



Tribal Air News

July 1, 2009

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Region V Tribes Awarded Seventh Generation Initiative Grants

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The way of life for many Indian cultures is centered on the concept of “seven generations,” considering decisions today by the impact they will have on the seventh generation to come. Like the Sustainable Skylines Initiative, from which it branches off the Sustainability for the Seventh Generation Initiative (SGI) provides a framework to integrate transportation, energy, climate change, land use and air quality planning programs into projects that yield measurable air quality benefits in a relatively short period of time. SGI will work with eligible entities to help develop activities to reduce emissions and promote sustainability with the goal of cleaner and healthier air. Tribal participants working with EPA and other partners will endeavor to increase community participation and leverage resources. The long-term goal is to help tribes build sustaining, community-based partnerships that will continue to achieve positive environmental impacts, livability, cultural preservation, and economic development benefits for many generations to come.

The Seventh Generation Initiative is starting with pilot grants to three tribes in Region V:

- ◆ Grand Traverse Band of Ottawa and Chippewa Indians
- ◆ Mille Lacs Band of Ojibwe
- ◆ Leech Lake Band of Ojibwe

We hope to make this program a national effort next year. Check back for more information about what these bands plan and implement, and how the program may expand to include other tribes. A SGI website is in development, but for information about the Sustainable Skylines initiative, see: www.epa.gov/sustainableskylines.



Climate Showcase Communities Program Includes Funds Set Aside for Tribes

EPA is announcing the availability of up to \$10 million in "Climate Showcase Communities" grants for local and tribal governments to establish and implement climate change initiatives. EPA requests proposals which create replicable models of sustainable community action, generate cost-effective and persistent greenhouse gas reductions, and improve the environmental, economic, public health, or social conditions in a community. The deadline for the grant is **July 22, 2009**.

How many grants will be awarded?

The agency expects to award a total of approximately 30 cooperative agreements ranging from approximately \$100,000 to \$500,000. Approximately 5% of the funds (\$500,000) are set-aside for tribal governments. EPA expects to award 1-3 grants under the tribal set aside.

Who is eligible for the grant program?

Eligibility for the program includes local governments (a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments, any other regional or interstate government entity, or any agency or instrumentality of a local government), federally recognized Indian tribal governments, and Inter-tribal consortia.

EPA is seeking proposals for projects that will create replicable models of sustainable community action, generate cost-effective and persistent greenhouse gas reductions, and improve the environmental, economic, public health, and/or social conditions in a community.

Are applicants required to provide matching funds?

Tribal governments and intertribal consortia are exempt from matching requirements. Local government applicants are required to provide a 50% cost-match or cost-share. The cost share and/or match can be in the form of cash or as in-kind contributions, such as use of volunteers and/or donated time, equipment, expertise, etc.

Who will administer the grant program?

The Grant program is administered by EPA's Local Climate and Energy Program, an initiative to assist local and tribal governments to identify, implement, and track policies and programs that reduce greenhouse gas emissions within their operations and surrounding communities.

What resources will be available to grant recipients?

Over the course of the grant program, EPA will offer peer exchange, trainings, and technical support to grant recipients. Each grant recipient will be profiled online and in EPA materials. EPA will share lessons learned from the grant program with communities across the nation.



To download the Request for Applications and view Q and A about the grant, please visit:

<http://epa.gov/cleanenergy/energy-programs/state-and-local/showcase.html>

Greenhouse Gas Reporting Rule Proposed

The U.S. Environmental Protection Agency (EPA) has proposed a rule that will require mandatory reporting of greenhouse gas (GHG) emissions from large sources in the United States. This proposed rule was signed by Administrator Lisa Jackson on March 10, 2009 and published in the Federal Register on April 10, 2009. The public comment period closed on June 9. Monitoring and data collection should start January 1, 2010.

