

# FY2014 Tribal Air Quality Budget Analysis

## Introduction

The National Tribal Air Association (NTAA), utilizing Tribal input, EPA documents and general knowledge has developed a snapshot of air quality funding gaps in Indian Country. Citing the USEPA's FY2011-2015 Strategic Plan, the NTAA believes that by increasing funding to close identified gaps in Indian Country, it will enhance the ability of EPA to strengthen its government to government relationships with Tribes in an effort to achieve mutual environmental and human health goals.

This report was prepared by compiling the following documents and is only a snapshot of air quality programmatic and funding issues in Indian Country. This report includes information from, but is not limited to the three documents listed below.

1. FY 2011-2015 EPA Strategic Plan *Cross-Cutting Fundamental Strategy: Strengthening State, Tribal and International Partnerships*
2. OAQPS National Tribal List Report 4/20/2012
3. OAQPS Tribal Air Quality Management Report October-December 2012

The inability to have a clearly defined set of program and clearly stated funding amounts in dollars may be due to several factors such as non-reporting of programmatic data by Tribes as their sovereign right, inconsistent or incomplete reporting from EPA Regions, funding formulas and the variance of funding cycles in the regions as well as other factors..

This document identifies three major areas for improvement of air quality in Indian Country by (1) identifying capacity gaps and data gaps within Indian Country; (2) identifying a budget request that will assist federal agencies to begin addressing these gaps to address air quality using a reasonable and phased approach; and (3) to address funding for technical and policy programs that support Tribal Air Quality Program development (NTAA, TAMS, etc).

Information contained in this document will support and provide justification for the following requests for funding increases to Tribal air quality programs and to support organizations through STAG and EPM funding mechanisms:

1. Increase Tribal air quality program funding through the State and Tribal Air Grants (STAG) allocation by \$1.5-2.0M over the next two years. This will enable new Tribes to develop programs and conduct baseline assessments and Emission Inventories and will also allow for more mature Tribal air programs to conduct more in depth monitoring, analysis and develop appropriate regulations to address local sources of air pollution.
2. Continue support of the National Tribal Air Association (NTAA) and provide an increase to the annual operating budget – an important policy and communication resource for Tribes and EPA.
3. Continue funding and support of the Tribal Air Monitoring Support Center (TAMS) – an important technical resource for Tribes.

## Current FY 2012 Funding

Total tribal funding for FY 2012 is approximately \$13.252 million. However, there continue to be Tribes who are denied funding for lack of availability through the EPA. An example of this occurred in FY 2009. An estimated forty (40) Tribes were denied funding in the total aggregate amount requested of \$2.5 million. According to the attached table, funding for FY 2012 is \$13,252 new (NOA) funds. The remainder is redistributed carryover minus the unknown rescission in FY12.

Region	Total Regional Allocation <sup>1</sup>
1	\$657,063
2	\$440,175
4	\$330,964
5	\$1,263,752
6	\$1,305,009
7	\$465,216
8	\$2,109,888
9	\$3,259,737
10 (incl. Alaska)	\$2,657,197
Total:	\$12,489,001

## Tribal Data Based on Regions<sup>2</sup>

Information compiled comes from the documents cited earlier. The sections reported and collected reflect the following information:

**Air Monitoring** – data is only reported to EPA at the end of each calendar year

**Diesel Work** – this is the number of diesel retrofits for the fiscal year. If diesel work is shared among Tribes in a region, it is only reported once.

**Emissions** – this is any year completed emission inventory submitted to the EPA Region, ITEP and/or NEI.

**Grants** – the number of active reported grants in the OAR Tribal System (OTS) each quarter. Grants include all 103, 105, 105PPA, Care Level I, Care Level II, DITCA, GAP, Local Showcase, Radon, TSCA and unknown grants)

**Permits** – any type of permit for facilities marked as active in the OTS database each quarter

**Regulations** – any regulation submittal, FIP delegation request

**TAS** – any TAS submittal that is active in OTS

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<sup>1</sup> These current allocation numbers are varied due to several formula factors EPA uses to allocate total funding to each region. This must be kept in mind when making an inference on all future Tribal funding numbers.

