

Chapter 1

Introduction

What is the purpose of this document?

A Tribal Implementation Plan (TIP) is a set of regulatory programs your tribe can develop and adopt to help attain and/or maintain national air quality standards for six common air pollutants: carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, particulate matter, and ozone. A TIP may be one part of a broader tribal air quality management program that may also include programs to enforce federal limitations on other pollutants, monitor air quality, inventory emissions, issue stationary source operating permits, and address indoor air pollution.

This document is intended to help tribal environmental staff assess the need for a TIP, explain the different program elements that a TIP may consist of, and contains Environmental Protection Agency's (EPA) suggestion on how to develop a TIP if a tribe chooses to do so. It also includes some preliminary interpretations of the statutory and regulatory requirements related to TIP preparation, adoption, submittal and approval. The discussion in this document is intended solely as guidance. While EPA has made every effort to ensure the accuracy of the discussion

in this guidance, requirements related to TIPs are determined by statute and regulations (see Chapter 2, “Implementation Plan Basics”). In the event of a conflict between the discussion in this document and any statute or regulation, this document would not be controlling.



The Magnificent Cheyenne River Valley. The Cheyenne River Valley is home to the Cheyenne River Sioux Tribe, in North Central South Dakota.

(Photo courtesy of Cheyenne River Sioux Tribe.)

Your Tribe and other interested parties are free to raise questions and objections about the substance of this guidance document and the appropriateness of any of these recommendations or interpretations in this guidance to a particular situation. EPA will consider whether or not the recommendations or interpretations in this guidance document are appropriate in any given situation. Any decision to apply a particular recommendation or interpretation will be made based on the applicable statutory and regulatory requirements. Accordingly, this document does not impose legally-binding requirements on EPA, Indian tribes, or any other party.

This document is a living document and may be revised periodically without public notice. EPA welcomes public comments on this document at any time and will consider these comments in any future revision of this document. While the primary audience is tribal environmental staff, this document can also serve to explain the federal air program to interested Tribal Councils and Leaders. The chapters are organized as follows:

- » Chapter 1 provides background information on the Clean Air Act and National Ambient Air Quality Standards, explains how a TIP protects these standards and relates to the rest of your tribe’s¹ air quality management program, and lists some of the benefits of developing a TIP.
- » Chapter 2, *Characteristics of TIPs*, describes the unique qualities of TIPs and introduces the potential elements of a TIP.
- » Chapter 3, *Goal Setting & Data Gathering*, explains the national air quality designations; provides suggestions on what should be considered in setting up your air quality goals for your TIP; and presents two methods of

data gathering that can provide useful information to your tribe: emissions inventories and air quality monitoring.

- » Chapter 4, *Potential TIP Elements*, provides information on the regulations and programs that can be included in a TIP: maintenance and attainment strategies, preconstruction permitting programs, and regional haze plans.
- » Chapter 5, *Compliance and Enforcement*, has information on how regulated sources can measure and report emissions to demonstrate compliance, and how to develop an enforcement program.
- » Chapter 6, *TIP Adoption and Submission*, presents information on conducting public outreach, adopting your TIP, submitting your TIP to EPA for approval, and revising your TIP.

In addition to the resources presented throughout this document, there are appendices that provide national and regional EPA contact information (Appendix A), resources on all aspects of TIP development (Appendix B), and education and training resources (Appendix C). An acronym list and glossary are also provided.

The Clean Air Act

What is the Clean Air Act?

The Clean Air Act (CAA) was originally passed in 1970 and was the subject of substantial amendment, most recently in 1990.² The CAA: requires EPA to set national air quality standards for certain pollutants; requires EPA to develop programs to address specific air quality problems; establishes EPA's enforcement authority; and provides for air quality research. For most CAA programs, EPA establishes federal guidelines and gives the state or tribe regulatory authority flexibility in how it implements the programs. The CAA, as amended in 1990, now consists of the nine separate Titles listed in Table 1-1. A "plain English" guide to the CAA is available at www.epa.gov/oar/oaqps/peg_caa/pegcaain.html.

