Tribal Air News

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

The St. Regis Mohawk Tribe and EPA Work Together to Achieve an Environmental First

On November 20, 2003, the St. Regis Mohawk Tribe, EPA Region 2 and the Criminal Investigations Division signed a Memorandum of Agreement (MOA) for air enforcement in Mohawk Indian Country. This Memorandum of Agreement or MOA was signed in Syracuse at the annual Indian Nations Leaders meeting with EPA's Region 2 management. This agreement is the first of its kind – not only in air but in all media.

The MOA was part of the process for the St. Regis Mohawk Tribe to have a federally enforceable Tribal Implementation Plan (TIP). The Tribal Authority Rule under Part 49 (promulgated in 1998) established three basic steps for establishing a program such as the TIP. These steps are as follows:

1. Eligibility Determination - The Tribe submits an eligibility determination (also known as Treatment in a similar manner as a State) and EPA approves the determination;
2. MOA - A MOA between the Tribe and Regional EPA and the Criminal Investigations Division offices for enforcement issues is created and signed; and
3. TIP document - The Tribe submits a Tribally approved TIP to EPA and EPA publishes a Federal Register notice proposing and ultimately approving the TIP.

In its TIP, the St. Regis Mohawk Tribe wishes to implement regulatory requirements that mandate criminal enforcement authority. EPA regulations require that the Regional office and the Tribe first enter into an agreement, the MOA, relating to criminal enforcement authority prior to EPA approval of the TIP. The MOA provides that the St. Regis Mohawk Tribe will refer enforcement cases to the Federal government when the fine is at least $5000 and/or 1 year inprisonment for an Indian, or when an action is brought against a non-Indian.

On December 10, 2001, the St. Regis Mohawk Tribe requested an eligibility determination to develop a Tribal Implementation Plan under section 110 of the Clean Air Act. EPA approved this determination on March 3, 2003. The TIP was submitted to the Region on November 7, 2002. The Region anticipates taking action on the document within the next six months.

An Inside Look...

*** *Tools* ***

Tribe to Tribe

The long awaited Tribe to Tribe section of the tribal air website is now up – www.epa.gov/oar/tribal. This section has short project descriptions for tribal projects across the country. The goal of this page is to provide a place for tribes to look for examples of good projects in common subject areas, but also to help others to see the progress of the tribal air programs across the country. Please help to spread the word about this new resource. Also if you know of other projects that should be highlighted please let Laura McKelvey know at 919-541-5497.

$PM_{2.5}$ Designations

As part of the designations process for the National Air Quality Ambient Standards (NAAQS), EPA regional offices sent out letters to Tribal leaders in June requesting that tribes make a recommendation to EPA on PM 2.5 air quality boundaries, if they wish. EPA has offered to assist Tribes in preparing these recommendations. The deadline for recommendations for states is February 15, 2004. However, Tribes may submit recommendations after that date if the EPA regional office has time to process that recommendation. EPA will hold a workshop to assist tribes in preparing recommendations on March 4 or 5, the last day of the National Tribal Forum in San Diego. More information on the PM 2.5 standards and designation process may be found at : http://www.epa.gov/ttn/naaqs/pm/pm25_index.html

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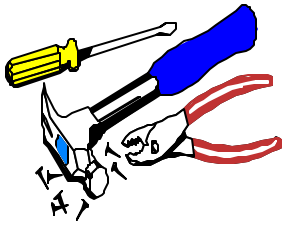
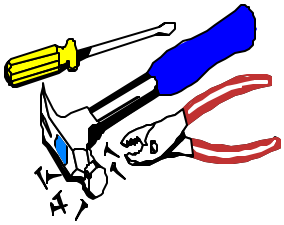
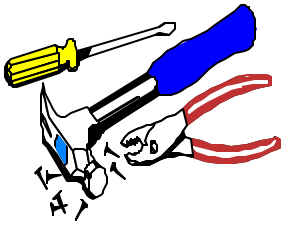
Changes at the TAMS Center

On March 1, 2004, Farshid Farsi began serving as Interim Co-Director for the TAMS Center in Las Vegas, NV. Annabelle Allison will remain with ITEP but serve a new role as Technical Manager. A national search will commence to fill the position permanently.

ENERGY STAR Visits Navajo Area

Representatives from EPA's ENERGY STAR® program were invited by the Navajo Area Indian Health Service to update hospital facility managers about the program in November. Clark Reed, National Manager for the Healthcare Sector at ENERGY STAR, accompanied by Brian Levite of Sentech Inc., demonstrated how acute care hospitals throughout Indian Country can determine the energy efficiency of their facilities by using EPA's energy performance rating system.