<sup>2</sup> This data is based on the most recent reports from OAQPS: Tribal Air Quality Management Report Oct-Dec 2011 (data as of 01/19/2012) and The OAQPS National Tribal List Report (4/20/2012)

## Region 1 (10 Tribes)

According to OAQPS Report the following numbers were reported for the region:

Air Monitoring	Diesel	Emissions	Grants	Permits	Regulations	TAS
4	0	1	11	0	1	4

### *Air Monitoring*

Monitoring data indicates fluctuations in the number of Tribal monitoring sites from 2005 to 2011. During this time two (2) Tribes submitted monitoring reports in 2005. Four (4) Tribes submitted monitoring activity reports from 2006 to 2011. Tribal Air Monitoring sites identified indicate there was one (1) site identified between 2005-2011. This shows potential gaps in monitoring sites since there are ten (10) identified Tribes in this region..<sup>3</sup>

### *Diesel Work*

Currently there is no diesel work in Region 1 for FY 2012 or FY 2012

### *Emissions*

In Region 1 there are currently two (2) completed emission inventories<sup>4</sup> and one (1) tribe has completed emission inventory which is been included in the NEI<sup>5</sup>.

### *Grants*

As of 01/19/2012 Region 1 has ten (10) 103 air grants and one (1) 105 air grants for a total of 11 grants (*note: some Tribes have combined 103 – 105 funds*) thus, the number of grants appears larger than the number of Tribes in the region.

### *Permits*

Currently there are no permits identified in Indian Country located in EPA Region 1.

### *Regulations*

Regulatory programs can be developed by a tribe as they see fit and types of regulations include TIPs, rules or permitting regulations. In Region 1, one (1) Tribe has submitted a regulation submittal report which has been approved and one (1) Tribe has a final rule.

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<sup>3</sup> Again, this does not infer that Tribes can or cannot monitor, it is a statistic of how many Tribes are actively monitoring.

<sup>4</sup> This is the number of completed Tribal emission inventories for the year, submitted to EPA region, ITEP (QA/QC) and/or NEI.

<sup>5</sup> This is the number of Tribes with any year completed EI.

*TAS*

Under the TAR and Section 301(d) of the Clean Air Act, eligible Tribes can be "treated in a manner similar to states". In Region 1, three (3) Tribes have submitted TAS applications as of 1/19/ 2012 with two (2) Tribes having a decision document signed.)

*Non-attainment or Maintenance Areas*

In Region 1 Tribal lands, Tribes in non-attainment or maintenance areas are as follows:

Five (5) non-attainment areas for 8-hr ozone standard (1997 std), one (1) maintenance area for PM-10 (1990 std) and one (1) maintenance area for SO2 (1978 std).

*Program Delegations*

There currently no Tribes in Region 1 have requested delegation of federal air rules and/or programs.

**Region 2 (8 Tribes)**

According to OAQPS Report the following numbers were reported for the region:

Air Monitoring	Diesel	Emissions	Grants	Permits	Regulations	TAS
1	0	1	2	1	1	1

*Air Monitoring*

Monitoring shows no increases in the number of Tribal monitoring sites from 2005 to 2011. During this time one (1) Tribe has submitted monitoring reports. Tribal air monitoring sites identified indicate no increase from one (1) site in 2005 to one (1) in 2011. This shows potential gaps in Tribal monitoring sites since only 1out of 8 Tribes appear to be conducting monitoring.<sup>6</sup>

*Diesel Work*

Currently there is no diesel work in Region 2 for FY 2011 or FY 2012

*Emissions*

In Region 2 there is one (1) completed emission inventory<sup>7</sup> and one (1) tribe has completed an emission inventory which was submitted to EPA<sup>8</sup>.

*Grants*

Region 2, according to EPA data, has two (2) 103 air grants.

<sup>6</sup> Again, this does not infer that Tribes can or cannot monitor, it is a statistic of how many Tribes are actively monitoring.

<sup>7</sup> This is the number of completed Tribal emission inventories for the year, submitted to EPA region, ITEP (QA/QC) and/or NEI.

<sup>8</sup> This is the number of Tribes with any year completed EI.

*Permits*

Currently there is one (1) permit identified in Region 2 Indian Country. This permit is: Title V: Major.

*Regulations*

Regulatory programs can be developed by a tribe as they see fit and types of regulations include TIPs, rules or permitting regulations. In Region 2, one (1) Tribe has submitted a regulation report for a TIP which has been approved.

*TAS*

Under the TAR and Section 301(d) of the Clean Air Act, eligible Tribes can be "treated in a manner similar to states". In Region 2, three (3) Tribes have submitted TAS applications and three (3) Tribes have a decision document signed (approval of TAS)

*Non-attainment or Maintenance Areas*

In Region 2, Tribal lands in non-attainment or maintenance areas are as follows:

Five (5) non-attainment areas for 8-hr ozone standard (1997 std), one (1) maintenance area for PM-10 (1990 std) and one (1) maintenance area for SO2 (1978 std).

