

Guidance for Indian Tribes Seeking Class I Redesignation of Indian Country Pursuant to Section 164(c) of the Clean Air Act

August 29, 2013

Purpose of Document

This document provides guidance for federally recognized Indian tribes who are considering redesignating the areas within the exterior boundaries¹ of their reservations as Class I areas under the Clean Air Act (CAA or Act) Prevention of Significant Deterioration (PSD) program. This guidance also provides answers to frequently asked questions and an explanation of the redesignation process.

Redesignation is one of the tools available to tribes (and states) under the CAA to afford special protection to air quality.

What is the PSD Program?

The 1977 Clean Air Act Amendments included a preconstruction review permit program that applies to major new and modified stationary sources of air pollutants that are subject to regulation under the CAA.² The PSD program is designed to:

- Protect public health and welfare;
- Preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value;
- Insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources; and

¹ Tribes may also redesignate areas outside the exterior boundaries of their reservations by seeking eligibility for treatment in the same manner as a state for that purpose under CAA section 301(d) and EPA's regulations at 40 CFR Part 49. Such redesignations, which could be implemented through a tribal implementation plan, are beyond the scope of this guidance.

² For PSD purposes, a major stationary source is one that emits or has the potential to emit at least 250 tons per year (tpy) of any regulated air pollutant, except that Congress provided a list of 28 source categories for which "major" is defined as at least 100 tpy. An existing major stationary source that proposes to increase its emissions of any pollutant by a prescribed significant amount is treated as a major modification. The applicable definitions of "major stationary source" and "major modification" are contained in the PSD regulations at 40 CFR 52.21(b)(1) and (2). The six criteria air pollutants are ozone (O₃), particulate matter (expressed as PM₁₀ and PM_{2.5}), carbon monoxide (CO), nitrogen oxide (NO_x), lead (Pb), and sulfur dioxide (SO₂). For other pollutants subject to PSD, see the definition of "regulated NSR pollutant" at 40 CFR 52.21(b)(50).

- Assure that any decision to permit increased air pollution in any area that this program applies is made only after careful evaluation of all the consequences of such a decision and after adequate procedural opportunities for informed public participation in the decision making process.³

PSD protects air quality by requiring all major new and modified sources located in areas whose air quality has been designated under CAA Section 107 as either being in attainment of the National Ambient Air Quality Standards (NAAQS) or as unclassifiable to undergo a preconstruction review for each air pollutant regulated under the PSD program that the new major stationary source or major modification will emit or increase in significant amounts.⁴ To obtain a permit to construct, a prospective source owner or operator must meet certain requirements for each pollutant, including:

- Installation of Best Available Control Technology (BACT);
- An air quality analysis showing that the emissions from the new construction will not cause or contribute to a violation of a NAAQS;
- An air quality analysis showing that the emissions from the new construction will not cause or contribute to a violation of any PSD increment;
- Evaluation of whether the source will affect or have an adverse impact on air quality related values in Class I areas;
- Additional analyses considering the potential impacts on visibility, vegetation and soils; and
- Opportunity for public participation through specific public notice requirements and a public comment period.⁵

An “increment” is the maximum allowable amount by which the ambient concentration of a particular pollutant can increase above a baseline concentration.⁶ Thus, an increment establishes the amount of air quality degradation that is allowed to occur in a particular area. Increments were established to address the concern that, unless prevented, all air quality in the country could eventually be allowed to degrade up to the NAAQS. The PSD increments, while imposing a limit on the amount by which concentrations of pollutants can increase, cannot allow air pollutant concentrations to increase to levels that would result in a violation of the NAAQS.⁷

What is a Class I Area?

The Congress, under Section 162 of the Act, designated certain areas of the country as mandatory federal Class I areas that cannot be redesignated to another classification. These areas

³ 42 U.S.C. § 7470.

⁴ The provisions for Class I area protection under the PSD program do not directly apply to sources that are issued permits under a state’s minor or “synthetic minor” permitting programs. The EPA recently finalized rules pertaining to the issuance of minor new source preconstruction permits to sources located in Indian country. 76 Fed. Reg. 38748 (July 1, 2011). Class I area protection and the other PSD requirements would not be triggered by these types of minor construction permits; however, the emissions from such sources generally would be considered in a PSD air quality analysis.