The proposed Mandatory Reporting of Greenhouse Gases (GHGs) rule would require annual reporting by suppliers of fossil fuels or industrial gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of carbon dioxide equivalent (CO₂e). The compounds for which emissions would be reported are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and other fluorinated compounds

Purpose of the Rule

The 2008 Consolidated Appropriations Act instructed EPA to develop a mandatory reporting program for GHG emissions above appropriate thresholds in all sectors of the U.S. economy in order to provide accurate data to inform future climate change policies. These policies could include research and development initiatives, economic incentives, new or expanded voluntary programs, adaptation strategies, emission standards, a carbon tax, or a cap and trade program.

How Could the Rule Affect Tribes?

Tribes would be required to submit an annual GHG report for any facility they own or

operate that is a type or size to be subject to the rule. (The owner or operator of any privately-owned applicable sources located on a reservation would be required to report as well.) Landfills and stationary combustion equipment are the types of tribal facilities most likely to trigger applicability, but large industrial emission sources such as cement plants, coal mines, or oil and gas operations might also be relevant.

The rule would apply to stationary combustion equipment (all types except for emergency generators and portable equipment) if the aggregate maximum-rated heat input capacity of all stationary fuel combustion units at a facility is 30 million British thermal units per hour (mmBtu/hr) or greater, and the facility emits 25,000 metric tons of CO₂e or more per year from all stationary fuel combustion sources. It would apply to landfills if they generate CH₄ in amounts equal to 25,000 metric tons of CO₂e or more per year. It would apply to municipal power generation plants that report to the Acid Rain Program or emit 25,000 metric tons of CO₂e or more per year.

How Would the Rule Be Implemented?

Under the proposal, facilities and suppliers that are subject to the rule would submit emission data reports directly to EPA in an electronic format, in order to provide timely data necessary for policymaking purposes. EPA plans to verify the data by conducting automated checks for data completeness, quality, and consistency and by other means, as well as to make emissions data available by publishing it yearly. EPA also plans to develop mechanisms to provide feedback to reporters as a way of improving the quality of future data submissions.

To facilitate implementation and compliance, EPA plans to conduct an active outreach and technical assistance program, including consultation with tribal governments, as needed. Assistance materials may include compliance guides, brochures, fact sheets, sample reporting forms, and GHG emission calculation tools.

For More Information

EPA's web site, www.epa.gov/climatechange/emissions/ghgrulemaking.html, has more information. Access the rulemaking docket (EPA-HQ OAR-2008-0508) at www.regulations.gov. If questions still remain, call 1-877-GHG-1188.

EPA Provides Assistance for Utilizing Recovery Act Funds

The U.S. EPA has released the first portion of its Rapid Deployment Energy Efficiency (RDEE) Toolkit Planning Guide, which can help tribes and other program administrators design and implement effective energy efficiency programs under the American Recovery and Reinvestment Act (ARRA).



The Planning Guide provides key information on the following 10 energy efficiency programs, which have proven track records across residential, commercial, and industrial sectors:

- ◆ Home Performance with ENERGY STAR
- ◆ ENERGY STAR Labeled Products
- ◆ Residential Efficient Heating and Cooling
- ◆ Residential Energy Audit and Direct Installation
- ◆ Non-Residential On-Site Energy Manager
- ◆ Non-Residential Prescriptive Rebates
- ◆ Non-Residential Retro-commissioning
- ◆ Non-Residential Benchmarking and Performance
- ◆ Non-Residential Custom Incentives
- ◆ Commercial Food Service Efficiency

The Planning Guide presents information that can be used to select and plan for any one of these programs or for the development of a portfolio of these programs. It includes details on the target audience, likely near-term penetration rates, average energy savings per participant, annual program costs per participant, and the number of jobs created.

EPA has also released Phase I of the RDEE Toolkit Implementation Guide. The Implementation Guide provides information needed to prepare and implement RDEE programs, both individually and as part of a portfolio of programs. Phase I covers:

- ◆ Program/portfolio benchmarking
- ◆ Overview of strategies for customer targeting and marketing
- ◆ Training needs and resources overview

Phase II will be available July 2009, and covers:

- ◆ Marketing strategies and tactics for each RDEE program
- ◆ Examples of and links to specific trainings
- ◆ Templates of and links to RFPs and proposal evaluation matrices
- ◆ Detailed program timelines
- ◆ Measurement and verification details

The RDEE Toolkit is a joint effort of EPA and the US Dept. of Energy, with technical input from the Leadership Group of the National Action Plan on Energy Efficiency.