*Program Delegations*

There currently no Tribes in Region 2 have requested delegation of federal air rules and/or programs.

**Region 4 (6 Tribes)**

According to OAQPS Report the following numbers were reported for the region:

Air Monitoring	Diesel	Emissions	Grants	Permits	Regulations	TAS
1	0	2	4	0	0	0

*Air Monitoring*

Monitoring shows a slight fluctuation in the number of Tribal monitoring sites from 2005 to 2011. During this time one (1) Tribe has submitted monitoring reports. Tribal Air monitoring identified indicates there was one decrease in sites from 2 to 1 in 2008.. This shows a potential gap in monitoring sites since only 2 out of 6 Tribes appear to be conducting monitoring.<sup>9</sup>

*Diesel Work*

Currently there is no diesel work in Region 4 for FY 2012

<sup>9</sup> Again, this does not infer that Tribes can or cannot monitor, it is a statistic of how many Tribes are actively monitoring.

*Emissions*

In Region 4 there are two (2) completed emission inventories.<sup>10</sup> Two (2) Tribes have completed emission inventories which have been submitted to the NEI<sup>11</sup>.

*Grants*

Region 4 reported one (3) 103 air grants. According to EPA data, Region 4 has one (1) 105 air grant.

*Permits*

Currently there are no permits identified in Region 4 Indian Country.

*Regulations*

Regulatory programs can be developed by a tribe as they see fit and types of regulations include TIPs, rules or permitting regulations. In Region 4 no Tribes have submitted a regulation report.

*TAS*

Under the TAR and Section 301(d) of the Clean Air Act, eligible Tribes can be "treated in a manner similar to states". In Region 4 no Tribes have submitted TAS applications.

*Non-attainment or Maintenance Areas*

In Region 4 Tribal lands in non-attainment or maintenance areas are as follows:

One (1) non-attainment area and one (1) maintenance area for 8-hr ozone standard (1997 std).

*Program Delegations*

There currently no Tribes in Region 4 have requester delegation of federal air rules and/or programs.

**Region 5 (35 Tribes and 1 Tribal Consortia)**

According to OAQPS Report the following numbers were reported for the region:

Air Monitoring	Diesel	Emissions	Grants	Permits	Regulations	TAS
10	1	12	20	11	5	3

*Air Monitoring*

Monitoring shows fluctuations in the number of monitoring sites from 2005 to 2011. During this time seven (7) Tribes submitted monitoring reports in 2005, 2012 and 2011. Nine (9) Tribes submitted monitoring activity reports between 2006-2009. Tribal air monitoring sites indicate there were eight (8) sites in 2006, ten (10) sites

<sup>10</sup> This is the number of completed Tribal emission inventories for the year, submitted to EPA region, ITEP (QA/QC) and/or NEI.

<sup>11</sup> This is the number of Tribes with any year completed EI.

between 2007 to 2008 and eleven (11) sites in 2009. Sites decreased in 2010 from nine (9) to seven (7) in 2011. This shows a gap in monitoring sites since Tribal monitoring sites appear to be on a continuing decline.<sup>12</sup>

#### *Diesel Work*

Currently there is one (1) Tribe that has conducted diesel work in FY 2011 with a total of four (4) retrofits and no diesel work in Region 5 for FY 2012.

#### *Emissions*

In Region 5 there are nineteen (19) completed emission inventories<sup>13</sup> and twelve (12) Tribes have completed emission inventories which have been submitted to , ITEP (QA/QC), EPA Region, and the NEI<sup>14</sup>.

#### *Grants*

As of 04/01/2012 Region 5 no reported twenty (20) total air grants. According to other data, Region 5 has eleven (11) 103 air grants and three (3) 105 air grants. There are also three (3) Tribal Radon grants, one (1) environmental justice radon grant and one (1) DITCA.

#### *Permits*

Currently there are eleven (11) permits identified in Region 5. These permits are: five (5) for NSR: Major – PSD and six (6) for Title V: Major.

#### *Regulations*

Regulatory programs can be developed by a Tribe as they see fit and types of regulations include TIPs, rules or permitting regulations. In Region 5 no Tribes have submitted a regulation report as of 01/19/2012.

#### *TAS*

Under the TAR and Section 301(d) of the Clean Air Act, eligible Tribes can be "treated in a manner similar to states". In Region 5 as of 04/01/2012 four (4) Tribes have TAS with regional determination and signed decision documents. Three (3) Tribes have submitted TAS applications.