⁵ 42 U.S.C. § 7475.

⁶ 42 U.S.C. §§ 7473; 7476.

⁷ 42 U.S.C. 7475(a)(3), 7473(b)(4); 40 C.F.R. 51.166(d); 40 C.F.R. 52.21(d).

consist of all international parks, of national wilderness areas and national memorial parks that exceed 5,000 acres, and of national parks that exceed 6,000 acres.⁸ Each mandatory federal Class I area has a Federal Land Manager (FLM) who is charged with certain responsibilities for administering the PSD program in the area.^{9, 10} The Act also provides for two types of non-federal Class I areas – state-designated and tribal-designated.¹¹ In this document, we will focus on the tribal Class I areas.¹²

Section 164 of the Act, provides that land within the exterior boundaries of reservations of federally recognized Indian tribes may be redesignated only by the appropriate Indian governing body (i.e., the tribal government).¹³ The following Indian reservations have been redesignated pursuant to Section 164(c) and are tribal Class I areas.¹⁴ Four of these were redesignated between 1977 and 1990: The Northern Cheyenne Indian Reservation, Montana (The Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation); The Flathead Indian Reservation, Montana (The Confederated Salish and Kootenai Tribes of the Flathead Reservation); The Fort Peck Indian Reservation, Montana (The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation); and The Spokane Indian Reservation, Washington (The Spokane Tribe of the Spokane Reservation). In 2008, EPA redesignated the Forest County Potawatomi Reservation, Wisconsin (The Forest County Potawatomi Community).

How do Class I areas fit within the PSD program?

The Act contains three area classifications – Class I, Class II and Class III – into which all areas of the United States have been categorized. Class I increments are the most protective because they allow the least amount of air quality degradation; Class II increments allow a moderate amount of degradation; and Class III increments allow the most. The majority of the United States was originally designated as Class II. As noted above, special areas, such as national parks and national wilderness areas over a certain size were statutorily designated as mandatory federal Class I areas. No Class III areas were originally designated, and none exist at this time.

The current increments and associated area classifications are:

⁸ A list of the Class I areas may be found at: <http://www.epa.gov/visibility/class1.html>

⁹ Statutory and regulatory provisions for the treatment of these mandatory Class I areas for PSD permitting purposes are found at CAA Section 51.166(p) and 40 CFR 52.21(p). See also the NSR Workshop Manual at C.3. <http://www.epa.gov/ttn/nsr/gen/wkshpman.pdf>

¹⁰ Contact information for federal land managers is available at the websites of Class I areas.

¹¹ Currently, there are no specific procedures for designating land managers for non-federal Class I areas.

¹² The 2010 revised FLAG Phase I Report by the Federal Land Managers' Air Quality Related Values Workgroup (FLAG) describes the role of the Federal Land Manager in protecting the natural and cultural resources of Class I areas from the adverse impacts of air pollution. http://www.nature.nps.gov/air/Pubs/pdf/flag/FLAG_2010.pdf Contact information for the Class I Federal Land Manager in your area may be obtained through the applicable U.S EPA Regional Office.

¹³ Information on Section 164 of the Act may be found at: <http://www.law.cornell.edu/uscode/text/42/7474>

¹⁴ The EPA had also previously approved the redesignation of certain areas of the Yavapai-Apache Nation Indian reservation land, in Arizona, but the 9th Circuit, while affirming portions of EPA's action, partially reversed and remanded the redesignation decision for further administrative proceedings. *Administrator, State of Arizona v. U.S.E.P.A.*, 151 F.3d 1205 (9th Cir. 1998)

Increments			
Pollutant	Class I µg/ m ³	Class II µg/ m ³	Class III µg/ m ³
Particulate Matter			
PM ₁₀ , Annual arithmetic mean	4	17	34
PM ₁₀ , 24-hour maximum	8	30	60
PM _{2.5} , Annual arithmetic mean	1	4	8
PM _{2.5} , 24-hour maximum	2	9	18
Sulfur Dioxide			
Annual arithmetic mean	2	20	40
24-hour maximum	5	91	182
3-hour maximum	25	512	700
Nitrogen Dioxide:			
Annual arithmetic mean	2.5	25	50

PM₁₀, PM_{2.5}, SO₂ and NO₂ are the only air pollutants for which the EPA has defined increments.