National air quality standards ensure that all Americans have the same basic health and environmental protections. The CAA allows individual states and tribes to have air pollution standards that are stronger than the national standards, but they are not allowed to have weaker standards. Congress recognizes in the CAA that it is sensible for states and tribes to take the lead in carrying out the CAA because air quality problems are best addressed by those who hold a special understanding of local industries, geography, housing patterns, and other local circumstances.

Table 1-1. Organization of the Clean Air Act Amendments

| | |
|------------|---|
| Title I | National Ambient Air Quality Standards |
| Title II | Mobile Sources |
| Title III | Hazardous Air Pollutants |
| Title IV | Acid Deposition (also known as Acid Rain) |
| Title V | Stationary Source Operating Permits |
| Title VI | Stratospheric Ozone & Global Climate Protection |
| Title VII | Provisions Regarding Enforcement |
| Title VIII | Miscellaneous Provisions |
| Title IX | Clean Air Research |

Implementation Plans, and thus the bulk of this document, focus on the National Ambient Air Quality Standards. However, there are guidance documents and assistance available if your tribe is interested in implementing other CAA programs. Resources include:

- » EPA’s Office of Air Transportation and Quality for information on mobile sources of air pollution (www.epa.gov/otaq/)
- » EPA’s *United Air Toxics* website for information on hazardous air pollutants (www.epa.gov/ttn/uatw/)

- » EPA's *Operating Permits Program* website for information on Title V Major Stationary Source Operating Permits (www.epa.gov/oar/oaqps/permits/)
- » EPA's Office of Air and Radiation's website (www.epa.gov/oar/) or your regional EPA office (Appendix A) for information on other air quality programs
- » EPA's Office of Air and Radiation's website for Tribes (www.epa.gov/air/tribal)

What are the National Ambient Air Quality Standards?

The EPA established National Ambient Air Quality Standards (NAAQS) for six common air pollutants ("ambient" air is air to which the general public has access, as opposed to air within a facility or at a smokestack). There are NAAQS (pronounced "knacks") for carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), lead (Pb), particulate matter (PM), and ozone (O₃).³ Ozone is formed when ozone precursors [such as NO₂ and volatile organic compounds (VOC)] change into ozone in the atmosphere in the presence of sunlight; areas that do not comply with the ozone NAAQS regulate NO_x and VOC.

The NAAQS are based on comprehensive studies of available ambient air monitoring data, health effects data, and material effects studies. These studies are published in documents called *Air Quality Criteria Documents*, and these six pollutants are often referred to as "criteria" pollutants. The criteria pollutants can injure health, harm the environment, and cause property damage. Information about these pollutants, their health and environmental effects, and common sources that emit them, is provided in Appendix D.

Most pollutants regulated by the NAAQS have two limits. One limit (the "primary" standard) protects everyone - including children, people with asthma, and the elderly - from health risks. The other limit (the "secondary" standard) prevents unacceptable effects on the public welfare, e.g., unacceptable damage to crops and vegetation, buildings and property, and ecosystems. Table 1-2 presents the NAAQS standards.

Table 1-2 National Ambient Air Quality Standards (NAAQS) ^a

| Pollutant | Averaging Time ^b | µg/m³ ^c | ppm ^d | Primary or Secondary |
|--|------------------------------------|--------------------------------------|-------------------------|-----------------------------|
| Carbon Monoxide (CO) | 8-hour | 10,000 | 9.0 | P |
| | 1-hour | 40,000 | 35.0 | P |
| Nitrogen Dioxide (NO₂) | annual | 100 | 0.053 | P & S |
| Sulfur Dioxide (SO₂) | annual | 80 | 0.03 | P |
| | 24-hour | 365 | 0.14 | P |
| | 3-hour | 1,300 | 0.50 | S |
| Ozone (O₃) | 8-hour | 235 | 0.08 | P & S |
| | 1-hour | 157 | 0.12 | P & S |
| Lead (Pb) | quarterly | 1.5 | n/a | P & S |
| Particulate Matter (PM₁₀)^e | annual | 50 | n/a | P & S |
| | 24-hour | 150 | n/a | P & S |
| Particulate Matter (PM_{2.5})^f | annual | 15 | n/a | P & S |
| | 24-hour | 65 | n/a | P & S |

^a The NAAQS is an allowable level of a specific pollutant found in the ambient air.