#### *Non-attainment or Maintenance Areas*

In Region 5, Tribal lands in non-attainment or maintenance areas are as follows:

Three (3) in maintenance areas for 8-hr ozone standard (1997 std), one (1) in non-attainment for PM-2.5 (2006 std), one (1) in non-attainment for PM – 2.5 (1997 std) and one (1) in a maintenance area for S02 (1978 std).

#### *Program Delegations*

There currently no Tribes in Region 5 that have requested delegation of federal air rules and/or programs.

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<sup>12</sup> Again, this does not infer that Tribes can or cannot monitor, it is a statistic of how many Tribes are actively monitoring.

<sup>13</sup> This is the number of completed Tribal emission inventories for the year, submitted to EPA region, ITEP (QA/QC) and/or NEI.

<sup>14</sup> This is the number of Tribes with any year completed EI.

## Region 6 (68 Tribes)

According to OAQPS Report the following numbers were reported for the region:

Air Monitoring	Diesel	Emissions	Grants	Permits	Regulations	TAS
11	0	7	23	6	0	4

### *Air Monitoring*

Monitoring reporting shows fluctuations in the number of Tribal monitoring sites from 2005 to 2011. During this time Tribes submitting monitoring reports were: eight (8) Tribes in 2005, nine (9) in 2006-2007, six in 2008-2010 and five in 2009-2011. This indicates a clear decrease in data submitted between 2005-2011 Tribal air monitoring sites identified a fluctuations and a decrease from thirteen (13) sites in 2005, twelve (12) sites in 2006, fifteen (15) sites in 2007, eleven (11) sites in 2008, nine (9) sites in 2009, fourteen (14) sites in 2010 and eleven (11) sites in 2011. This shows a gap in Tribal monitoring since Tribal monitoring sites have decreased from 13-11.<sup>15</sup>

### *Diesel Work*

Currently there is no diesel work in Region 6 for FY 2011 or FY 2012

### *Emissions*

In Region 6 there are seven (7) completed emission inventories.<sup>16</sup> Three (3) Tribes have completed emission inventories submitted to the NEI<sup>17</sup>.

### *Grants*

As of 01/19/2012 Region 6 reported twenty-two (22) 103 air grants and one (1) Local Showcase grant.

### *Permits*

Currently there are six (6) permits identified in Region 6 Indian Country. These permits are: Title V: Major permits.

### *Regulations*

Regulatory programs can be developed by a tribe as they see fit and types of regulations include TIPs, rules or permitting regulations. In Region 6, no Tribes submitted a regulation report as of 01/19/2012.

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<sup>15</sup> Again, this does not infer that Tribes can or cannot monitor, it is a statistic of how many Tribes are actively monitoring.

<sup>16</sup> This is the number of completed Tribal emission inventories for the year, submitted to EPA region, ITEP (QA/QC) and/or NEI.

<sup>17</sup> This is the number of Tribes with any year completed EI.

*TAS*

Under the TAR and Section 301(d) of the Clean Air Act, eligible Tribes can be "treated in a manner similar to states". In Region 6, four (4) Tribes have submitted TAS applications and two (2) Tribes have received regional determination and a decision document signed.

*Non-attainment or Maintenance Areas*

In Region 6, Tribal lands in non-attainment or maintenance areas are as follows:

One (1) non-attainment area for PM -10 standard (1990 std), one (1) maintenance area for PM-10 (1990 std) and three (3) maintenance areas for CO (1990 std).

*Program Delegations*

There currently no Tribes in Region 6 that have accepted delegation of federal air rules and/or programs.

**Region 7 (9 Tribes)**

According to OAQPS Report the following numbers were reported for the region:

Air Monitoring	Diesel	Emissions	Grants	Permits	Regulations	TAS
0	1	9	7	0	0	1

*Air Monitoring*

According to EPA data in the quarterly Tribal Air Quality Management Report, Region 7 has no submitted data for monitoring identified. It is known to NTAA that some Tribes in Region 7 are currently monitoring.

*Diesel Work*

Currently there is one (1) Tribal diesel project in Region 7 for FY 2011. The number of diesel retrofits is four (4). There is no diesel work in FY 2012.

*Emissions*

In Region 7 there are nine (9) completed emission inventories.<sup>18</sup> Six (6) Tribes have completed emission inventories which have been submitted to ITEP and the NEI<sup>19</sup>.

*Grants*

As of 01/19/2012 Region 7 reported seven (7) 103 air grants.

