same manner as the state new unit set-aside allowances and will be distributed by EPA to tribes if and when a covered power plant is constructed in Indian country. If no covered units need allowances, they will be redistributed to the budget of the state whose borders encompass Indian country for allocation to existing or new covered units.

EPA will administer all Indian country new unit set-asides as part of the CSAPR trading programs EVEN IF the surrounding state elects to modify or replace the federal implementation plans (FIPs) through an approved state implementation plan (SIP). EPA considered the comments from tribes regarding protection of tribal sovereignty and made sure, in the final rule, that under no circumstances would a tribe need to request allowances from a state.

For more information on the Cross-State Air Pollution Rule, please visit: http://epa.gov/crossstaterule/ or contact Erika Wilson at 202-343-9113, wilson.erika@epa.gov.

Clean, Green and Healthy Tribal Schools

EPA's Region 8 office has developed a series of webinars designed for tribal school administrators, risk managers, educators, health and safety coordinators, school health professionals, tribal environmental protection personnel, parents of school children and communities. The webinar series will provide the necessary information, techniques and tools to proactively establish and maintain a Clean, Green and Healthy Tribal School environment.

There are a total of six webinars—School Chemical Cleanout & PCBs; Asbestos & Lead Repair, Renovation and Painting Rule; Integrated Pest Management & Green Cleaning; Waste Reduction, Recycling, Composting & Gardening; Indoor Air; and Energy & Water Conservation.

The webinar series is located at http://tribalp2.org/resources/in-depth_resources/clean-green-healthy-tribal-schools.php. The series is also located on YouTube at http://www.youtube.com/user/PeaksToPrairies.

For more information about the program and the webinar series, please contact Matthew Langenfeld at langenfeld.matthew@epa.gov, or 303-312-6284.

Tribal Flag on Display at Smithsonian

The California Valley Miwok Tribe located in Stockton, CA, is a federally recognized tribe eligible to receive and distribute services from the federal government. On Monday, November 21st, 2011, the Tribe received confirmation by email that the culmination of years of effort to design, produce, and deliver an official flag to the Smithsonian National Museum of the American Indian (NMAI), located in Washington, D.C., had finally been achieved. The flag is to be displayed alongside other flags of federally recognized tribes.

The Tribe appreciates that NMAI Director, Mr. Kevin Gover, was patient with the Tribe in providing the flag that he had requested years prior and is grateful that he and his staff have placed the flag in such a position of prominence to be displayed. It has been a long journey for the Tribe in realizing this endeavor—from the Tribe's first-ever organized and recognized tribal government in 1998, to the recognized tribal government submitting its resolution to officially change its name in 2001, and to the creation of a tribal flag from the universally-recognized Official Seal of the California Valley Miwok Tribe, that is now proudly being displayed at the Smithsonian National Museum of the American Indian.

For more information on the Smithsonian National Museum of the American Indian, located at 4th Street and Independence Avenue SW, Washington, D.C., 20560, please visit their website at www.nmai.si.edu.

For more information about the California Valley Miwok Tribe, please visit their website at http://www.californiavalleymiwoktribe-nsn.gov.

(Article and photos reprinted with permission from Silvia Burley, Chairperson, California Valley Miwok Tribe.)

Mr. Kevin Gover, former Under Secretary of the BIA/DOI and current Director of the Smithsonian National Museum of the American Indian displays the California Valley Miwok tribal flag.

The California Valley Miwok flag shows the center logo surrounded by traditional colors of the Miwok and a gold braid border.

Designations Policy and Guidance

On December 20, 2011, Steve Page, the Director of EPA's Office of Air Quality Planning and Standards, signed two tribal designations memorandums.

1) Policy for Establishing Separate Air Quality Designations for Areas of Indian County—the purpose of this memorandum is to ensure a nationally consistent approach for evaluating requests to designate separate areas of Indian country and for recognizing Indian country in the 40 CFR part 81 Tables.

2) Guidance to Regions for Working with Tribes During the National Ambient Air Quality Standards (NAAQS) Designations Process—this memorandum provides guidance to the EPA Regional Offices regarding the process for engaging with tribes during designations, including consultation.

We appreciate the thoughtful input we received from the tribes while developing these documents. For more information on either the Policy or Guidance, please contact Kristin Riha at riha.kristin@epa.gov, or 919-541-2031, or visit http://www.epa.gov/air/tribal/airprogs.html#policy.

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www.epa.gov/oar/tribal

VOLUME 10
ISSUE 1
FEBRUARY 2012

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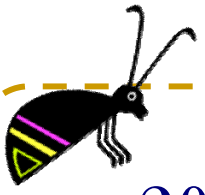
TRIBAL AIR NEWS

The Tribal Air News is produced by the U.S. Environmental Protection Agency's Office of Air Quality Planning and Standards, Outreach and Information Division, Community and Tribal Programs Group. The newsletter is produced and distributed electronically. For more information about the newsletter or to contribute stories and pictures please contact: Regina Chappell at chappell.regina@epa.gov or Angel McCormack at mccormack.angel@epa.gov.



2012 Tribal Air Training

Date	Training	Location
Mar. 5—9	Air Quality Computations	Flagstaff, AZ
Apr. 2—6	Air Pollution Technology	Las Vegas, NV
Apr. 24—27	Emissions Inventory/TEISS	Las Vegas, NV
Apr. 24—27	Weatherization and Indoor Air Quality	Oneida, WI
June 5—8	Air Monitoring Data Management	Las Vegas, NV
TBD	Tribal Data Toolbox	Online
May 22—24	Recycling Strategies for Tribes	TBD

http://www4.nau.edu/itep/air/training_aq.asp