^b The time period over which emissions are averaged for purposes of determining attainment.

^c µg/m³ = micrograms per cubic meter of air

^d ppm = parts per million

^e PM₁₀ is particulate matter with an aerodynamic diameter less than or equal to 10 micrometers.

^f PM_{2.5} is particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers.

Each NAAQS corresponds to a specific averaging time, and some pollutants have standards for more than one averaging time. The averaging time is the time period over which air pollutant concentrations are averaged for the purpose of determining attainment with the NAAQS. Air pollutants can be measured in either micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$) or in parts per million (ppm).

A geographic area that meets or does better than the primary standard is called an **attainment area**; areas that do not meet the standards, or that contribute pollution to nearby areas that do not meet the standards, are called **nonattainment areas**. An area may be designated attainment for some pollutants and nonattainment for others.

Tribal Air Programs and TIPs

Under what authority can Indian tribes adopt Clean Air Act programs?

The CAA, as amended in 1990, authorizes EPA “to treat Indian tribes in the same manner as states” under the CAA and instructed EPA to promulgate regulations to identify the CAA provisions for which it is appropriate to treat tribes in the same manner as states.⁴ Accordingly, EPA issued the Tribal Authority Rule (TAR).⁵ Under the TAR, Indian tribes can be treated in the same manner as states for CAA provisions related to implementation plans except for certain provisions identified in 40 C.F.R. §49.4. However, there are some §49.4 exceptions relevant to TIPs (for example, tribes are not required to comply with CAA Implementation Plan submittal deadlines) which are discussed throughout this document.

The EPA expects and hopes that many Tribes will wish to develop and implement their own CAA programs. However, Tribes are not required to adopt and implement all CAA programs, or, any CAA program at all.

The TAR also outlines the eligibility criteria tribes must meet in order to be treated in the same manner as a state,

and defines the process by which EPA will approve tribal CAA programs.

The CAA allows tribes to obtain the authority to run CAA programs for the regulation of “air resources within the exterior boundaries of the reservation or other areas within the tribe’s jurisdiction” [CAA Section 301(d)(2)(B)]. Tribes have authority over all air resources within the exterior boundaries of their reservation (including non-Indian owned fee lands). For off-reservation areas, tribes must demonstrate the basis for jurisdiction. For the purpose of simplicity in this document, the word “reservation” will refer to all land within the exterior boundaries of the reservation and off-reservation areas determined to be under a tribe’s jurisdiction.

How does EPA determine whether an Indian tribe is eligible under the CAA to be treated in the same manner as a state?

In order to be treated in the same manner as a state under the provisions of the CAA, tribes must demonstrate that they meet certain eligibility criteria. The TAR outlines the eligibility criteria tribes must meet.

" **Request for Determination of Eligibility**

The TAR requires EPA to determine that a tribe is eligible to implement CAA programs (i.e., eligible for “treatment in the same manner as a state” for purposes of the CAA).⁸ Tribes can apply for eligibility determinations at the same time they submit their TIP for approval or as a prior, separate action. You should consider the range of CAA provisions relevant to your request for eligibility and discuss with your EPA Regional contact which provisions you may want to include in your request (e.g., all provisions or only specifically identified provisions). To become eligible, your tribe must:

- » Demonstrate federal recognition⁶
- » Demonstrate that it has a governing body carrying out substantial governmental duties and powers. This can be demonstrated by submitting a descriptive statement that your tribe is currently carrying out substantial governmental duties and powers over a defined area. This statement should:



Tribal Headquarters of the Nez Perce tribe, located in Lapwai, Idaho. The Nez Perce Reservation is approximately 761,000 acres and contains three Title V sources.
(Photo courtesy of Nez Perce Tribe.)

