

Appendix F
Comments and Responses to Comments on Draft FY 2010 NPM Guidance
Office of Air & Radiation

Comment	Commenter	Text Location	Response	Change Y,N,NA	Modification
NAAQS and Criteria Air Pollutants including Transport and CAIR					
We urge EPA to fully embrace its role in addressing the interstate transport of pollutants that frustrate our region's efforts to attain and maintain the ozone and PM NAAQS, minimize haze, and reduce mercury in our waters. A top priority for EPA should be to revise the CAIR rule and take other action as needed to fully address interstate transport in a manner consistent with Section 110(a)(2)(D) of the CAA.	New England Commissioners, NESCAUM, NACAA	Technical Guidance, Exec. Summary, Priorities for Regional Offices	EPA has an understanding of how interstate pollution transport affects the ability of downwind areas to attain the NAAQS and achieve regional haze goals. In response to the court's recent remand of the CAIR, we are updating our technical knowledge of pollution transport, and further evaluating how the CAIR helps areas satisfy their requirements under CAA section 110(a)(2)(D).	N	No modification required.
States need timely and clear guidance, and rules as appropriate, from EPA on how SIPs should be developed in light of the legal uncertainty of the CAIR cap-and-trade program.	NESCAUM	Not Specified	EPA is further evaluating how a replacement to the CAIR will assist states in developing approvable attainment and maintenance plans. We are seeking input from the new EPA administration on appropriate rules and guidance to address air quality management challenges presented by recent litigation outcomes.	N	No modification required.
EPA, in partnership with the regions and the states, should commit to update RACT to ensure that this is a viable and cost-effective program for addressing transported pollution and attaining the NAAQS.	NESCAUM	Not Specified	We can not speak at this time to whether EPA intends to update specific guidance until we receive future direction from the new EPA administration. We note that while additional RACT guidance may be helpful, states are independently required to adopt reasonably available control measures, including RACT, to attain applicable standards.	N	No modification required.
EPA should adopt national rules for area and industrial sources for which NESCAUM and OTC have been advocating (e.g., industrial boilers, peaking units, consumer products).	NESCAUM	Not Specified	We have rulemaking activities underway for these categories.	N	No modification required.

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<p>It is imperative that EPA issue timely guidance and regulations needed by states to implement the 2006 PM2.5 and 2008 ozone NAAQS revisions. This includes guidance related to modeling, implementation, and inventories that will enable development of approvable SIPs. As state resources get tighter, we will need better and more efficient tools and even swifter responses from EPA. EPA should include in the draft guidance plans to address the recent D.C. Circuit Court remand of the PM-fine annual and secondary NAAQS in a timely manner. In the past, EPA has issued guidance for the preparation of SIPs well after it is useful to state and local agencies, if at all. For example, guidance for the implementation of the 1997 ozone and particulate matter NAAQS is still not implemented for New Source Review and modeling, yet these SIPs were due over the past few years.</p>	NESCAUM	Not Specified	<p>EPA realizes the importance of timely implementation guidance to our state, tribal, and local partners. However, we can not speak at this time to whether EPA intends to issue specific rules or guidance until we receive future direction from the new EPA administration.</p>	N/A	No modification required.
<p>EPA should provide clear guidance on how to account for peak day emissions in attainment planning.</p>	NESCAUM	Not Specified	<p>In general, we recommend that states take any factors relevant to planning for and demonstrating attainment into account to the best of their ability. However, we can not speak at this time to whether EPA intends to issue specific guidance until we receive future direction from the new EPA administration.</p>	N/A	No modification required.
<p>EPA Region Offices should commit to process SIPs in a timely manner.</p>	NESCAUM	Not Specified	<p>EPA regions are processing SIPs in accordance with the SIP Processing PART Goal. SIPs that present unique policy determinations or vary from previous practices take longer to process in order to ensure national consistency. At present, we can not speak to whether EPA intends to make specific program revisions until we receive future direction from the new EPA administration.</p>	N/A	No modification required.
<p>The draft document does not recognize the attainment deadlines EPA has set (or that the goal is attainment) or the fact that reasonable progress goals for regional haze must be met by 2018 (under Objective 1.1 – Healthy Outdoor Air, page 6). We believe these goals are important and should be articulated.</p>	NACAA	Not Specified	<p>EPA believes the NAAQS attainment deadlines and the first regional haze progress period deadline are important milestones, and our goal is to help states manage air quality consistent with these goals.</p>	N	No modification required.