Saving energy has important public health implications in Indian Country. Energy is generated by burning fossil fuels. When fossil fuels are burned, greenhouse gas emissions and nitrogen oxides are released into the air. Using energy efficiently will burn less fuel and prevent pollution.

Healthcare facility managers understand the environmental reasons for saving energy. They also understand that making their facilities more energy efficient will produce significant cost savings that can be spent towards improving patient services. But healthcare engineers have not had an easy way to measure the energy efficiency of their acute care hospitals, until now.

National Energy Performance Rating System

EPA's national energy performance rating system uses a 1 – 100 scale to give relative meaning to energy use. Hospitals rating high on the scale are better energy performers (more efficient) than those with low ratings (less efficient). A rating of fifty (50) is defined as the industry average. A hospital with a rating of seventy-five (75) means that it performs better than 75% of similar hospitals across the country. Or to put it another way, 25% of similar hospitals perform equal to or better than this one. A hospital that rates in the top 25% is considered a "top performer" and eligible to receive the EPA's award for superior energy performance, the ENERGY STAR label.

But Reed cautions the rating system is more than just about winning labels. "While only the top 25% of hospitals will receive a label-qualifying score, hospitals anywhere along the scale can use the rating system as a regular part of their monthly energy management activities", he says. "Setting performance goals and tracking changes to your baseline rating is the real value of this system."

The national energy performance rating system is accessible through ENERGY STAR's website at www.energystar.gov/benchmark. Users create their own private password-protected account in the benchmarking "Portfolio Manager" software tool. Since 1999, this nationally recognized free-to-use tool has been used to benchmark over 18,000 commercial buildings, including over 700 acute care hospitals. Blackfeet Hospital of Browning, Montana, and Albuquerque Indian Hospital of New Mexico were awarded the ENERGY STAR by EPA in 2002.

Last year, ENERGY STAR helped Americans save the energy required to power about 15 million homes while reducing greenhouse gas emissions equivalent to those of 14 million automobiles. Contact Clark Reed at reed.clark@epa.gov or 202-343-9146 for more information.

Familiar Faces in New Places at EPA

We welcome Greg Green as the new Deputy Office Director for OAQPS. Greg comes to OAQPS with years of experience. After leaving the Air Force, he took a job with the City of Portland as the manager of the city's Stormwater/Watershed Program, working on flood retention and wetland protection efforts in the five watershed basins of the Portland region. The next stop on his way here was Air Quality Director for the Oregon Department of Environmental Quality. In that job he learned about the complexity of air quality issues at the state level, including permitting, air quality planning and vehicle inspection programs. He also had the opportunity to serve on several regional and national committees including the Clean Air Act Advisory Committee and Western Regional Air Partnership. In that capacity Greg had the opportunity to work with tribal leaders and environmental professionals and build an understanding of the issues that tribes are facing in developing their tribal air programs.

Most recently Greg served as the Director of the Certification and Compliance Division of the Office of Transportation and Air Quality (OTAQ), where he was responsible for the program to certify that all engines sold in the US comply with our environmental standards.

Along with his vast experience Greg brings to the program a personal interest and commitment to continue to work with the tribes and to build on the progress that has been made since the passage of the tribal authority rule. Please join us in welcoming Greg to OAQPS.

Welcome to Peter Tsirigotis the new Director of Emissions, Monitoring, and Analysis Division (EMAD) in EPA's Office of Air Quality, Planning, and Standards (OAQPS). Before coming to OAQPS, most of his work at EPA focused on controlling emissions from power plants, including the development of compliance mechanisms such as "cap and trade" designed to achieve the environmental goals while maximizing accountability and flexibility for the regulated sources. He has worked at EPA for over eleven years. Peter received a Master's Degree in Mechanical Engineering from the University of Massachusetts.

Peter is very supportive of the partnerships EMAD currently has with the Tribes and the TAMS Center, as well as of the technical capacity building activities over the last few years. He looks forward to the continuation of these.

We are very happy to welcome Bill Grantham to OAQPS. Bill has joined us for a year to work on rulemaking efforts underway here in the office. As you know Bill has worked for NTEC as their air program manager since 1998. He brings a wealth of experience in the air program from working with a state, local agency and of course the tribes. We appreciate NTEC loaning Bill to us for the year. I know his work here will help our rulewriters better understand tribal needs and issues and I hope he will gain a better perspective on federal activities. Please help us in supporting Bill in this effort.

13th Annual Emission Inventory Conference: Working for Clean Air in Clearwater

What:

The U.S. Environmental Protection Agency, and the Emission Inventory Improvement Program are cosponsoring the thirteenth annual symposium on emission inventories. This year, the conference will highlight toxic air pollutant emissions and effects by featuring a plenary session discussion on mercury deposition and a technical session devoted to deposition of toxic (and criteria) pollutants.