- > Describe the form of the tribal government
 - > Describe the types of government functions currently performed by the tribal governing body, such as the exercise of police powers affecting or relating to the health, safety, and welfare of the affected population; taxation; and exercise of the power of eminent domain
 - > Identify the source of the tribal government's authority to carry out the governmental functions currently being performed
- » Demonstrate that the functions your tribe is applying to carry out pertain to the management and protection of air resources within the exterior boundaries of your reservation (or other areas within the tribe's jurisdiction). This should be demonstrated with a descriptive statement of the tribe's authority to regulate air quality. For applications covering areas within the exterior boundaries of the reservation the statement must identify with clarity and precision the exterior boundaries of the reservation including, for example, a map and a legal description of the area. For tribal applications covering areas outside the boundaries of a reservation the statement should include:
- > A map or legal description of the area over which the application asserts authority
 - > A statement by the tribe's legal counsel (or equivalent official) that describes the basis for the tribe's assertion of authority (including the nature or subject matter of the asserted regulatory authority) which may include a copy of documents such as tribal constitutions, by-laws, charters, executive orders, codes, ordinances, and/or resolutions that support the tribe's assertion of authority.⁷
- » Demonstrate that the tribe is reasonably capable of performing the functions your tribe is applying to carry out in a manner consistent with the terms and purposes of the CAA and all applicable regulations. This should

be done with a narrative statement describing your tribe's capability to administer effectively the programs for which it is seeking approval. For example, if your tribe is applying for a General Assistance Program (GAP) grant, your tribe has probably employed someone to write the grant proposal and carry out the work your tribe has proposed to do with that funding. A description of these people's job descriptions could be included in the narrative statement. As the TAR preamble points out, some tribes may not want to go through the expense of developing a CAA program without first being assured that they satisfy the "treatment as state" eligibility criteria. The TAR allows for that approach. Specifically, the TAR allows a tribe that does not already have substantial experience in managing an environmental program to potentially satisfy the capability requirement by submitting a plan for how it will acquire necessary management and technical skills. The EPA Regional Office can provide information on what else should be included.

If your tribe has previously received authorization to implement a CAA program or any other EPA-administered program, your tribe may satisfy the eligibility requirements by referencing the prior program authorization in your application and providing required information which has not been submitted in the previous application. For example, you may have to submit additional information to demonstrate your tribe's capability to administer the program you are seeking approval to carry out. It is generally expected that a program-by-program inquiry into the question of capability will be necessary since a Tribe may have capability to carry out certain activities but not others.

What is air quality management?

Air quality management refers to all the activities a regulatory authority undertakes to safeguard the air resources for which it is responsible. For your tribe, these activities may include:

- » Evaluating existing air quality
- » Setting air quality goals

- » Determining the emissions reductions necessary to reach these goals
- » Choosing control strategies to use to obtain those reductions
- » Implementing those strategies
- » Re-evaluating air quality and assessing results (see Figure 1-1)

These steps can be used to address any air quality issue of importance to your tribe, such as indoor air pollution, acid deposition, or regional haze. However, only those strategies that address criteria pollutants would be part of your tribe's TIP.