Why would a tribe want to redesignate its reservation to Class I?¹⁵

The principal reason for redesignation to Class I is to obtain more environmental protection for reservation air quality and tribal resources.

Redesignation to Class I provides a tribe with an opportunity to:

- Exercise certain controls over protection of reservation air resources.
- Assert tribal sovereignty.
- Protect the reservation from certain air quality impacts arising from emission sources off reservation.
- Build tribal capacity in the implementation of the Act.
- Receive notice of all PSD permit applications for sources located outside the redesignated reservation that are likely to affect a Class I area.¹⁶
- Protect air quality through the use of the Class I increments and any Air Quality Related Values (AQRVs) defined by the tribe, with a potential recourse to dispute resolution

¹⁵ Tribes could also redesignate their reservations as Class III areas, but this guidance does not address redesignations to Class III.

¹⁶ EPA has noted that a 100 km range is generally acceptable for air quality related values impact modeling, but impacts from large sources located at greater distances need to be considered when such impacts reasonably could affect the outcome of a Class I analysis. Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Clarification of Prevention of Significant Deterioration (PSD) Guidance for Modeling Class I Area Impacts (October 19, 1992); see also, 40 C.F.R. Part 51, Appendix W, 6.2.3.

pursuant to CAA Section 164(e) if issues regarding the impact of a proposed state permitting action cannot be resolved.

What protections do Class I areas have?

An area designated as Class I obtains two principal protections. First, air quality is not permitted to deteriorate by more than the PSD increments established for Class I areas, which are lower than the PSD increments for Class II areas. Second, a PSD permit may not be issued if the source will have an adverse impact on any AQRV that has been defined for the particular Class I area.

Class I PSD increments

Air quality degradation in Class I areas is generally limited to that allowed by the Class I increments. In mandatory Class I areas, the CAA provides that the responsible FLM may make a specific finding that the emissions from a facility will have no adverse impact on AQRVs. The EPA has not yet developed guidance on the management of non-federal Class I areas.

The Clean Air Act requires that PSD permit applicants demonstrate that proposed construction of a stationary source will not cause or contribute to a violation of any NAAQS or PSD increments.¹⁷ The PSD increments applicable to Class I areas allow less air quality degradation than the increments for Class II areas. Redesignating an Indian reservation to non-federal Class I means that construction of major stationary sources or major modification of an existing source that may affect the air quality in the reservation Class I area will not be authorized by the applicable permitting authority unless the permit applicant demonstrates that the new or modified source will not cause or contribute to a violation of the Class I PSD increments on the reservation.

Protection of AQRVs

The PSD program also provides special protection through procedures for protecting AQRVs in Class I areas. AQRVs are not explicitly defined in the CAA or its implementing regulations,¹⁸ but include visibility and other factors that may be identified by the relevant FLM.¹⁹

Some additional insight on the meaning of the term can be gained from the following description in legislative history from the United States Senate:

The term “air quality related values” of Federal lands designated as class I includes the fundamental purposes for which such lands have been established and preserved by the Congress and the responsible Federal agency. For example, under the 1916 Organic Act to establish the National Park Service (16 U.S.C. 1), the purpose of such national park lands “is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the

¹⁷ 42 U.S.C. §§ 7475(a)(3)(A), 7473(b)(4). 40 CFR §§ 51.166(c); 52.21(c).

¹⁸ EPA proposed a definition of this term in 1996, but did not complete action on that rulemaking. 61 FR 38250, 38322 (July 23, 1996); see also, 70 Fed. Reg. 59582, 59598-99 (Oct. 12, 2005).

¹⁹ Visibility is expressly identified as an AQRV in the Clean Air Act. 42 U.S.C. 7475(d)(2)(C)(ii).

enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

S. Rep. 95–127 at 36, reprinted at 3 LH at 1410. In addition, the FLMs have defined an AQRV in guidance as follows:

A resource, as identified by the FLM for one or more Federal areas that may be adversely affected by a change in air quality. The resource may include visibility or a specific scenic, cultural, physical, biological, ecological, or recreational resource identified by the FLM for a particular area.