To learn more :

For RDEE Toolkit information and to download the Planning Guide or Implementation Guide visit

www.epa.gov/cleanenergy/energy-resources/ee_toolkit.html

The RDEE Toolkit Help Line is a resource to assist state, local and tribal governments in deploying ARRA energy efficiency funding in a successful, sustainable manner:

866-602-7333 or RDEE@icfi.com

NEW Tribal Indoor Air Quality Web Site Launched

www.epa.gov/iaqtribal

Connect · Learn · Take Action

The Tribal IAQ Web site is now live! This brand new resource is designed to bring together the community of tribal IAQ professionals in order to connect, learn and take action for programs and practices that promote healthy indoor environments in tribal communities. This Web site is *the* place to...

Connect with other tribal environmental professionals so you can share successful approaches, materials and information about IAQ in tribal communities.

- ◆ List your program and contact information in the national Directory and then use it to find other tribal environmental professionals located in your area or across the nation.
- ◆ Post your program events and find other event listings in your area on the national Events Calendar.
- ◆ Share resources made by and for tribal community members about IAQ and healthy indoor environments.

Learn about the latest IAQ research, IAQ-related health issues, such as asthma and allergies, and how other tribal IAQ programs have successfully helped community members improve indoor environments.

- ◆ Read Community Spotlight features about tribal IAQ programs using innovative approaches and

tools and learn how you can adapt their strategies in your own program.

- ◆ Access the latest information about IAQ and IAQ-related health conditions.
- ◆ Discover other tribal IAQ programs' approaches, materials and tools that can help you refine your program strategies.

Take Action to improve IAQ in tribal communities by:

- ◆ Posting your events on the Events Calendar and attending other tribal IAQ professionals' events in your area.
- ◆ Sharing your successful outreach or other program materials that are specific to tribal communities and access other communities' materials to build a library of information for your community members.
- ◆ List yourself in the Directory of tribal IAQ professionals and connect with other Directory members in your area.

Explore and enjoy this new premiere resource designed specifically for tribal environmental professionals! If you have any questions, comments, or concerns, email:

IAOTribal@epa.gov



Nez Perce Win Clean Air Excellence Award

On May 13, the Environmental Protection Agency honored the Nez Perce Tribe's Air Quality Program as one of 15 recipients of the Clean Air Excellence Award. This year's award recipients were selected from 125 applicants from across the United States and represent achievements in five categories: clean air technology, community action, education/outreach, regulatory policy innovations, and outstanding individual achievement.

"Each year, our Clean Air Excellence Award winners offer amazing new examples of how we keep our air safe and clean," said EPA Administrator Lisa P. Jackson. "This year's winners have built on that tradition of innovation to show what is possible in protecting human health and the environment."

The Nez Perce Tribe Environmental Restoration and Waste Management Division's Air Quality (ERWM AQ) Program is a model program that has developed and implemented a number of significant innovative air quality programs that go beyond applicable laws and regulations. An example of this leadership is the Nez Perce Tribe's smoke management program. This program promotes community awareness of air quality concerns in connection with agricultural, open, and forestry burning.



The Nez Perce Tribe's smoke management program has been in place since 2002 in a voluntary capacity, and has achieved early compliance through collaboration. The voluntary nature of the program allowed the regulated community to prepare for the Federal Air Rules for Reservations (FARR) implementation in 2005.

The ERWM AQ Program has continued to provide leadership in smoke management and to collaborate with the EPA, the State of Idaho, and other regional stakeholders to revise policies as necessary.