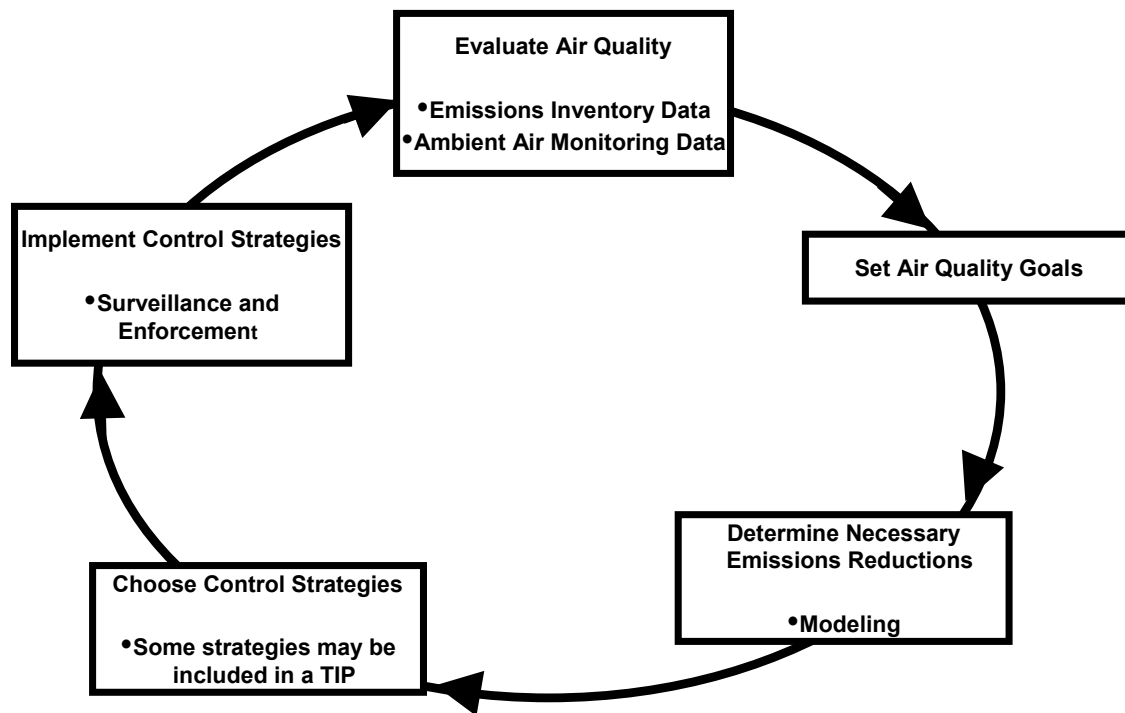


Figure 1-1. Flow diagram of the air quality management process.

How does a tribe start managing air quality?

Your tribe may be new to air quality management, or may already have an air quality management program in effect. In either case, knowledge of existing air quality in the vicinity of the reservation can help the tribe set air quality goals. You can use emissions inventories and ambient air

quality monitoring systems, discussed in Chapter 3, to evaluate existing air quality and identify sources of emissions on your reservation. The data you collect will help determine which pollutants, if any, the tribe should be concerned about.

Once the tribe knows the types of sources and pollutants affecting the area over which you may seek to run a TIP, a tribe may want to do some research. Different types of sources tend to emit different pollutants, and different pollutants have different effects on health, the environment, and property. For example, NO_x is a prime precursor to ozone, which may be harming public health on your reservation; NO_x often comes from large industrial furnaces. On the other hand, PM affects health and contributes to limiting the visibility of distant vistas; it is often generated by fossil fuel combustion, open burning, construction activities, and vehicles on unpaved roads. The goals the tribe sets and the strategies chosen will vary, depending on the pollutants and sources selected.

Appendix D provides information on the environmental effects, health effects, and common sources of the criteria pollutants.

The data the tribe collects is just one factor a tribe can use to set air quality goals and priorities. The tribe may also want to consider tribal values, public health and environmental problems related to air quality, plans for economic development, and other issues of tribal concern. The NAAQS for CO, NO₂, SO₂, Pb, PM, and O₃ are minimum air quality goals established by EPA under the CAA. Depending on the existing air quality on your reservation and the other factors mentioned above, the tribe may want to set air quality goals more strict than the NAAQS and/or set goals to address other pollutants. There is more information on setting air quality goals in Chapter 3.

Once a tribe establishes its air quality goals, the tribe will need to determine the emissions reductions necessary to reach those goals. The tribe may use data collected through monitoring and an emissions inventory to model the effect of different changes in emissions. Chapter 4 presents a

The National Ambient Air Quality Standards (NAAQS) for CO, NO₂, SO₂, Pb, PM, and O₃ are minimum air quality goals established by EPA under the CAA.

methodology a tribe can use to determine the emission reductions needed if air quality exceeds the NAAQS. After establishing air quality goals and determining the necessary emission reductions, the tribe will need to decide which control strategies to use to obtain these emission reductions. To accomplish these reductions, you could decide to develop rules or form a cooperative agreement with the EPA. The control strategies your tribe chooses will depend on the types of pollutants your tribe is trying to reduce and the sources of those pollutants. Control strategies are discussed in more detail in Chapter 4.

Once your tribe begins implementing your control strategies, your tribe will need to ensure compliance. Ensuring compliance involves inspecting facilities and taking enforcement actions such as assessing penalties, if necessary. Chapter 5 presents information on compliance and enforcement.

After implementing your control strategies, your tribe should continue to monitor air quality to determine how successful the strategies are. Depending on the results you find, your tribe may decide to leave your program as it is, or your tribe may choose to revise your goals, targeted emission reductions, and/or control strategies.

