

# Tribal Air News

March 2003  
Volume 2, Issue 2

United States Environmental Protection Agency  
Office of Air & Radiation  
Office of Air Quality Planning & Standards

## Familiar Faces in New Places ...Changes in EPA's Office of Air and Radiation



Steve Page takes over as OAQPS Director.

We welcome Steve Page as the new Director of EPA's Office of Air Quality Planning & Standards (OAQPS). Prior to joining OAQPS, Steve directed EPA's Office of Radiation and Indoor Air.

Steve brings a great deal of perspective to his new position. He was the Chief of Staff and Director of Communications for EPA's Air and Radiation Office, serving under two Assistant Administrators. From 1986 to 1992 Steve held a variety of senior management positions in the Office of Radiation and Indoor Air, including Office Director and the Radon Division Director.

Before joining EPA, Steve spent several years working in the Secretary's Office of the Department of Health and Human Services. He was also on the White House staff during the Carter Administration. Steve has held positions with the State of California and the Southern California Association of Governments.

Steve has a Masters Degree in Public Administration from the University of Southern California and a Bachelors Degree from Marietta College.

We are also pleased that Elizabeth A. Cotsworth has taken over as the Office Director for EPA's Office of Radiation and Indoor Air (ORIA).

Elizabeth provides national direction for protecting people and the environment from harmful and avoidable exposure to radiation, as well as protective measures and guidance for indoor air environments.

Prior to joining ORIA, Elizabeth was the Director of the Office of Solid Waste from 1997 to 2002. She holds a B.A. from Chatham College in History and a M.A. from the University of Virginia in Government and Foreign Affairs.



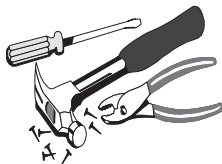
Elizabeth Cotsworth is the new director for ORIA.

### An Inside Look...

Designations for Tribes  
New Source Review Update

Tools  
Mark Your Calendar

# Tools



## Voluntary Superior Monitoring

EPA is exploring a regulatory option called “Voluntary Superior Monitoring (VSM).” Under this option, owners/operators of industrial air pollution sources could volunteer to conduct “superior” monitoring, which could range from more frequent monitoring of emissions, to replacement of existing monitoring equipment. In return for conducting superior monitoring, EPA will offer incentives to these sources, such as less record keeping and reporting, some flexibility in control device or process operation, or flexibility in averaging times for determining compliance with the standard. We are also planning to provide guidance on how to implement Voluntary Superior Monitoring and what criteria industrial sources would need to meet to be eligible for this program. **EPA is still gathering data and would welcome ideas concerning this project; especially ideas concerning incentives and eligibility criteria.**

Instead of changing all individual New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), we envision proposing this regulatory option by revising the general provisions to parts 60, 61, and 63. The general provisions contain monitoring, testing, recordkeeping, reporting, and other requirements common to all NSPS and/or NESHAP. In addition, we believe the operating permit program in parts 70 and 71 will need to be modified to allow this approach.

Our tentative schedule is to continue the data gathering phase for several more months and, at the same time, begin meeting with our stakeholders. We plan to draft the guidance first in late spring and draft the regulatory package by the end of summer. If you are interested in hearing more or meeting with us to discuss this project, please contact Dan Bivins at (919) 541-5244. Again, we want to involve you in the development of this regulatory option!

## Emissions Inventory Conference

EPA will hold its annual Emission Inventory Conference on April 28 - May 1, 2003 in San Diego, CA. The preliminary program and registration form are now available at <http://www.epa.gov/ttn/chief/conference/ei12/index.html>. As in last year's conference, there is a session dedicated to tribal issues. This conference is showing all the signs of being our largest one to date, so register and make hotel reservations as soon as possible.

## Guidance for Developing Tribal Implementation Plans

In October 2002, EPA completed the guidance document, Developing a Tribal Implementation Plan (TIP). This document discusses how to develop the individual elements of a TIP and contains helpful references for how to develop emissions inventories, establish air monitoring networks, and establish compliance and enforcement programs.

The Guidance is available in 3 hole punch format suitable for a loose leaf notebook from the OAQPS Library in RTP. Please contact the OAQPS Library for a black and white copy at 919-541-5514. We are working on a color printing which will be available in a few months. Contact Julie McClintock at 919-541-5339 or [mcclintock.julie@epa.gov](mailto:mcclintock.julie@epa.gov) if you have questions.