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EPA should foster and promote collaborative air quality planning & multi-pollutant solutions to address criteria pollutants, GHGs, regional haze, and other air quality goals, including opportunities for energy efficiency and renewable energy.	New England Commissioners, NESCAUM	Technical Guidance, Federal Support for Air Quality Mgmt	EPA has several multi-pollutant planning pilots underway that will help future efforts to link air quality and energy goals. The results of these efforts will help inform future decision making.	Y	(Insert- in 2 nd para on p 13., after the sentence that reads: “Over the next several years, we will continue to”, etc) EPA plans to place greater emphasis on integrating across OAR programs, specifically as it relates to energy issues and air quality planning. EPA will provide opportunities for greater collaboration with states, tribes and other federal agencies in addressing these air quality problems and continued emphasis on innovative strategies to improve air quality, such as the Sustainable Skylines Initiative which integrates air quality planning with energy, transportation and land use.
EPA should commit to adopt strong national rules to support states’ NAAQS attainment and maintenance efforts. This should include national ozone rules for area sources consistent with those adopted by OTC and California, and emission standards for new and existing industrial, commercial and institutional (ICI) boilers through RACT and New Source Performance Standards.	NESCAUM	Not Specified	EPA is implementing the most protective NAAQS in history and continues to implement these standards in accordance with statutes and court decisions. We are currently developing a replacement rule for the recently remanded CAIR. Emission reductions resulting from this rule will continue to help downwind nonattainment areas to attain the standards. However, we can not speak at this time to whether EPA intends to issue specific rules until we receive future direction from the new EPA administration.	N/A	No modification required.

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EPA should foster improved coordination between energy and air quality planning, including exploring how EPA can engage in the Federal Energy Regulatory Commission's process to further air quality objectives.	NESCAUM	Not Specified	EPA is placing greater emphasis on program coordination and integration, specifically as it relates to energy issues and air quality planning.	Y	(Insert- in 2 nd para on p 13., after the sentence that reads: "Over the next several years, we will continue to", etc) EPA plans to place greater emphasis on integrating across OAR programs, specifically as it relates to energy issues and air quality planning. EPA will provide opportunities for greater collaboration with states, tribes and other federal agencies in addressing these air quality problems and continued emphasis on innovative strategies to improve air quality, such as the Sustainable Skylines Initiative which integrates air quality planning with energy, transportation and land use.
EPA should ensure timely submission and processing of regional haze plans	NESCAUM	Not Specified	EPA has worked with states to promote timely submission of the regional haze plans through coordination efforts, and funding of Regional Planning Organizations (RPOs). On January 15, 2009, EPA issued 'findings of failure to submit' notices for 37 states that failed to meet the Dec. 17, 2008 deadline for submitting regional haze plans. FIPs will be issued for those states by Jan. 15, 2011 unless EPA has approved a SIP by that time. The recent remand of the CAIR has created uncertainty in evaluating submitted regional haze SIPs. We expect to resolve the delays after the new EPA administration provides future direction.	N	No modification required.
Air Toxics					
Establish MACT standards to control mercury from existing & new coal-fired power plants under §112 of the CAA, in accordance with our 2008 petition under §319 (g) of the CWA.	New England Commissioners	Technical Guidance, Federal Stationary Source Regs	Utility MACT (formerly CAMR) is underway and we are currently under litigation for deadline dates.	N	No modification required.