There are many air quality issues a tribal air program can address, such as an operating permit program or hazardous air pollutants. The issues your program chooses to address will depend on local air quality, the sources of pollutants, and the particular air quality concerns and air quality goals of your tribe (see Figure 1-2).⁸

What is a TIP and how does it fit into a tribal air program?

The CAA requires the NAAQS to be met everywhere, and the primary purpose of an implementation plan (whether it is developed by a state, a tribe, or EPA), is to ensure that the NAAQS are attained and maintained. A TIP may be one part of your tribe's air program. A TIP is a tribe's plan

for improving its ambient air quality (if it is in violation of the NAAQS), for maintaining or improving its air quality (if it is already cleaner than the NAAQS), and/or meeting regional haze program goals. Although not required to do

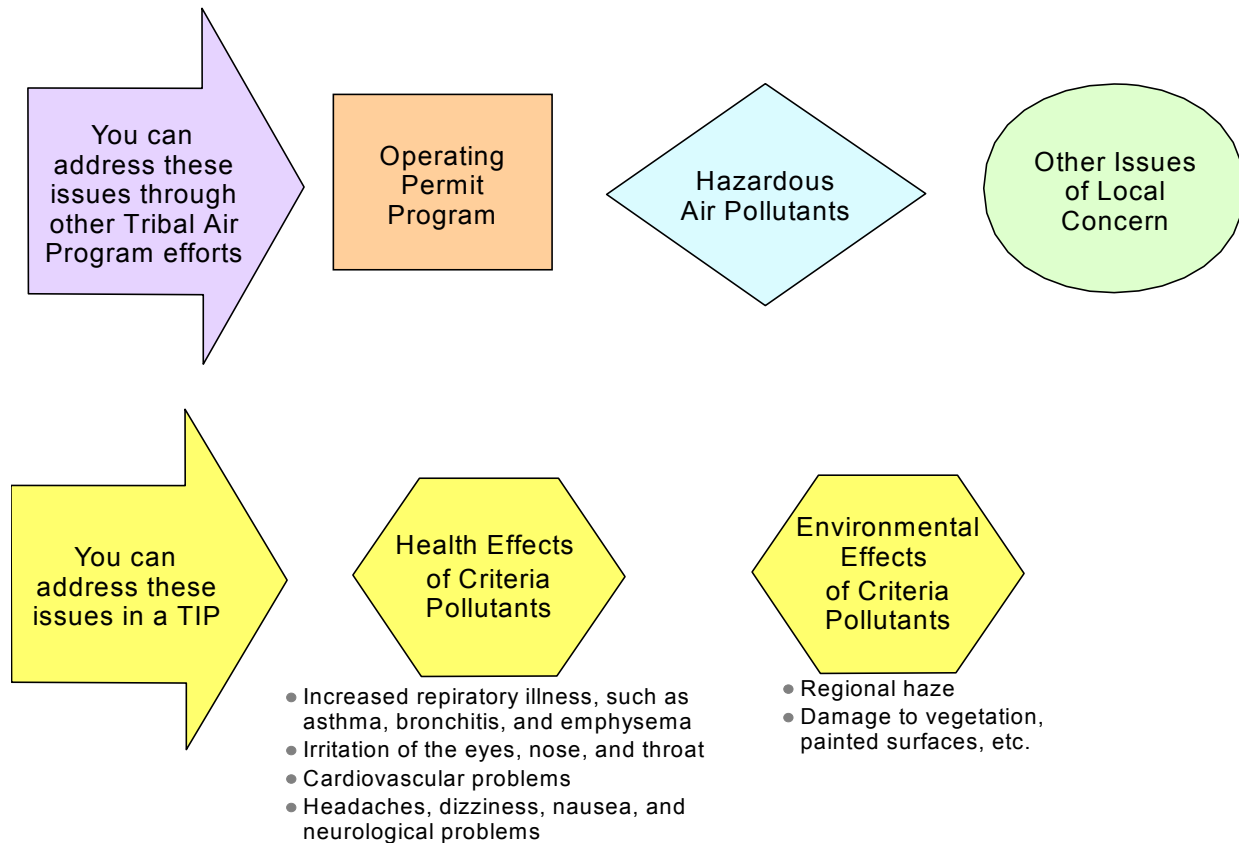


Figure 1-2. Potential Tribal Air Program Issues

so, your tribe may choose to develop a TIP.