<sup>18</sup> This is the number of completed Tribal emission inventories for the year, submitted to EPA region, ITEP (QA/QC) and/or NEI.

<sup>19</sup> This is the number of Tribes with any year completed EI.

*Permits*

Currently there are no NSR permits identified in Region 7 Indian Country.

*Regulations*

Regulatory programs can be developed by a tribe as they see fit and types of regulations include TIPs, rules or permitting regulations. In Region 7, no Tribes had submitted a regulation report.

*TAS*

Under the TAR and Section 301(d) of the Clean Air Act, eligible Tribes can be "treated in a manner similar to states". In Region 7, two (2) Tribes have submitted TAS applications one (1) Tribe has received a decision document signed

*Non-attainment or Maintenance Areas*

As of the most recent quarterly report 1/19/2012, no data has been reported as to the number of Tribal land located in non-attainment or maintenance areas

*Program Delegations*

There currently no Tribes in Region 7 have requested delegation of federal air rules and/or programs.

**Region 8 (27 Tribes)**

According to OAQPS Report the following numbers were reported for the region:

Air Monitoring	Diesel	Emissions	Grants	Permits	Regulations	TAS
5	0	19	18	93	2	8

*Air Monitoring*

Monitoring shows decreases in monitoring sites identified from 2005 to 2011. In 2005 During this time, fourteen (14) Tribes had monitoring sites in 2005. In 2011, this number had decreased to five (5) monitoring sites. This shows a significant decrease in Region 8 Tribal monitoring sites. This indicates a gap in monitoring sites since it appears that 5 out of 27 Tribes appear to be conducting monitoring activities and those monitoring activated have been decreasing.<sup>20</sup>

*Diesel Work*

Currently there is no diesel work in Region 8 for FY 2011 or FY 2012

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<sup>20</sup> Again, this does not infer that Tribes can or cannot monitor, it is a statistic of how many Tribes are actively monitoring.

*Emissions*

In Region 8 there are nineteen (19) completed emission inventories.<sup>21</sup> Twelve (12) Tribes have completed emission inventories which have been submitted to the EPA Region and the NEI<sup>22</sup>.

*Grants*

As of 01/19/2012 Region 8 reported eleven (11) 103 air grants, seven (7) 105 grants and one (1) Local Showcase grant.

*Permits*

Currently there are ninety-three (93) permits identified in Region 8 Indian Country. These permits are: Thirteen (13) NSR: Major- PSD, seventy-nine (79) Title V: Major and one (1) Title V: Minor.

*Regulations*

Regulatory programs can be developed by a tribe as they see fit and types of regulations include TIPS, rules or permitting regulations. In Region 8, one (1) Tribe has submitted a regulation report and one (1) Tribe has a proposed rule.

*TAS*

Under the TAR and Section 301(d) of the Clean Air Act, eligible Tribes can be "treated in a manner similar to states". In Region 8, nine (9) Tribes have submitted TAS applications and two (2) Tribes have received regional determinations. Seven (7) Tribes received a decision document signed.

*Non-attainment or Maintenance Areas*

In Region 8, Tribal lands in non-attainment or maintenance areas are as follows:

Four (4) non-attainment areas for PM-10 (1990 std).

*Program Delegations*

There currently no Tribes in Region 8 have requester to accept delegation of federal air rules and/or programs.

**Region 9 (147 Tribes)**

According to OAQPS Report the following numbers were reported for the region:

Air Monitoring	Diesel	Emissions	Grants	Permits	Regulations	TAS
31	0	27	28	21	3	3

<sup>21</sup> This is the number of completed Tribal emission inventories for the year, submitted to EPA region, ITEP (QA/QC) and/or NEI.

<sup>22</sup> This is the number of Tribes with any year completed EI.

### *Air Monitoring*

Monitoring shows fluctuations in the number of Tribal monitoring sites from 2005 to 2011. During this time eleven (11) Tribes submitted monitoring data in 2005 and twenty-two (22) Tribes submitted data in 2011. Tribal air monitoring sites have shown increases from seventeen (17) sites in 2005 to thirty-one (31) Tribal monitoring sites in 2012.

### *Diesel Work*

In FY 2011 Tribes in Region 9 had two diesel work projects with fifteen (15) retrofits completed. In FY 2012 there are no current programs in Region 9.

### *Emissions*

In Region 9 there are twenty-seven (27) completed emission inventories.<sup>23</sup> Twelve (12) Tribes have completed emission inventories with submissions to the NEI<sup>24</sup>.