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NACAA recommends that EPA identify the measures that will achieve the goals stated in the plan (under Subobjective 1.1.2 – Reduce Air Toxics, page 7). These should include completing the statutory and court-ordered mandates under the NESHAP program (e.g., Portland Cement and Utility Boiler MACT).	NACAA	Not Specified	EPA intends to complete statutory and court ordered mandates.	N	No modification required.
It is critical that EPA take swift action to regulate mercury under section 112 of the CAA. The NESCAUM states have previously urged EPA to establish MACT standards to control mercury from existing and new coal-fired power plants. Such an effort should be reflected in the program guidance. In addition, the New England states and New York have petitioned EPA under section 319(g) of the Clean Water Act for a management conference to address out-of-region mercury sources contributing to mercury impairment in water bodies within the region. We encourage EPA’s air and water staff to provide a coordinated and appropriate response to the petition.	NESCAUM	Not Specified	To address mercury emissions, we have several activities underway including: Mercury limits for the NESHAP for Portland Cement, NESHAP for Mercury Cell Chlor-alkali, and NESHAP for Gold Mines.	N	No modification required.
Mobile Sources					
Complete the response to the Supreme Court decision with respect to an endangerment finding.	NESCAUM	Not Specified	On Friday, April 17, 2009, EPA issued a proposed finding that GHGs contribute to air pollution that may endanger public health or welfare.	N	No modification required.
Complete the agency’s reconsideration of California’s waiver request	NESCAUM	Not Specified	The reconsideration process is underway; EPA will confirm or reverse the decision to deny the request of the State of California to regulate greenhouse gas emissions from new motor vehicles by June 30, 2009.	N	No modification required.
Climate Change					
We ask EPA to work closely with the states in the development and implementation of any federally-mandated economy-wide GHG reduction program.	New England Commissioners	Technical Guidance, Climate Change chapter	Agree. Per Administrator’s April 2 letter to Commissioner Burack, EPA will be coordinating with the states as we work on economy-wide GHG programs.	N	No modification required.

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We believe it is important that EPA collaborate with The Climate Registry (TCR) in developing any federal mandatory GHG reporting system to ensure consistency with TCR protocols and complementary state and federal roles.	New England Commissioners, NESCAUM	Technical Guidance, Climate Change chapter	Agree. Per Administrator's April 2 letter to Commissioner Burack, EPA will work closely with the states on the rollout of the GHG reporting rule.	N	No modification required.
We urge EPA to engage with states to foster dialogue and information exchange as federal programs are planned, developed, and implemented, with the goal of ensuring real environmental benefits as expeditiously as possible.	NESCAUM	Not Specified	EPA agrees and intends to work closely with the states as new programs are planned and developed. We welcome ideas the states may have.	N	No modification required.
<p>We seek collaboration with EPA to move beyond traditional program and agency silos in order to implement complementary climate change, transportation and energy strategies that improve air quality and increase energy efficiency and use of renewables.</p> <p>(4) exploring existing and planned programs to reduce GHG emissions, including economy-wide approaches; and</p> <p>(5) supporting the nexus between climate, air quality, and non-EPA jurisdictional areas in addressing the challenges of climate change.</p>	New England Commissioners	Technical Guidance pages 13-26: Federal Support for Air Quality Mgmt, & State & Local Air Quality Mgmt	EPA welcomes the opportunity to collaborate and engage in additional dialogue in these areas. Currently, EPA is working with interested U.S. areas on an initiative to integrate transportation, energy, land use and air quality planning through its Sustainable Skylines Initiative. In addition, EPA is piloting a new way to approach air quality management planning with three geographic areas that encourages comprehensive, multi-pollutant planning.	Y	See the change proposed for the 2 nd paragraph on p 14.
Funding Issues: Ambient Monitoring, RPOs, Training, Diesel Grants					
NACAA is very concerned that EPA is proposing to eliminate funding for the RPOs. We believe this will deprive the RPOs – and state and local agencies – of necessary tools and resources to help them carry out technical activities related to regional haze. The need for the services that the RPOs provide is ongoing. While it is difficult to discuss precise amounts for the RPO funding without knowing what the total Section 103/105 budget request will be, NACAA urges EPA to provide at least \$2.5 million in FY 2010 for the RPOs. Additional recommendations will be forthcoming when the total Section 105/103 request is known.	NACAA, NESCAUM, NTAA	Grant Guidance, Appendix A	Limited funding and new mandates within STAG dictate that choices have to be made about how the resources are best used. The RPOs have received more than \$66 million to assist states in developing their regional haze SIPs, and yet 37 states have failed to submit the required SIPs due in December 2007. We will review the RPO budget request with the new EPA leadership in the coming months. We note that if individual states have a regional haze need that can be filled by the RPOs, they may request EPA to withhold part of their grant allocation to fund the RPOs.	N	No modification required.