## Mold and Moisture Problems in Native American Community Housing Units

Increasingly, tribal housing directors, building inspectors, environmental health personnel, maintenance and building trade's staff are being asked to address mold problems in tribal housing. HUD will be holding several Mold and Mildew Training Sessions at various locations nationwide. The dates and locations for these trainings are as follows:

Crowne Plaza – Seattle, WA July 29 & 30

Holiday Inn – Denver, CO October 21 & 22

The Westin – Oklahoma City, OK August 26 & 27

Millennium Hotel – Anchorage, AK April 29 & 30

Micosukee Resort – Miami, FL November 12 & 13

Mohegan Sun – Uncasville June 3 & 4

Mille Lacs Grand Casino – MN September 23 & 24

see **Tools - continued on page 3**

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Inc. Visit the website at...

<http://groups.yahoo.com/group/tribalair>



## Tribal Ozone and Particulate Matter Designations and Implementation - Next Steps

EPA will propose the 8 hour ozone implementation rule in the near future and will be sending a letter to Tribal leaders to make them aware of this rule and to invite their input. The Tribal Designations and Implementation Work Group, including EPA and tribal environmental professionals, has spent many hours discussing both the designations process and the implementation rule. The Work Group prepared a summary of important tribal issues related to the 8 hour ozone implementation rule. The National Tribal Air Association sent the summary to every tribe for review. If you did not receive a copy, please contact Joanna Stancil at 505-242-2175 or [jstancil@ntec.org](mailto:jstancil@ntec.org). A longer more detailed document is also available. A similar process is underway for a PM 2.5 Implementation Rule.

Some Tribes have expressed concern that reservations should not be included in the presumptive metropolitan nonattainment area boundaries because reservation often are not politically and economically integrated with the surrounding or adjacent urban area. EPA will address this concern on a case-by-case basis.

Tribes are invited to make a recommendation for an air quality designation for the national 8 hour ozone standards. Regional EPA offices sent a letter with this announcement, and recently the date was extended to July 15, 2003. EPA will consult with each Tribe regardless of whether or not a Tribe has received an eligibility determination to implement Section 107 of the Clean Air Act throughout the designation process. EPA will also facilitate discussions among states and tribes when several jurisdictions are involved in an area designation. Information about designation recommendations by states (including lands adjacent to Indian country) will be made available on an EPA web site, [www.epa.gov/ttn/rto/area](http://www.epa.gov/ttn/rto/area). A state recommendation does not dictate the designation for Indian country. A similar process is underway for PM 2.5 designations. In late March, EPA will release guidance for States and Tribes to make PM2.5 designations. California tribes will most likely be the ones not meeting the new PM 2.5 standard.

EPA will evaluate the Tribe's recommendation based on an analysis of the case-specific information which address the 11 factors described in the July 2000 document, Guidance on 8-Hour Ozone Designations for Indian Tribes. This Guidance may be found at: <http://www.epa.gov/ttn/oarpg/t1pgm.html>. If EPA intends to modify the recommended designation, it will notify the Tribe. Upon request, EPA will help any Tribe obtain information needed to put together a recommendation.

If a tribe does not choose to provide EPA with a recommendation, EPA will adopt the designation it deems appropriate. It is agency policy that EPA "... in keeping with the Federal trust responsibility, will assure that tribal concerns and interests are considered whenever EPA's actions and/or decisions may affect reservation environments." (EPA 1984 Indian Policy). The final designation decisions will be published in the Federal Register, along with a date by which these decisions will become effective.

### Schedule for 8-Hour Ozone

March 2003	EPA proposes implementation rule
July 2003	Tribes submit recommended designations
December 2003	Implementation rule finalized
April 2004	Final designations

### Schedule for PM 2.5

Late Summer 2003	EPA proposes implementation rule
Late Summer 2004	Implementation rule finalized
December 2003	Tribes submit recommended designations
December 2004	EPA finalizes designations

# New Source Review Update

In November 2002, EPA finalized changes to its New Source Review (NSR) permitting program. At the same time, the Agency proposed a definition of routine maintenance and repair. This proposal is currently under public review and comment. In 2003, EPA plans to propose additional modifications relating to aggregation, debottlenecking and Plantwide Applicability Limits (PAL) based on a facility's allowable emissions.