This definition is compatible with the general definition of AQRV that appears in the *Federal Register*. (45 FR 43003, June 25, 1980). That definition includes visibility, flora, fauna, odor, water, soils, geologic features, and cultural resources. * * * FLMs further refine AQRVs beyond the above definition to be more site-specific (i.e. area-specific) by using on-site information.²⁰

FLMs have tried to characterize natural resource effects associated with air pollution, and identify those particular resources that are vulnerable to pollution in different areas. According to the Act, “documented effects include impairment of visibility, injury and reduced growth of vegetation, and acidification and fertilization of soils and surface waters.”²¹

AQRVs in federal Class I areas

The Clean Air Act gives each FLM an “affirmative responsibility to protect the air quality related values (including visibility)” of any federal Class I lands the FLM manages. Thus, each FLM must be notified of any proposed source whose emissions may affect a Class I area.²² No permit may be issued to a facility “where the Federal Land Manager demonstrates to the satisfaction of the [permitting agency] that the emissions from such facility will have an adverse impact on the air quality-related values (including visibility)” of the Class I area even if the facility will not lead to an increment violation.²³ Conversely, sources that will cause or contribute to a violation of the Class I increments may receive a permit, if the FLM certifies that the emissions from the facility will have no adverse impact on AQRVs.²⁴

AQRVs in Tribal and other non-federal Class I areas

For non-federal Class I areas, the CAA does not expressly address, and EPA has not developed rules to clarify, the PSD permit review process for AQRV protection for proposed new and modified major stationary sources locating in or near such areas. But the CAA clearly contemplates protection of AQRVs for tribal Class I areas. Thus, CAA Section 164(e) provides

²⁰ Federal Land Managers’ Air Quality Related Values Work Group (FLAG). *Phase I Report — Revised (2010)*, http://www.nature.nps.gov/air/Pubs/pdf/flag/FLAG_2010.pdf

²¹ *Id.* at 2.

²² CAA 165(d)(2)(A).

²³ CAA 165(d)(2)(C)(ii).

²⁴ CAA 165(d)(2)(C)(iii).

that a tribe or state may invoke dispute resolution where there is a dispute over the redesignation of a tribal area, or where a proposed PSD permit may “cause or contribute to a cumulative change in air quality.” The EPA has not developed rules to govern the process for resolving such disputes, but the CAA provides that where parties cannot reach agreement on their issues, the EPA Administrator will consider whether the lands to be redesignated “are of sufficient size to allow effective air quality management *or have air quality related values of such an area.*”²⁵ [Emphasis added] The Act also provides that if requested by the parties, the Administrator “shall make a recommendation to resolve the dispute *and protect the air quality related values of the lands involved,*” [emphasis added] and if the parties are unable to reach a resolution of their dispute, the Administrator has the authority to resolve the issues.²⁶

Currently, such disputes are handled on a case-by-case basis, dependent upon the specific circumstances at issue. The EPA issued an advanced notice of proposed rulemaking seeking input on establishing rules for PSD permit review procedures for proposed PSD sources that may adversely affect the air quality of any state or tribal non-federal Class I area, and that would have set forth more specific procedures for EPA's resolution of any intergovernmental permit disputes which may arise, but the EPA has not formally proposed such rules.²⁷

What are the procedural requirements to redesignate reservation lands to Class I?

Several tribes have used CAA Section 164(c) to redesignate their reservations as Class I areas. A tribal governing body seeking such redesignation must submit a redesignation request to EPA and meet the following requirements set forth in 52.21(g):

- Hold at least one public hearing before submitting the redesignation request.
- Notify states, other tribes, and FLMs of areas that may be affected by the redesignation at least 30 days before the hearing.
- Consult with local and other sub-state general purpose governments in the area (e.g., cities, counties, local agencies).
- Prepare a description and analysis of the health, environmental, economic, social, and energy effects of the proposed reclassification that must be made available for public review at least 30 days before the required public hearing.
- Consult with any states the reservation is located within and that border the reservation.

After a tribe has submitted its request to redesignate its reservation lands, the EPA will take the following steps:

- Issue a notice of proposed rulemaking and opportunity for public comment/hearing in the Federal Register, and make available the record supporting the decision regarding the tribe's application for Class I redesignation, including the technical report prepared by the Tribe.

²⁵ CAA § 164(e).

²⁶ CAA § 164(e)(emphasis added), discussed more fully below.

²⁷ 62 Fed. Reg. 27158 (May 16, 1997).