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<p>Numerous small towns – particularly in the western states – have expanded beyond the 50,000 population level and are now subject to minimum federal PM2.5 monitoring requirements. EPA should address this problem and provide funding as appropriate.</p>	NACAA	Grant Guidance Appendix A	<p>States should identify growing population centers, including smaller areas (e.g., 50,000 population towns) as part of the 5 year assessments due to EPA on July 1, 2010. In subsequent annual monitoring network plans States should work with the EPA Regional Offices to transition their networks to meet new needs, including those in small towns.</p>	N	No modification required.
<p>EPA is soliciting comments on a proposal to shift grants for the PM2.5 monitoring program from Section 103 authority to Section 105 authority. In previous years, this proposal has been accompanied by a recommendation to also cut those funds by the amount of the 40% match. NACAA is strongly opposed to such an approach. To keep the program whole and to accept the monitoring grants, state and local agencies would need to supply additional matching funds. However, many agencies are currently overmatched and would not be required or able to increase their contributions and, therefore, may not target additional funds to PM2.5 monitoring. Furthermore, other agencies that do not have additional resources for the match could not make up the difference and may possibly be forced to turn away much-needed grant funds. Shifting the monitoring program to Section 105 authority could result in significant cuts to this important program.</p>	NACAA	Grant Guidance Appendix A	<p>While EPA and States continue to make important improvements to the PM_{2.5} monitoring network (e.g., implementation of new carbon samples), most of the network is in a mature phase. EPA would prefer to implement new monitoring networks with section 103 funds so that networks can be deployed relatively quickly and consistently. Once implemented, EPA would prefer to have the States maintain monitoring networks with section 105 funds. The section 105 program provides a more efficient funding mechanism to maintain the networks since funding is shared by both EPA and the States. However, EPA expects that Congress will continue to provide funding for PM2.5 monitoring in FY 2010 via CAA section 103 authority.</p>	N	No modification required.
<p>The draft calls for Section 105 funds to be set aside for the NOx/CAIR Budget system. Several years ago, the states participating in the NOx SIP call agreed to off-the-top funding for this program because it was a state initiative used as a SIP strategy that was more efficiently funded that way. Now that EPA has adopted the CAIR program, we believe EPA should take responsibility for administering the program in the same way that the agency administers the Acid Rain program. The cost for administering CAIR should be absorbed by EPA's budget, not from Section 105 grants.</p>	NACAA	Grant Guidance, Appendix A	<p>The NOx/CAIR Trading program includes resources from the affected States to assist in the effective implementation of their NOx SIPs as well as funds from states that elected to participate in the CAIR seasonal trading program. EPA agrees that is appropriate to reassess the cost of the program and the relative contributions from the section 105 program when the new CAIR rule is completed.</p>	N	No modification required.