Currently, when multiple projects are implemented in a short period of time, a difficult and complex analysis must be performed to determine if the projects should be treated separately or together (i.e., "aggregated") under NSR. The **aggregation rule** will propose that a project is considered separate and independent from any other project unless they depend upon each other to be economically or technically viable. Projects can not be intentionally split to avoid NSR requirements.

EPA is proposing a rule to clarify how NSR applies when a company modifies one part of a facility in such a way that throughput in other parts of the facility increases (i.e., implements a "debottlenecking" project).

The **debottlenecking rule** will propose that, when calculating actual emissions associated with a physical or operational change, facility owners generally should look only at the unit undergoing the change. Emissions from units "upstream" or "downstream" of the unit being changed should be considered only when the permitted emissions limit of the upstream or downstream unit would be exceeded or increased as a result of the change.

We recently finalized NSR rules for a Plantwide Applicability Limit (PAL) based on actual emissions at existing industrial facilities. In 2003, we will propose an **allowables PAL** based on a facility's allowable emissions. If a company commits to keep its facility emissions below allowable levels, then these regulations will allow the plant owners to avoid the NSR permitting process when they make changes at individual units at the plant, as long as the total emissions from the facility will not increase.

## For additional information:

Aggregation/Debottlenecking - Juan Santiago (919) 541-1084  
Allowables PAL - Raj Rao (919) 541-5344

## *Particulate Matter Transport Rule*

On January 31, 2003, EPA hosted a meeting in Phoenix, Arizona with States, Tribes and Regional Planning Organizations (RPOs) on a Transport Rule for NO<sub>x</sub> and SO<sub>x</sub>. The meeting goals included: (1) review need for regional transport reductions, (2) share EPA's views on transport, (3) receive input from States, Tribes and RPOs, and (4) plan how to collaborate and interact after this meeting.

EPA's position is that the Clear Skies Act is the best way to achieve regional emission reductions and that legislation has many virtues over rulemaking. The Transport Rule will serve as an alternative or supplement to Clear Skies. Because Clear Skies currently only addresses electric utilities, the Transport Rule may still be necessary to address other significant PM-precursor sources.

There was considerable discussion on the process for how EPA should communicate and work with States, Tribes and RPOs. Suggestions for continued interaction included: (1) having calls/meetings with carefully orchestrated agendas and clear objectives, and using a facilitator, (2) using existing groups, like STAPPA/ALAPCO, NTAA, or RPOs, and (3) having technical focus groups.

EPA may ask that the States and Tribes identify a few key people to talk with EPA about establishing the process.

## *Tools from page 2*

### Renewable Energy Grants

We would like to inform you of an upcoming opportunity through the National Renewable Energy Laboratory (NREL) to apply for grants to research or implement Renewable Energy Developments on Tribal Lands. Requests for Proposals should be coming out soon with proposals from tribes due in late March to early April. The NREL has about \$3 million to award for projects ranging from renewable energy feasibility studies to project construction. Their main focuses are on solar, wind and biomass projects but all types of renewable energy proposals will be considered. There is a matching requirement with this grant of 20% for feasibility studies and 50% on project grants. In 2002, the Sault St. Marie Tribe of Michigan received a grant to conduct a wind energy feasibility study through this program.

For more information on the 2002 program and awards, please go to the NREL website:  
[http://www.eren.doe.gov/power/tech\\_access/tribalenergy/projects/fy2002.html](http://www.eren.doe.gov/power/tech_access/tribalenergy/projects/fy2002.html)

**Visit the Tribal  
Air Website**

**<http://www.epa.gov/air/tribal>**

## 2003 Air Toxics Implementation Workshop & Training

**What:**

**Air Toxics Implementation Workshop - a forum for EPA, State, Tribal, and local pollution control personnel to share ideas and exchange information on current and future air toxics programs.**

**Air Toxics 101 Training Session - introductory air toxics training session geared toward those new to the field or for anyone who needs a refresher.**