A TIP can include:

- » A strategy to maintain or improve current air quality if it is better than the NAAQS
- » A strategy to attain the NAAQS if air quality violates the NAAQS
- » A preconstruction permitting program for new and modified major sources
- » A preconstruction permitting program for minor sources
- » A plan to attain regional haze goals

A TIP cannot include:

- » Hazardous Air Pollutants (HAPs) (Title III)⁹
- » Acid rain programs (Title IV)

- » Operating permit programs (Title V)
- » Stratospheric ozone protection programs (Title VI)
- » Rules to control non-criteria pollutants
- » Nuisance rules
- » Odor rules
- » Worker exposure rules

A TIP can be designed to respond to your tribe's particular air quality goals and values, and can be changed over time to reflect the changing air quality concerns of your tribe. The potential elements in a TIP are discussed in detail in Chapter 4.

What are the benefits of developing a TIP?

There are several benefits of developing a TIP:

- » A TIP can impact the natural environment and quality of life in the area over which it applies. A tribe that develops a TIP can play a more active role in managing tribal air resources and protecting the community's health.
- » A TIP can impact a tribe's culture. By developing a TIP, a tribe can use its goals, values, beliefs, and priorities to create air quality regulations and permitting programs for facilities in its approved TIP area.
- » A TIP enables a tribe to regulate emissions sources within the exterior boundaries of its reservation and other areas within the tribe's jurisdiction.
- » A TIP can impact the course of economic development in that area by helping the tribe fill the regulatory gap. This provides a stable regulatory environment which, in turn, encourages economic development for prospective sources of air pollution (i.e., new industrial facilities, manufacturing centers, resource extraction operations, and other new or expanding businesses that release air pollutant emissions). Since state regulations don't apply to Indian Country and EPA has not adopted federal regulations, a TIP also helps a tribe fill this regulatory gap under the CAA. Once a TIP is approved by EPA, its provisions become federally enforceable.

How does a tribe build the capability to develop a TIP?

Nationally, EPA supports a number of initiatives designed to help tribes develop air program capability, or capacity. For example, courses on various air pollution topics are provided through the American Indian Air Quality Training Program at Northern Arizona University. These courses are highly recommended if your tribe is interested in developing a tribal air program and are available on the ITEP website (www.cet.nau.edu/itep/).

Your EPA Regional Office provides information, technical assistance and financial resources to tribes developing environmental and air quality programs. One important source of financial assistance comes from the Indian Environmental General Assistance Program (GAP) Act, which authorizes EPA to award GAP grants. GAP funds are allocated to the EPA Regions by the EPA American Indian Environmental Office (AIEO) and are intended to help tribes build environmental program capability, generally. GAP grants may be used for planning, developing, and establishing environmental protection programs, which can include hiring staff and monitoring if necessary to plan, develop, or establish an environmental program. GAP grants cannot fund monitoring or assessments in support of implementation programs.¹⁰ Many tribes have begun air program development activities through GAP grants. GAP does not require tribal matching funds.

The CAA also authorizes EPA to award grants to support tribal air program activities. CAA grant funds are allocated to the EPA Regional Offices by the Office of Air and Radiation (OAR) and are intended to support tribes in all phases of air program development. Under CAA Section 103 project grants, tribes can hire and train staff to conduct research and monitoring, assess tribal air issues, monitor air quality, and plan future monitoring or regulatory development. Section 103 does not require tribal matching funds. CAA Section 105 program grants are designed to support established air pollution control agencies. Section 105 grants are for developing and implementing air pollution control programs. Tribes are encouraged to contact their EPA Regional Office for more information on these grant programs.

What if your tribe chooses not to develop a TIP?

The EPA has a responsibility under the CAA and as part of its trust responsibility to ensure that public health and the environment are protected. The EPA also has the responsibility to work with tribal governments in a government-to-government relationship. In cases where a tribe does not have an approved TIP, EPA will promulgate, without unreasonable delay, such Federal Implementation Plan provisions as are necessary or appropriate to protect air quality.¹¹ EPA encourages tribes to provide assistance in the development of such provisions.