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<p>EPA indicates that the annual PM_{2.5} standard was not changed. However, on 2/24/09 the US Court of Appeals remanded the annual standard to EPA. It is possible (likely) that there will be revisions of that standard and a need for additional monitors in new areas. Therefore, additional funding would be needed.</p>	<p>NACAA</p>	<p>Grant Guidance Appendix A</p>	<p>EPA and the States work together through the Annual Monitoring Network Plans, due to each Regional office each July 1, and the 5-year assessments, with the first one due by July 1, 2010 to review and assess the ambient air monitoring networks. For PM_{2.5}, monitoring network minimum requirements are based on population and design value. If a decision is made by EPA to further strengthen the PM_{2.5} NAAQS, this information will automatically be factored into the existing monitoring requirements, which can then be included in assessments of the networks. However, with operation of over 900 FRM/FEMs already, EPA is not expecting a large number of new monitoring stations needed to support any further strengthening of the PM_{2.5} NAAQS.</p>	<p>N</p>	<p>No modification required.</p>
<p>For many years NACAA has recommended that EPA fund training from its own budget, and we have agreed to match EPA's expenditures for training from the Section 105 grant during the transition to full EPA funding. Reductions in training funds will result in a loss of training infrastructure that will be very difficult to replace later. Further, elimination of training is not a wise funding choice as it will reduce the effectiveness of federal, state and local programs in the long run. As in the past, NACAA recommends that EPA hold \$1,995,000 off the top for training and urges the agency to at least match the Section 105 grant funding for training from EPA's own budget. Further, NACAA recommends that adequate staffing support be allocated within EPA to provide necessary training services to state and local agencies. NACAA's Training Committee will convene on March 23-25, 2009 and, as a part of that meeting, will define the critical tasks that EPA should assume to provide a strong national training program to meet future air pollution control needs.</p>	<p>NACAA</p>	<p>Grant Guidance, Appendix A</p>	<p>EPA has allocated contract funds, staffing, and material to support training development and delivery. EPA is working closely with the NACAA training committee to ensure we meet the training needs of states, tribes, and local agencies as cost effectively and thoroughly as possible.</p>	<p>N</p>	<p>No modification required.</p>

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<p>The draft discusses the new lead standard and related new monitoring requirements and requests comment on the use of community-scale monitoring funds to support the lead monitoring network. The draft also states that state and local agencies should begin network planning now, using Section 105 funds. NACAA has previously expressed concern about the financial obligations placed on agencies by new federal mandates. While we understand the budgetary difficulties at the federal level, state and local agencies face even more severe budget constraints. Community-scale project funds have been useful to state and local efforts to identify health risks from air toxics emissions and NACAA would prefer that those funds continue to be made available for their original purpose, rather than expanding them to cover lead as well. However, if no other source of lead monitoring funds is available, NACAA suggests that EPA provide the regions with maximum flexibility to utilize community-scale funding and other funding sources to assist the state and local agencies to develop and operate lead monitoring networks. All funds made available for lead monitoring should be awarded under Section 103 to avoid the requirement to provide matching funds.</p>	NACAA	Grant Guidance Appendix A	<p>EPA is committed to provide flexibility for States to work with the Regional Offices on how to best put monitoring resources to use. Deployment of the lead (Pb) network is to take place over two years (i.e., 2010 and 2011). Therefore, EPA both in the national program office and in Regional Offices will work closely with monitoring agencies to ensure implementation of a revised Pb network over this two year period.</p>	N	No modification required.
<p>NACAA recommends that the funds to support the Diesel Emission Reduction (DERA) provisions of the Energy Policy Act of 2005 not be part of the STAG account, since many of the funds are not provided to state and local governments. We recommend that the funds be provided through one of EPA's other accounts.</p> <p>With respect to the distribution of the diesel funds, NACAA hopes that EPA will continue to keep the program open to both attainment and nonattainment areas. Many state and local agencies have active diesel emission reduction programs that apply outside of nonattainment areas to reduce air toxics, GHGs, and haze.</p>	NACAA	Grant Guidance, Appendix A	<p>Congress, not EPA, determines which funds are put in what accounts.</p> <p>EPA intends to keep the DERA program open to distributing funds to all areas of the U.S.</p>	N	No modification required.