**Surface Coating Training - Identifying Compliance Issues at Coating Facilities.**

**When:**

**Workshop - Tuesday, April 8 - Thursday, April 10, 2003**

**Air Toxics 101 Training Session & Surface Coating Training - Monday, April 7, 2003**

**Where:**

**Hilton North Raleigh, Raleigh, North Carolina**

**For additional information contact:**

*for agenda issues:*

Lalit Banker  
U.S. EPA, OAQPS  
Phone: 919/541-5420  
[banker.lalit@epa.gov](mailto:banker.lalit@epa.gov)

-or-

*for registration issues:*

Debbie Kemp  
SciComm, Inc.  
Phone: 301/652-1900  
[airtoxics@scicomm.com](mailto:airtoxics@scicomm.com)

## Update on the Regional Haze Rule.....

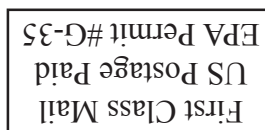
In May of 2002, the DC Circuit Court remanded the final regional haze rule (July 1, 1999) back to EPA. We have begun work on reproposing the haze rule in response to the remand. The reproposal will include revisions to the Best Available Retrofit Technology (BART) guidelines that we proposed on July 20, 2001. We hope to have the reproposal out in April 2004. During this process we will be working to identify tribes that may have BART sources, and any other interested tribes. Please let us know if you are interested in receiving regular updates.

After proposal we intend to more formally consult with interested tribes. If you have any questions about this process, please call Kathy Kaufman, EPA Office of Air Quality Planning and Standards, at (919) 541-0102, or email [kaufman.kathy@epa.gov](mailto:kaufman.kathy@epa.gov).

## *Thank You Joyce!*

As you are probably aware, Joyce Barkley, from the St. Regis Mohawk, came to North Carolina for a year to develop the minor New Sourcing Review rule. Joyce was instrumental in jump starting this effort and paving the way for this important rule for Indian country. She survived one North Carolina summer but has returned to cooler climates to run the St. Regis wetlands program. Her experience, energy and perspective will be truly missed as we move forward with this rule.

We will continue our efforts to propose the NSR rule for Indian country later this year and continue to look for your input and support in developing it. If you are interested please contact Mark Sendzik at 919-541-5534 or via email at [sendzik.mark@epa.gov](mailto:sendzik.mark@epa.gov).



United States Environmental Protection Agency  
Research Triangle Park, NC 27711  
Mail Drop E143-01

## *Mark your Calendar...*

### **Technical Courses:**

**US EPA's Air Pollution Distance Learning Network - Check EPA's website at [www.epa.gov/oar/oaqps/eog](http://www.epa.gov/oar/oaqps/eog) for registration information.:**

- Air Toxics Now (T-002-03), March 26, 1:00-2:00 pm ET.
- Landfills NESHAP and NSPS, 2003 Update (T-003-03), May 1, 1:00-3:00 pm ET.
- Voluntary Superior Monitoring CLN 1474 (T-004-03), May 6&7, 1:00-2:00 pm ET, and May 14, 1:00-5:00 pm ET.

### **Northern Arizona University's Institute for Tribal Environmental Professionals - American Indian Air Quality Training Program:**

- Environmental Education for Air Quality Professionals - Level 1. March 25-27. Flagstaff, Arizona.
- PM Monitoring/PM2.5 Instrument Operation - Level 2. April 7-11. Las Vegas, Nevada.
- Developing a Tribal Air Program (TAP) - Level 1.

- April 22-24. Salt Lake City, Utah.
- Fundamentals of Air Pollution Technology - Level 2. May 5-9. Flagstaff, Arizona.
- Clean Air Act & Permitting - Level 2. May 13-16. Location TBA.
- Emissions Inventory - Level 3. May 19-23. Flagstaff, Arizona.
- Indoor Air Quality - Level 3. May 28-30. Oneida Reservation, Wisconsin.

### **Conferences:**

Arizona Water and Pollution Control Association 76<sup>th</sup> Annual Conference. April 30-May 2. Tuscon, Arizona. Call General Conference Information: Debbie Muse (888) 559-8844.

### **Workshops:**

Fundamentals of New Source Review, Updated Workshop Series Sponsored by the Air & Waste Management Association. September 4-5, Scottsdale, AZ. December 4-5, New Orleans, LA. For more information, visit: [www.awma.org/events](http://www.awma.org/events) and scroll down to "Workshops."