Agricultural Burning



Southern Ute Indian Tribe



Nez Perce Win Clean Air Excellence Award

by Katie Burford, *Durango Herald Staff Writer*

The Southern Ute Indian Tribe is considering a plan to regulate minor sources of air pollution on the reservation, officials said Thursday.

Sources that could fall into this category include small compressor engines, pump-jack engines, electric generating engines, rock crushers and gas stations. Excluded would be combustion engines used for landscaping, heating and air-conditioning units used for comfort, and mobile sources, such as vehicles.

The draft program, which would require designated minor sources to

obtain a permit and could impose emissions limits and controls, is scheduled to go before the Tribal Council on Monday.

The plan was discussed in a meeting between La Plata County commissioners and a joint tribal-state environmental commission. If the Tribal Council gives its approval, the program will go to the joint commission and later would be available for public review and comment.

Late last year, the joint commission approved the tribe's code for regulating major sources of air pollution within the reservation. The tribe at the time expressed its intention to expand the program to include minor sources, as well.

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Time to Comment on NO₂ NAAQS Proposal

EPA is in the process of reviewing the NO₂ primary (human health-based) National Ambient Air Quality Standard. The Administrator signed a proposed rule on June 26, 2009. Comments will be accepted for 60 days following publication in the Federal Register. A final rule must be signed by January 22, 2010.

The proposal will be available in the Federal Register shortly after signature (likely some time in early July), as well as posted on EPA's TTN website: www.epa.gov/ttn/naaqs/standards/nox/s_nox_cr_fr.html. The technical documents that support the proposed rulemaking can also be accessed on the web at www.epa.gov/ttn/naaqs/standards/nox/s_nox_index.html.

If you have questions concerning this rulemaking, please contact Scott Jenkins at 919-541-1167 or jenkins.scott@epa.gov.



Opportunity for Tribal Input on Interstate Transport Rulemaking

EPA is seeking input from stakeholders, including tribes, in its current efforts to replace the 2004 Clean Air Interstate Rule (CAIR).

Background

The Clean Air Act includes a provision that is sometimes referred to as the “good neighbor provision.” This provision is an integral part of the requirements for State Implementation Plans. It requires that upwind states eliminate emissions that contribute significantly to non-attainment of air quality standards, or threaten maintenance of attainment, for downwind areas. Based on this authority, EPA published the Clean Air Interstate Rule (CAIR) in 2005. The CAIR was designed to cap emissions from electric generating units (EGUs) of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) in the eastern United States. The CAIR planned to achieve these reductions through three emissions trading programs: (1) an annual budget trading program for SO₂ for 25 eastern states, (2) an annual NO_x budget trading program for NO_x for these same 25 states, and (3) an ozone season trading program for a slightly different list of states.

Court Decision

In July 2008, the U.S. Court of Appeals for the D.C. Circuit overturned the CAIR. The Court overturned the rule for a number of reasons, including CAIR inconsistency with the language of the “good neighbor provision” and that EPA lacked authority under the Clean Air Act to harmonize CAIR with the Acid Rain Program. That December, the Court decided to leave the current CAIR requirements in place while EPA develops a timely replacement for the rule.

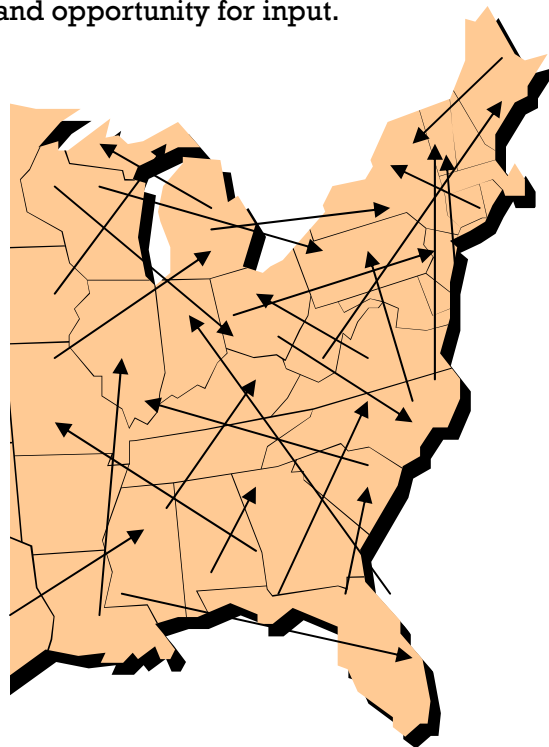
Current Rulemaking

EPA is in the process of developing policy options for addressing issues around the Court’s concerns with CAIR. In addition, new air quality modeling is ongoing to better link upwind states’