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<p>With respect to grant competition, EPA notes that co-regulator status is no longer available as an exception to competition for grants for MJOs. As we have indicated in previous comments, we disagree with this view and believe that co-regulator organizations such as NACAA and other MJOs should continue to be treated under an exception to competition requirements. It would be very inefficient for EPA and those organizations to go through a competitive process when those entities are each uniquely qualified to perform their missions and were established by their members for this express purpose. There are no other organizations that directly represent their members and are able to carry out the national and regional environmental and public health objectives of their members.</p>	NACAA	Grant Guidance, Appendix A	While co-regulator status as an exception to competition has been removed, there are other exceptions which can account for the unique working relationship that many multi-jurisdictional organizations have with their member state and local agencies - in particular, the 'in the public interest' exception.	N	No modification required.
Tribal Air Program					
<p>EPA states that “[b]y 2014, 12 additional tribes will possess the expertise and capability to implement the Clean Air Act in Indian country (as demonstrated by successful completion of an eligibility determination under the Tribal Authority Rule).” This priority ignores the fact that Indian tribes can achieve similar expertise and capability by entering into Direct Implementation Tribal Cooperative Agreements (DITCAs) to administer EPA programs or federal implementation plans on their reservations. As such, the NTAA recommends that EPA expand its priority to include DITCAs as another means for measuring a tribe’s success in possessing the expertise and capability to implement the Clean Air Act in Indian country.</p>	NTAA	Technical Guidance	This comment is on the EPA Strategic Plan section of the guidance, and needs to be addressed as part of that process. We do agree however, to add a 2010 priority to use DITCA authority where appropriate.		
<p>Tribes should be included in the priority on page 14: “continue to work with financial experts to identify and develop tools, resources and programs for states and regional authorities to implement innovative financial programs....”</p>	NTAA	Technical Guidance	Agreed this language should be changed to reflect the comment.		

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<p>NTAA is concerned about what came out of a 2005 GAO report that called out the TAS process for its shortcomings. Equally alarming is EPA's response to GAO. NTAA remains unconvinced that the criticisms and subsequent recommendations made by the GAO have been adequately addressed by EPA. Most notably, the EPA strategy fails to include specific deadlines by which EPA must adhere to with respect to future TAS applications. NTAA recommends that EPA develop a strategy that specifically responds to and meets the recommendations made by the GAO concerning the TAS process.</p>	NTAA	Technical Guidance	<p>OAR is committed to working with the Regions Offices to process TAS applications in a timely manner. OAR will also continue to participate in Agency activities to ensure full implementation of actions to address the findings of the GAO.</p>		
<p>To better understand the number of tribes that are expected to obtain TAS approval by 2014, the NTAA also recommends that the EPA provide our organization with a clear rationale as to how the number was arrived at.</p>	NTAA	Technical Guidance	<p>EPA Regional Offices nationwide were asked to prepare an estimate based on their close working relationships with tribal governments and the knowledge that development of a TAS application generally requires the prior development of expertise in air quality on the part of the applicant. Each Regional Office subsequently submitted an estimate of which tribes in that Region were expected to be prepared to submit a TAS application in each of the applicable years. The results were compiled at HQ to develop the estimate.</p>		
<p>As a result of federal law, most Indian tribes in Oklahoma have been unable to receive TAS and only one Alaska Native village is currently eligible for TAS. Perhaps the next best option available to them to address issues and concerns is through the use of Direct Implementation Tribal Cooperative Agreements (DITCAs). The NTAA therefore recommends, as it did for the FY 2008 and 2009 OAR Guidance, that EPA regions (specifically Regions 6 and 10), provide specific resource and technical assistance to Alaska Native villages and Oklahoma tribes in the form of DITCAs.</p>	NTAA	Technical Guidance	<p>EPA's DITCA authority is available in every Region (including 6 and 10) and has been supported by OAR and AIEO for activities implemented by federally recognized tribes.</p>		