EPA has acted pursuant to this authority in several instances. For example, an area near Pocatello, Idaho, that included a portion of the Fort Hall Reservation, was designated as nonattainment for the PM₁₀ NAAQS in 1990.¹² In 1996, the Shoshone-Bannock Tribes began monitoring PM₁₀ concentrations on the Fort Hall reservation and determined that a large industrial facility located on the reservation was continuing to contribute to violations of the PM₁₀ NAAQS. The Tribes also determined that non-point sources on the reservation, such as open burning, unpaved roads, and agricultural activities, were contributing to the violations.

The Shoshone-Bannock Tribes believed that EPA would be better equipped to develop, implement, and enforce rules that would reduce emissions from the industrial facility because EPA had been working with the facility for several years.

Therefore, the Shoshone-Bannock Tribes asked EPA to draft a FIP for the facility, and worked with EPA to gather information on the industrial processes and emissions contributing to nonattainment in the area. It was also necessary to identify the reasonably available control measures for the processes, considering available technologies and their annualized costs. The EPA established emission limits for the facility, achievable with

reasonably available control measures, in 2000.¹³ In a separate action, EPA also proposed regulations for non-point sources in Indian country in the northwestern United

States that would apply to sources on the Fort Hall Reservation.¹⁴

Conclusion

The CAA requires NAAQS to be established for six common pollutants that are known to be harmful to human health, the environment, and property. A TIP is the mechanism a tribe can use to establish regulations to attain and/or maintain the NAAQS in the approved TIP area. Whether to adopt a TIP is a choice the tribe should consider in the context of its overall air program goals. If your tribe does not adopt a TIP, EPA will promulgate FIP provisions as are necessary or appropriate to protect air quality. The remainder of this document provides more information on how to set air quality goals, how to evaluate the air quality, what can be included in a TIP, and how to develop a TIP.

Endnotes

1. The term “your tribe” does not assume environmental staff are necessarily tribal members.
2. For more information on the CAA, see *The Plain English Guide to the Clean Air Act* at http://www.epa.gov/oar/oaqps/peg_caa/pegcaain.html.
3. The NAAQS are published in 40 CFR 50. For more information, see the Office of Air Quality Planning and Standards’ NAAQS information page (www.epa.gov/airs/criteria.html) and criteria pollutant page (www.epa.gov/oar/aqtrnd97/brochure/sixprin.html). Information on NAAQS standards can be found at www.epa.gov/ttn/oarpg/t1main.html.
4. Section 301(d) of the CAA as amended in 1990 authorizes EPA to treat tribes in the same manner as states under the CAA.
5. The Tribal Authority Rule (TAR) was issued on February 12, 1998 (63 Federal Register 7254). The regulatory provisions of the TAR are codified at 40 CFR Part 49 (1999). See www.epa.gov/oar/tribal/airprogs/authrule/ for more information.
6. Demonstrating federal recognition can be done by demonstrating that your tribe is on the list of federally recognized tribes published by the Secretary of the Interior, available at www.doi.gov/bia/tribes/entry.html and in the Federal Register, March 13, 2000, vol. 65, number 49.

7. Information about a request by an Indian tribe for eligibility determination and Clean Air Act program approval can be found at 40 CFR Part 49.7.
8. For more information on air program development, see *Developing a Tribal Air Program, Training Manual* (April 1999) prepared by the Institute for Tribal Environmental Professionals, Northern Arizona University, and US EPA Region 6.
9. If necessary to implement a NAAQS program, a TIP could include HAPs (e.g., if there is a nexus with VOC or PM).
10. Detailed descriptions of the purpose of GAP and eligible activities can be found in the March 9, 2000 document *Indian Environmental General Assistance Program: Guidelines of the Award and Management of General Assistance Agreements for Indian Tribes*. This document is available on-line at <http://www.epa.gov/indian/pdfs/gap2000.pdf>
11. More information about Federal Implementation Plan provisions can be found in 40 CFR 49.11(a).
12. See Chapter 3 for more information on attainment and nonattainment designations.
13. For more information on these emission limits, see 40 CFR. 49.10701-10730, 65 FR 51412, August 23, 2000.
14. Reference Region X example regulations for Indian Country.

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