- Hold public hearings.
- Prepare a written response to comments received.
- If necessary, resolve issues raised through initiation of a dispute resolution process under CAA section 164(e) between a tribe and state(s).²⁸
- Issue a final rule in the Federal Register approving redesignation if EPA has determined all procedural requirements have been met. The Administrator may disapprove the reclassification **only** upon finding that such reclassification does not meet the **procedural** requirements.

If disapproved, the tribe may resubmit its redesignation request package after correcting the deficiencies identified by EPA. The EPA encourages tribes to consult with the appropriate EPA regional office prior to and during the development of a Class I redesignation application to ensure that issues are identified as early as possible. The EPA also encourages tribes to consult with FLMs of any federal Class I areas near their reservations for information on practices and procedures for PSD permits impacting Class I areas.

Does a tribe need “Treatment as a State” (TAS) status to pursue redesignation of an Indian reservation as Class I?

No. Section 164(c) provides authority for a tribal governing body to redesignate lands within the exterior boundaries of its reservation without the need to obtain TAS status.

Does the term Indian reservations under CAA section 164(c) include both formal and informal reservations?

Yes. Consistent with applicable precedent, EPA considers tribal trust lands validly set apart for the use of Indians to be “reservation” lands for purposes of the Act, even if they have not been formally designated as “reservations.” See 63 FR 7254, 7257-58 (Feb. 12, 1999), citing *Oklahoma Tax Commission v. Citizen Band Potawatomi Indian Tribe of Oklahoma*, 111 S. Ct. 905, 910 (1991); and *Arizona Public Service Co. v. EPA*, 211 F.3d 1280 (D.C. Cir. 2000). Indian tribes may, thus, rely on the authority of section 164(c) of the Act to redesignate such tribal trust lands.²⁹

²⁸ If a state affected by a tribe’s redesignation disagrees with the redesignation, the Governor or the tribe’s governing body may request the Administrator to enter negotiations between the parties to resolve the dispute. If requested by any state or tribe involved, the Administrator shall make a recommendation to resolve the dispute and protect the AQRVs of the lands involved. The results of any agreements between the parties shall be made part of the applicable plan. This can occur by incorporating elements of a settlement into the regulation implementing the reservation redesignation and/or by incorporating elements of the settlement into the affected state’s SIP. See 77 FR 46960 (August 7, 2012) for Wisconsin-Forest County Potawatomi Community dispute resolution and federal register final notice approving elements of settlement into the PSD portion of Wisconsin SIP. If the parties cannot reach a resolution, the Administrator shall resolve the dispute, and the Administrator’s decisions shall become part of the applicable plan. (See CAA Section 164(e).)

²⁹ As noted in footnote 1 above, tribes may also redesignate non-reservation areas, but would first need to obtain TAS for that purpose and then satisfy the same criteria as applicable to the redesignation of reservations.

How are Indian reservation boundaries addressed in the Class I redesignation process?

Redesignation of any area, including an Indian reservation, requires the identification of the area being redesignated. Thus, where a tribe is seeking redesignation of its reservation, the boundaries of the reservation will need to be identified. Tribes interested in seeking redesignation of their reservations may wish to discuss any issues regarding their reservation boundaries with the appropriate EPA regional office.

How will the EPA process a redesignation request?

The Congress has established a narrow role for EPA in reviewing redesignation requests. *Michigan v. EPA*, 581 F.3d 524, 526 (7th Cir. 2009); *Arizona v. EPA*, 151 F.3d 1205, 1211 (9th Cir. 1998). The EPA may “disapprove the redesignation of any area only if [it] finds, after notice and an opportunity for public hearing, that such redesignation does not meet the procedural requirements of this section. * * * ” CAA Section 164(b)(2). This gives EPA “little discretion in denying a redesignation,” to a tribe that complies with the procedures. *Michigan*, 581 F.3d at 526. “Congress did not want EPA re-weighing the effects of a proposed redesignation or second-guessing a Tribe’s decision to redesignate its reservation lands.” *Arizona*, 151 F.3d at 1212.