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<p>EPA states that it will “continue to provide guidance to tribes on planning and implementing air monitoring programs” and “continue to provide guidance on implementing air monitoring programs.” Generally speaking, the NTAA recommends that these two priorities be consolidated into one priority so as to avoid any redundancy.</p> <p>Additionally, NTAA recommends that EPA conduct a representative analysis of the existing tribal and non-tribal air monitoring networks to identify those Indian tribes that do not currently have a source of air monitoring data relevant to their lands.</p>	NTAA	Technical Guidance	<p>Agree. The language will be changed to avoid redundancy.</p> <p>OAQPS is initiating a representative analysis that will generate GIS maps of emissions sources, monitoring location and tribal boundaries to help look at the potential for air quality concerns in Indian country and determine if monitoring is adequate.</p>		
<p>Include Indian tribes in the priority on page 15 that reads: “support state monitoring network implementation of lead and rural ozone monitors.”</p>	NTAA	Technical Guidance	<p>Agree the language should be changed to include tribes.</p>		
<p>Indian tribe diets have not been adequately considered by EPA in the process of addressing emissions standards for mercury. For example, in developing the former Clean Air Mercury Rule, the Agency considered two segments of the population to be relevant to its analysis – i.e., recreational anglers, and “high level” consumers such as some Native American and other ethnic populations. In calculating the risk to these groups, the EPA used maximum fish consumption levels of 25 g/day for anglers and 170 g/day for high consumers. These levels, however, are far from adequate for some tribal populations. For example, a survey of Great Lakes area tribes produced a range of 189.6 to 393.8 g/day, and the Minnesota Chippewa Tribe has adopted 227 g/day as its treaty-protected subsistence quantity.</p>	NTAA	Technical Guidance	<p>We will work to ensure tribal outreach and consultation on our rulemaking is conducted as we move forward on these rules to ensure tribal issues are considered.</p> <p>EPA welcomes and encourages tribes to provide input to this process to help us ensure these concerns are addressed.</p>		

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<p>The NTAA acknowledges the possibility that RPOs may continue to exist even in the absence of EPA funding. If this should become the case, the NTAA alternatively recommends that OAR establish a tribal set-aside fund, be it through EPA discretionary funds or some other means, to allow tribes to continue their involvement in RPOs, and to help advance tribal issues and concerns. Establishment of the tribal set-aside fund in no way diminishes the need to continue to fund the RPOs in general so that tribes may continue to work together with states, federal agencies, environmental organizations and industry to protect and preserve the nation's air quality which knows no boundaries.</p>	NTAA	Technical Guidance	OAR also encourages NTAA to provide this recommendation in the budget planning process conducted annually.		
<p>The guidance refers to a tribal database on pages 31 without explaining what this database is or its intended purpose. The NTAA would appreciate additional information regarding the database so we, as an organization, can provide specific input about it if necessary.</p>	NTAA	Technical Guidance	OAR has developed a management database to help track activities in the OAR Tribal Program called OAR Tribal Database. It is an internal database that tracks activities such as the number of TIPs, TAS, EIs, Permits, the goal of the database is to better understand the activities in tribal air programs across the country and to effectively communicate that to EPA management.		
<p>NTAA recommends that the TEISS and Turbo-QAPP (see page 30) software packages continue to be funded by EPA during FY 2010. These software packages continue to provide Indian tribes with the resources necessary to collect and package valuable information for the Agency at a limited cost. Updates are also needed to the software packages to reflect changes in federal emissions inventory and QAPP requirements and to include GHG.</p>	NTAA	Technical Guidance	OAR has provided funding for continued work with both TEISS and Turbo-QAPP.		
<p>EPA's use of the term "in Indian country" in several places throughout the documents excludes other tribes, namely those from Alaska Native villages and Oklahoma. The language should be changed to "in Indian country, and on the lands of Alaska Native villages and tribes in Oklahoma."</p>	NTAA	Technical Guidance	OAR proposes changing the references to "Indian country" to "federally recognized tribes" to assure NTAA of OAR's commitment to working with all federally recognized tribal governments in keeping with federal trust responsibilities and policies. Indian country is a legal term that includes all lands within reservations, as well as all Indian allotments, which do continue to exist in Oklahoma and Alaska.		