emissions with downwind air quality problems.

As we conduct this work, we are gathering input from various stakeholders. We are especially interested in: issues surrounding significant contributions; the role of control costs in the policy; the use of emissions trading; possible additional source categories, and; whether to update the rule for revised air quality standards. We are also seeking input on whether and how the revised CAIR requirements can be integrated with other requirements, such as: the utility air toxics standards in development; best available retrofit technology (BART) in the regional haze program, and; reasonably available control technology (RACT) for nonattainment planning.

We will begin discussions with tribes in the near future and will work through the OAQPS Community and Tribal Program Group to assure ample information for consideration and opportunity for input.



For more information See the CAIR website: www.epa.gov/cair

You can see the court decision at: <http://www.epa.gov/cair/pdfs/05-1244-1127017.pdf>

EPA's Tribal School Monitoring Initiative

On March 32, EPA announced monitoring of outdoor air in communities around 62 schools in 22 states in order to understand if the air quality poses any health concerns. EPA is focusing mainly on areas with large industries or in urban areas where air toxics come from a variety of sources. Low income areas are another focus since they are often disproportionately affected by pollution sources.

Data for tribal schools limited EPA's ability to include them in this first study, but EPA wants to ensure that areas around schools in Indian Country are equally protected.

EPA identified two tribal schools for monitoring, the Nez Perce Lapwai Middle/High school and Southern Ute Sunnyside Elementary School. These schools have nearby sources which raise potential concerns.

EPA is paying for equipment and sample analysis, but tribal air staff will help to locate the sampling sites. Monitoring will be conducted every 6 days for 60 days. The tribal air agency can also collect up to three additional samples on a random schedule.

EPA will post results on the web after sample analysis and data quality assurance is done. EPA needs a full data set for an accurate assessment of chronic health concerns, but we should be able to share the results about two to three months after monitoring begins.

Data results will help define next steps. EPA could continue to monitor at a

school if more data is needed, or we may move to mitigate the pollutions sources creating any identified health problems. If initial monitoring results are inconclusive, monitoring may continue.

EPA will identify additional tribal schools later. Equipment from the initial monitoring will be sent to the TAMS center for re-deployment. A workgroup of tribal staff will develop criteria for re-deployment of the monitors, while EPA works with the Regional Tribal Operations Committee and the National Tribal Operations Committee to identify interested tribes.

Contact Laura McKelvey at 919.541.5497 if you have questions on this issue.



This type of equipment may be used for monitoring at the schools.



US EPA OAQPS

US EPA OAQPS, C304-03
Research Triangle Park, NC
27711

Phone: 919-541-5646

E-mail:

mccullough.melissa@epa.gov

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For more information about the newsletter, or **to contribute stories and pictures** contact: Laura McKelvey (mckelvey.laura@epa.gov)
Or Melissa McCullough (mccullough.melissa@epa.gov)

We're on the Web!

www.epa.gov/oar/tribal

Mark Your Calendar

ITEP Trainings:

- » [July 1-Sept 25, 2009: Air Monitoring Data Management, Online Course](#)
- » [July 21-23, 2009: Addressing and Managing Illegal Dumps in Indian Country, Denver, CO](#)
- » [Aug 18-20, 2009: Media Specific: UST Inspections, St. Paul, MN](#)
- » [Aug 31-Sept 4, 2009: Tribal NPAP/PEP Audits, TBD](#)

See www4.nau.edu/itep/ for additional information.