The EPA will examine whether or not the tribe has met all the procedural requirements for redesignation and whether redesignation is inconsistent with the restrictions on area classifications at 40 CFR 52.21(e). If the EPA believes that the redesignation meets applicable requirements, it will prepare a proposed decision regarding the redesignation request and providing the reasons for its decision. This proposed EPA rulemaking will be published in the Federal Register for notice and comment, will contain the EPA’s reasons for proposing to grant or deny the redesignation request, and will propose the codification of the Class I area (if approved) into the appropriate section of the Code of Federal Regulations. The EPA will also provide an opportunity for a public hearing on the proposal.

What happens if a state or tribe disagrees with a tribe’s request for redesignation or a proposed permitting decision?

CAA Section 164(e) provides that “(i)f any State affected by the redesignation of an area by an Indian tribe or any Indian tribe affected by the redesignation of any area by a State disagrees with such redesignation of any area. . . the Governor or Indian ruling body may request the Administrator to enter into negotiations with the parties involved to resolve such dispute.” CAA Section 164(e). The statute provides that if a state or tribe invokes such dispute resolution, there are several possible options:

1. The parties can reach an agreement to resolve the issues that will become part of the applicable implementation plan.
2. The state or tribe may request that the Administrator make a recommendation to resolve the dispute and protect the AQRVs of the lands involved.

3. If the parties do not reach their own agreement, the Administrator shall resolve the dispute, and the results of this resolution shall become “part of the applicable plan and shall be enforceable as part of such plan.”

Section 164(e) specifies that if called upon to resolve the dispute, the Administrator shall take into account “the extent to which the lands involved are of sufficient size to allow effective air quality management or have air quality related values of such an area.”

The EPA’s practice has been to mediate dispute resolution proceedings with the goal of encouraging the parties to reach a resolution of their issues that is mutually agreeable. The EPA recognizes that each dispute resolution is different. The EPA can mediate dispute resolution discussions, or can ask a third-party mediator to take part. The EPA can make recommendations to the parties to resolve their issues, if asked. If the parties cannot reach resolution, the Administrator has the unilateral authority to resolve the outstanding issues.

Practical Tips: Things to Consider when Deciding Whether to Seek a Redesignation

The list below highlights some potential considerations that may be relevant to a tribe’s decision to seek redesignation and may also be topics to consider when putting together a technical report to support a redesignation request.

- How does a Class I area redesignation fit with the tribe's overall goals for reservation air quality management? Will a Class I designation further the tribe's goals for protection of public health, ecosystems, and tribal cultural values?
- What are the tribe's plans for economic growth within the reservation? What major sources are located, or may be planning to locate, in the area proposed for redesignation or nearby? Are any existing major sources likely to expand their operations in ways that impact reservation air quality? How might a Class I area redesignation impact increment consumption and economic development opportunities in the area? What additional controls may be required for sources within the redesignated area to ensure that they address the Class I increment and any AQRVs?
- What jurisdictions may be affected by the redesignation? How many states are located within 100 kilometers of the reservation boundaries? Are there major metropolitan areas within this distance? Could the area be affected by emissions from large sources located at a distance greater than 100 kilometers? Are there possibilities for cooperative management? How will the proposed Class I area fit into regional air management plans?
- What possible implications might be raised in establishing the boundary of your area of Indian country if you are requesting a Class I redesignation? This is particularly important if you have disputed boundaries or other jurisdictional issues.
- Are any mandatory federal Class I areas located near the tribe’s reservation? What types of issues have these areas encountered? How have these areas been administered and implemented in relation to state PSD permitting actions? What opportunities for education, outreach, and coordination for creating relationships with FLMs within the region can be explored?

- What technical resources and staff are available to develop the Class I redesignation application materials and technical report? What resources and expertise are available to conduct outreach, public notice and comment, and public hearings? What resources may be needed, both to develop expertise within the tribe's governing and resource management structures, and to possibly retain outside expertise? Potential sources may include: CAA Section 103 Project Grants, CAA Section 105 Grants, and Indian General Assistance Program Funding.
- What technical expertise is in place or must be obtained to ensure effective implementation of the new Class I area, for example, expertise to interpret modeling analyses, review PSD permit applications, and implement AQRVs in the context of permit issuance?

Tribes interested in seeking redesignation should begin their inquiry by conferring with the appropriate EPA regional office.³⁰

³⁰ For information on redesignation or any Class I issue, a tribe should contact the EPA Tribal Air Coordinator in their area by calling the Customer Call Center at the nearest EPA regional office.
<http://www.epa.gov/aboutepa/#tabsmenu=3>