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<p>There is a marked absence of mercury deposition data in the western U.S., where the majority of the tribal land base exists. Because the dry deposition monitoring technique is not as developed as its wet deposition counterparts, data is particularly lacking in the Southwest where dry deposition predominates. Acquiring more deposition and health effects data is a priority for tribes in the years to come. The NTAA therefore recommends that the EPA list as one of its priorities, the provision of tribes with the necessary resources to conduct monitoring for mercury emissions based on their respective needs (e.g., dry versus wet deposition monitoring techniques).</p>	NTAA	Technical Guidance	<p>The National Atmospheric Deposition Program (NADP) administers the Mercury Deposition Network (MDN) to monitor mercury in precipitation at sites across North America. Operating since 1996, MDN has grown to over 100 monitoring sites that provide valuable information on mercury wet deposition in locations nationwide. While scientists have a good handle on quantifying mercury in rainfall, the measurement of dry deposition remains a challenge.</p> <p>Lacking dry deposition measurements, EPA has worked with NADP and launched a new network that monitors the concentrations of ambient mercury fractions that contribute to dry deposition. NADP initiated this network to serve a number of objectives: estimating mercury dry deposition; understanding the impact of mercury emitting sources; providing data for evaluating models; and analyzing status and trends in atmospheric mercury. As part of this initiative, EPA is collaborating with the Cherokee Nation to establish a new atmospheric mercury monitoring site in Stillwell, OK. NADP and EPA continue to seek tribal collaborators to help address network monitoring gaps and build monitoring capacity on tribal lands and in other locations.</p> <p>Resource issues should be discussed in the annual budget process, and NTAA is encouraged to participate in that process. OAR is committed to supporting assessment of mercury deposition in Indian country based on national and tribal priorities and resources. We will continue to support tribal participation in activities related to the deposition of mercury.</p>		
<p>In all parts of the guidance where governmental jurisdictions (tribes, states, locals) are cited, “tribes” should be placed in front of “locals,” and ideally, tribes, as sovereign nations, should be listed first.</p>	NTAA	Throughout	<p>There is no accepted convention for order-of-importance when referring to partner governmental entities, and any order used should not be interpreted as hierarchical.</p>		

Comment	Commenter	Text Location	Response	Change Y,N,NA	Modification
<p>EPA should establish a priority specific to international issues. A number of tribes, specifically those on the border of neighboring countries and those along coastal waters, are impacted by air pollutants from both near and far away lands. As such, some effort on the part of OAR to address these emissions would subsequently help to address tribal issues and concerns regarding the air quality over their respective lands. At the very least, the NTAA recommends that the EPA expand its research on international transport and atmospheric deposition, including research on the effects of atmospheric deposition on the food chain of tribal subsistence foods and treaty-reserved lands.</p>	NTAA	Technical Guidance	<p>OAR works closely with EPA’s Office of International Affairs, and affirms that tribal issues are included in activities related to international transport, atmospheric deposition and other border and international issues.</p>		
<p>With respect to EPA’s regional priorities in the name of reducing GHG emissions and mitigating climate change impacts on human health and the environment, the Agency plans to “ensure tribal governments and communities are included as partners in GHG activities and participate in and benefit from ongoing coordinated efforts and outreach programs” (see page 45). To be full partners, however, tribes need to know their carbon footprint from which they can begin to reduce GHG emissions and contribute to the nation’s overall effort to reduce the adverse impacts of climate change. The NTAA therefore recommends that EPA regions work with tribes to provide them with the necessary resources to develop GHG emissions inventories.</p>	NTAA	Technical Guidance	<p>EPA has developed or supported the development of guidelines and tools for state, regional, and local governments, as well as parks and schools, to conduct GHG inventories. These tools are freely available and can also be used by tribes. It may be necessary for tribes to pick and choose elements from the different protocols that best fit their unique circumstances (eg, a city-based protocol may miss out on land management, the state-based tools rely on data that may not be readily available to a tribe). Descriptions of these tools as well as free online trainings on Inventory Development are available on EPA’s Climate Change website at: http://epa.gov/climatechange/emissions/state_guidance.html. EPA is available to help individual tribes assess their options for inventory development and looks forward to expanding the material on our website to include clearer guidance for tribal governments on GHG Inventories.</p>		

++ End ++