### *Grants*

As of 01/19/2012 Region 9 reported two (2) Local Showcase grants. According to EPA data, Region 9 has twenty-three (23) 103 air grants and three (3) 105 air grants.

### *Permits*

Currently there are twenty-one (21) permits identified in Region 9 Indian Country. These permits are: Title V: Major permits.

### *Regulations*

Regulatory programs can be developed by a tribe as they see fit and types of regulations include TIPs, rules or permitting regulations. In Region 9, one (1) Tribe has submitted a regulation report, one (1) Tribe has regional approval and one (1) Tribe has a final rule.

### *TAS*

Under the TAR and Section 301(d) of the Clean Air Act, eligible Tribes can be "treated in a manner similar to states". In Region 9 ten (10) Tribes have submitted TAS applications, one (1) Tribe has regional determination and one (1) Tribe has the decision document signed.

### *Non-attainment or Maintenance Areas*

In Region 9, Tribal lands in non-attainment or maintenance areas are as follows:

Fifty-one (51) non-attainment areas for 8-hr ozone standard (1997 std), seventeen (17) in non-attainment for PM-2.5 (2006 std), fourteen (14) in non-attainment for PM-2.5 (1997 std), twenty-seven (27) in non attainment for PM-10 (1990 std), one (1) in non-attainment for SO<sub>2</sub> (1978 std) nine (9) are in a maintenance are for PM-10

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<sup>23</sup> This is the number of completed Tribal emission inventories for the year, submitted to EPA region, ITEP (QA/QC) and/or NEI.

<sup>24</sup> This is the number of Tribes with any year completed EI.

(1990 std) , twenty-nine (29) in maintenance for CO (1990 std), and three (3) in a maintenance area for S02 (1978 std).

*Program Delegations*

In Region 9, one (1) Tribe has submitted a FIP and one (1) Tribe has been approved for a FIP. One Tribe has delegation of Title V (Part 71) operating permit program.

**Region 10 & Alaska (42 Tribes in Region 10 and 231 Alaskan Native Villages)**

According to OAQPS Report the following numbers were reported for the region:

	Air Monitoring	Diesel	Emissions	Grants	Permits	Regulations	TAS
Region 10	18	8	9	19	11	36	13
Alaska	01	1	0	8	0	0	0

*Air Monitoring*<sup>25</sup>

Monitoring shows an increase in Tribal sites from 2005 to 2011. During 2005, eight (8) Tribes were submitting monitoring data with ten (10) monitoring sites. As of 2011, sixteen (16) Tribes submitted monitoring reports with an increase to eighteen (18) monitors. This represents an increase in Tribal monitoring sites in Region 10 since 2005.<sup>26</sup>

*Diesel Work*

Currently in FY 2011 there were three (3) Tribes with diesel projects in Region 10 and Alaska with twenty-two (22) retrofits. In FY 2012 there are no projects. However, there are diesel grant issued to entities that work directly with and benefit Alaska Native Villages.

*Emissions*

In Region 10 and Alaska there are twenty-one (21) completed emission inventories.<sup>27</sup> Eight (8) Tribes have s completed emission inventories which have been submitted to the NEI<sup>28</sup>.

*Grants*

As of 01/19/2012 Region 10 and Alaska reported several air grants. These are nine (9) 103 air grants, nine (9) 105 air grants, two (2) DITCA grants, one (1) GAP grants and two (2) Local Showcase grants. According to other data, Region 10 breaks down the grants as fourteen (14) 103 air grants and nine (9) 105 grants to Region 10 and one (1) 103 air grant to Alaska. It should be noted that when EPA Region 10 develops funding formulas for Alaska Native Villages, they should consider a different approach to support air quality management in Alaska.

<sup>25</sup> Alaska and Region 10 are reported together.

<sup>26</sup> Again, this does not infer that Tribes can or cannot monitor, it is a statistic of how many Tribes are actively monitoring.

<sup>27</sup> This is the number of completed Tribal emission inventories for the year, submitted to EPA region, ITEP (QA/QC) and/or NEI.

<sup>28</sup> This is the number of Tribes with any year completed EI.

The current approach does not support individual grants to villages in general. Therefore, a discussion may need to be held with Alaska Native Villages for input on a better way to deliver funding in the areas most strongly needed.

### *Permits*

Currently there are one hundred seven (107) permits identified in Indian Country and Tribal lands located in Region 10 and Alaska. These permits are: one (1) NSR: Minor – PSD, ninety-three (93) NSR: Synthetic Minor PSD, one (1) NSR Synthetic Minor – NA and twelve (12) Title V: Major permits.