Registration: To register for the conference and/or courses, please complete the on-line registration form located at on the conference registration web pate at https://www.ergweb.com/projects/emissioninventory/register.htm. There is a small registration fee of $65.00 which may be paid by credit card on the registration site. Space is on a first come - first served basis, via registration.

Registrations should be received no later than April 30, 2004.

When:

Training Courses: June 7 - 8, 2004
Conference: June 8 - 10, 2004

Where:

Hilton Clearwater Beach Resort 1-800-445-8667

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Visit the website at...

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

EPA Proposes Emissions Controls for Coal-Fired Electric Utilities

In December 2003, EPA Administrator Leavitt signed a suite of integrated air actions that will significantly reduce current levels of power plant emissions of sulfur dioxide (SO2), nitrogen oxide (NOx) and mercury. These include the first ever proposed rule to regulate mercury emissions from coal-burning power plants.

The Utility Mercury Reductions proposal would cut mercury emissions by nearly 70 percent, while the related Interstate Air Quality proposal would deeply cut SO2 and NOx emissions in the eastern United States.SO2 and NOx are key contributors to fine particles (PM2.5) – a pollutant responsible for tens of thousands of illnesses and premature deaths each year. Mercury is a toxic, persistent pollutant that Americans are exposed to primarily through eating mercury-contaminated fish. The combined actions are expected to significantly reduce mercury emissions to protect young children and reduce adverse health effects by lowering the levels of fine particles and ground-level ozone in the air. Addressing SO2, NOx and mercury in an integrated fashion will produce greater health benefits than would be achieved by stand-alone regulations.

The proposed Utility Mercury Reductions Rule seeks comments on two approaches for reducing the estimated 48 tons of mercury currently emitted each year by coal-burning power plants in the United States. One approach would require coal-fired power plants to install currently available pollution controls known as "maximum achievable control technologies" (MACT) under section 112 of the Clean Air Act. If implemented, this proposal would reduce nationwide emissions of mercury by 14 tons (29 percent) by the end of 2007. The second approach would set a mandatory, declining cap on the total mercury emissions allowed from coal-burning power plants nationwide. This approach, which allows emissions trading, would reduce mercury emissions by nearly 70 percent from current levels once facilities reach a final mercury cap which takes effect in 2018.

The Interstate Air Quality Rule would dramatically reduce and permanently cap SO2 and NOx emissions in the eastern U.S. where these pollutants significantly contribute to unhealthy air quality. The rule will be an important component of EPA's efforts to implement health-protective fine particle and 8-hour ozone standards. By significantly reducing airborne pollution, the rule will help states and localities meet these new standards. EPA estimates that the Interstate Air Quality Rule, combined with the non-road diesel rules to be finalized early next year, will allow most areas of the country to meet the fine particle and ozone standards without imposing costly local controls.

On February 24, 2004, EPA issued a supplement to its proposed Utility Mercury Reductions rule. The supplement provides rule language for a model cap-and-trade approach that will reduce mercury emissions by 70 percent when fully implemented. In 2018, the second phase of the mercury program sets a cap of 15 tons. The program includes a banking provision that allows for early reductions, as early as 2010, (benefitting health and the environment) and a later date when the cap will be achieved. The Utility Mercury Reductions Rule would permanently cap emissions from coal-fired power plants. EPA also proposes requirements for monitoring and reporting mercury emissions from power plants in states choosing to adopt the cap-and-trade program.

FYI.....

- The public comment period on the Interstate Air Quality Rule closes on March 30, 2004.
- The public comment period on the Utility Mercury Reductions Rule and the Supplemental Proposal closes on April 30, 2004.
- On March 31, 2004, EPA will be hosting a public hearing in Denver, Colorado to listen to public input on the supplement to the Utility Mercury Reductions Rule.

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

Mark your Calendar...

US EPA's Air Pollution Distance Learning Network (APDLN): EPA is developing new programming for 2004. Check EPA's website at www.epa.gov/oar/oaqps/eog for scheduling and registration information.

Northern Arizona University's Institute for Tribal Environmental Professionals (ITEP) American Indian Air Quality Training Program (AIAQTP). For additional information see http://www4.nau.edu/itep/aiaqtp_training.html.

Fundamentals of Meteorological Stations and Monitoring. March 23-25. Las Vegas, NV.

Clean Air Act & Permitting. March 30-April 2. TBD..

Air Quality in Alaska Native Villages. April 20-23. Anchorage, AK.

Tribal Residential Indoor Air Quality. April 27-29. TBD.