### *Regulations*

Regulatory programs can be developed by a tribe as they see fit and types of regulations include TIPs, rules or permitting regulations. In Region 10 and Alaska, no Tribes have submitted a regulation reports However, several Alaska Villages have promulgated their own air quality regulations for their Law and Order Codes,

### *TAS*

Under the TAR and Section 301(d) of the Clean Air Act, eligible Tribes can be "treated in a manner similar to states". In Region 10 and Alaska, twelve (12) Tribes have submitted TAS applications and six (6) Tribes have received regional determination. Twelve (12) Tribes have received the decision document signed (approval of TAS).

### *Non-attainment or Maintenance Areas*

In Region 10 Indian Country and Alaska, Tribes in non-attainment or maintenance areas are as follows:

One (1) non-attainment areas for PM-2.5 (2006 std), one (1) non-attainment and one (1) maintenance area for PM-10 (1990 std) and three (3) in maintenance are for CO (1990 std).

### *Program Delegations*

In Region 10 Indian Country and Alaska, four (4) Tribes have submitted FIP delegation request summaries. Four (4) Tribes accepted regional approval of delegation of federal air rules and programs.

## **Analysis for Future Funding**

Currently, EPA funding for Tribal Air Programs is significantly lower than what would be expected and does not meet the current needs of Tribes to address serious air quality issues within their communities. In addition, the EPA's annual budget for Tribal air quality activities have not increased in several years despite an ever growing demand for new program capacity development, advanced monitoring and regulatory development among Tribes with existing programs. There are 587 Federally Recognized Tribes and Alaska Native Villages on the list developed by the Office of Air and Radiation and utilized by the Office of Air Quality Planning and Standards.

Currently there are 110 Tribal 103 grants among all EPA Regions which indicates that only 18.73% of Tribes are funded utilizing CAA 103 funds. Furthermore, Tribes that are receiving 105 Funding, account for only 4.08% of all Tribes, which indicates a serious unmet need. **In total, 77.17% of all Federally recognized Tribes are not funded for air quality programs.**

While not all Tribes have the capacity to monitor their air shed, nor may they want an air program, the opportunity for those that do should be made available. Based on the 2009 inability for funding of new Tribal air programs, the NTAA recommends that EPA review the formula used for funding and make corrections to account for Tribes that wish to begin an air program. Therefore, the NTAA asks that EPA and other appropriators consider increasing Tribal air program funding as a strong indicator of their trust responsibility and to maintain strong government-to-government relationships. **Further NTAA strongly believes that increased funding will fill any data gaps and provide valuable information to EPA and other agencies and stakeholders by participating in monitoring networks on a regional and national level.**

The NTAA suggests to EPA that it is prudent **to increase tribal air program funding by at least \$1.5 to 2.0 million over the next two years.** This amount over the next two years would allow more Tribes to develop air programs and build capacity while allowing EPA to fulfill its strategic plan. Funding utilized by Tribes is money well spent, based upon the efficiency of each air program that currently operates in Indian Country. Additionally many Tribes that have well established programs are not able to implement more advanced monitoring and/or to develop regulatory programs to address air pollution sources at their current funding levels. New and existing Tribal air programs are in desperate need of additional EPA funding and support in order to monitor and regulate their air sheds in order to protect the health and welfare of Tribal Members.

If EPA will consider this funding increase for Tribes the amounts may look like this: At \$1,500,000 /25 Tribes are awarded approximately \$60,000 per Tribe which allows staffing, training and work tasks such as emission inventories of which there are only 57 completed Nationally, using the EPA baseline number of 587 this indicates that only 9.71% of Tribal emission inventories have been completed. This indicates that a significant data gap exists and is an area with tremendous growth potential in the benefit to indigenous human health and quality of life.

In addition Tribes play an important role in monitoring networks on a regional and national level. Furthermore, regulatory oversight in Indian Country with respect to air quality and the CAA is grossly understaffed and underfunded. Tribal members (and often non-tribal rural neighbors) are subjected to increased levels of air pollution and do not have a mechanism to address the sources at the local level. EPA regions are understaffed and underfunded which makes it nearly impossible for them to provide this regulatory oversight in Indian Country and as a result many potential violations fall through the cracks and Tribal members continue to suffer disproportionate health impacts from air pollution sources that go unregulated or under regulated.

In addition to an increase for Tribal air program funding, there is also a need to maintain and increase funding to organizations that support and enhance technical and policy aspects of Tribal air quality program development which includes training and technical assistance programs, policy analysis & development, and communication/coordination services between Tribes and EPA. Two organizations are highlighted below: the National Tribal Air Association (NTAA) and the Tribal Air Monitoring Support Center (TAMS).

### **National Tribal Air Association (NTAA):**

The NTAA is an autonomous organization of the National Tribal Environmental Council with more than 75 principal member Tribes and a resource to all 566 Federally Recognized Tribal Nations. The Association's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of Tribes. As such, the Association uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the

Association always seeks to represent consensus perspectives on any given issue, it is important to note that its expressed views may not be agreed upon by all Tribes. Further, it is important that EPA understands interactions with the Association do not substitute for government-to-government consultation which can be achieved only through direct communication between the federal government and the Tribes.

NTAA receives funding from the EPA as a partnership group and based on the mission of NTAA as a policy group, it is requested that continued support be provided to maintain the NTAA's services to Tribes and EPA. The **NTAA requests an increase of \$50K to its annual operational budget** in order to meet the needs and demands of Tribes related to policy issues and in order to continue to assist EPA with communication and coordination efforts with Tribal Governments. The frequency and complexity of air quality policies and rules requiring Tribal coordination and consultation has been steadily increasing over the past ten years and an increase in funding is needed to accommodate the needs of both Tribes and EPA in this regard.

### **Tribal Air Monitoring Support Center (TAMS):**

Of the STAG allocation that supports the technical and policy support programs that assist Tribes, i.e. the Institute for Tribal Environmental Professionals (ITEP-AIAQTP), the National Tribal Air Association (NTAA), and other special projects, the TAMS Center receives funding under the ITEP AIAQTP funding as it is a component of the ITEP-AIAQTP program. However, the TAMS Center is also a unique collaborative program between EPA-OAQPS, EPA-ORIA, NAU-ITEP, and the Tribes. It was first established in the year 2000 to assist Tribes meet the wide range of technical challenges with developing and implementing a Clean Air Act program for federally recognized Tribes. Thus, support for the TAMS Center is also provided directly through EPA-ORIA and EPA-OAQPS. **Funding allocations to EPA-ORIA and EPA-OAQPS for tribal assistance is requested to stay at current levels to sustain support of the TAMS Center at the EPA-ORIA RIENL (Radiation and Indoor Environments National Laboratory) in Las Vegas.**

- TAMS receives guidance for tribal support needs directly from the Tribes via a Tribal Steering Committee representing Tribes nationwide.
- ITEP AIAQTP provides 5 to 6 technical tribal training courses annually at the TAMS Virgil Masayesva Environmental Learning Center at the EPA-RIENL in Las Vegas. Since its inception, over 1000 Tribal Environmental Professionals representing 213 Tribes have received training from the TAMS Center at the Virgil Masayesva Environmental Learning Center in Las Vegas and other training sites.
- TAMS operates an equipment loan program that provides air monitoring and audit equipment to Tribes nationwide. Annually, approximately 10-20 loan requests are filled.
  - Criteria pollutant air monitors: Mini-Vols, PM2.5, PM10, Ozone
  - Mercury Monitors
  - Tribal School Air Toxics Monitoring Initiative: VOC, Carbonyl, PAH,
  - Audit equipment and standards: Flow Transfer Standards, Flow meters, NIST traceable thermometers and barometers
- TAMS provides individual professional technical assistance (in-person and remote support) to Tribes nationwide on air monitoring and other technical air quality assessment projects.
- TAMS provides Gravimetric Laboratory support and data validation training for up to 18 Tribes nationally.
- TAMS provides a quarterly "Talk to the Experts" call-in forum for tribal professionals to have a dialogue with technical experts on air monitoring and other air quality assessment topics.

TAMS provides a quarterly “TAMS Outlook” to provide information on topics relevant to Tribes nationally.

## **Conclusion**

In closing, the NTAA appreciates the opportunity to present this document, FY2014 Tribal Air Quality Budget Analysis, which identifies data and funding gaps in Indian Country and provides a strategy to effectively address those gaps in a coordinated and reasonable manner. The NTAA looks forward to working cooperatively with Tribes, the National Tribal Caucus, National and Regional Tribal Operations Committees, ITEP/TAMS, EPA, and other groups/organizations to continue to examine the funding challenges that exist within Indian Country related to air quality and to provide strategies to address those challenges.

If you have any questions or comments about this document or the NTAA please contact us:

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