United States Environmental Protection Agency

Tribal Air

March 2016

Volume 16, Issue 1

Inside this issue:

Highlights:

- Find out about opportunities for grants
- Read about what you can do to protect at-risk populations during building renovations
- Discover trainings and conferences
- Much more!

EPA Administrator Signs New Policy to Enhance Tribal Treaty Rights

By: Pat Childers, *Office of Air and Radiation*

On February 22, 2016, Administrator Gina McCarthy took an important step in helping protect the environment on tribal lands by issuing the EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights (Guidance). Under the Constitution, treaties are part of the supreme law of the land, with the same legal force as federal statutes. While treaties do not expand EPA's authority, EPA must ensure its actions do not conflict with treaty rights. In addition, EPA programs should be implemented to enhance protection of tribal treaty rights and treaty-covered resources when we have discretion to do so. The new Guidance directs EPA staff to engage Indian tribes in ways that help better ensure EPA actions and initiatives on Indian lands are consistent with Treaty rights. "This Guidance will further strengthen EPA's close partnership with the tribal community by initiating meaningful discussions with tribes about their treaty rights during consultation," said EPA Administrator Gina McCarthy. "I look forward to this policy's immediate implementation as well as continued efforts to learn from and expand our collaborations with tribes as we work to achieve our shared mission." EPA's first ever Tribal Treaty Rights Guidance outlines a process to help navigate treaty rights discussions with tribes during tribal consultations. It is an initial step in EPA's efforts to improve the methods and process in place to meet the commitment to honor and respect tribal treaty rights and resources protected by treaties. Tribal treaty rights is an ever-growing field of study, with new policy, scientific and legal issues that must be addressed. This Guidance will help provide a starting point for discussing treaties in a particular context. The Guidance complements EPA's successful tribal consultation efforts, building upon the May 2011 EPA Policy on Consultation and Coordination with Indian Tribes. EPA is at the forefront of this effort and plans to encourage colleagues throughout the federal family to use the Guidance as a model to do the same.

More information can be found here and here.

EPA Welcomes Elaine Wilson

The EPA welcomes Elaine Wilson, former Environmental Program Director for the Inter Tribal Council of Arizona and Navajo Nation member, to the National Tribal Air Association (NTAA) Staff at the Institute for Tribal Environmental Professionals (ITEP). Elaine's duties as a part-time Research Specialist include coordinating NTAA's highly-regarded Status of Tribal Air Report, a yearly overview of tribal air issues and successes. (This year's STAR report is scheduled for release at the National Tribal Forum in May.)

Elaine Wilson

Elaine resides in the Phoenix area with her husband, where they enjoy traveling, camping, and fishing. Elaine says of her new position, "I'm really excited to be learning more about air quality and helping tribes nationally, and it's been great getting to know the NTAA's Executive Council members. When I attended a meeting with them recently, they were very welcoming—right away I felt like part of the family."

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Native Voices

NORTHERN ARIZONA UNIVERSITY

American Indian Air Quality Training Program

Institute for Tribal Environmental Professionals

Volume XXII, No. 4

The Clean Power Plan and Tribes: Opportunities and Impacts

Recently the world experienced a breakthrough, and not in a good way. Atmospheric carbon dioxide concentrations have risen to over 400 parts per million, a symbolic line-in-the-sand level set by climate scientists that, if not reversed, will result in a profound rise in Earth's average temperatures in the coming decades. Other heat-trapping gases, notably methane, are also increasing in the atmosphere at an unsustainable rate.

As nearly 200 nations recently acknowledged at the recent COP21 conference in Paris, climate change is adversely impacting communities and natural environments worldwide and must be addressed. Rising atmospheric and ocean heat is increasing the frequency and intensity of storms, aggravating heat waves, contributing to drought, raising aquatic pH levels, melting polar ice and vast fields of permafrost, and stressing wild animals and plants. Tribes are especially vulnerable to its impacts, especially those whose bonds with the land and waters run deep.

After years of delay (stemming in part from the maneuvering of economic interests and the politics of denial and disinformation), U.S. EPA has recently taken a significant step toward addressing climate impacts from fossil-fuel combustion. The centerpiece of the Obama administration's Climate Action Plan is a new federal law known as the Clean Power Plan (CPP). The Plan is an outgrowth of Clean Air Act Section 111d, which regulates pollution from existing stationary sources. Together, coal- and gas-fired electrical generating plants account for some 31% of the world's greenhouse gas emissions.

The CPP is, like most federal air-quality regulatory actions, a state-based initiative—the federal government sets overall carbon-reduction goals, and each state must create a unique plan to achieve its share of reductions. Finalized in August of 2015, after consideration of a record 4.3 million public comments, the CPP sets limits on EGU carbon emissions while also seeking to ensure the reliability of the electrical grid and providing states and tribes with flexibility in reaching their carbon-reduction goals. The overall aim is a 32% reduction in carbon pollution from 2005 levels by the year 2030, with interim reduction targets to be met by each state between 2022–29. Carbon emissions in 2012 form the baseline for mandated reductions.

A related rule also finalized last fall, the Carbon Pollution Standards, addresses carbon emissions from new, modified and reconstructed power plants. Additional standards for emissions of methane, a more-potent gas responsible for about 10% of rising atmospheric heat, are in development.

CPP Basics

Under CPP guidelines, each state and EGU tribe must create its own plan or accept an EPA-designed "Federal Plan" template for reducing its carbon emissions. The CPP is founded around the concept of "Best System of Emission Reductions." BSER is built on three "building blocks":

see CPP on page 3

In October 2015, 13 representatives from tribes located across the U.S. attended a training course at the TAMS Center in Las Vegas, NV, on the Clean Power Plan. At the course they examined CPP components, and challenges and opportunities the landmark carbon-reduction rule presents to tribes.

Institute for Tribal Environmental Professionals Newsletter

If you are looking for even more ways to stay updated on events, programs, legislation, and activities in Indian country's environmental realm, then check out *Native Voices*. To be added to the quarterly newsletter email list, please send your name and email to Lydia Scheer (Lydia.Scheer@nau.edu) with a note that you would like to receive Native Voices. Current and past issues can be found at: http://www7.nau.edu/itep/main/air/air_nv

Permission to reprint from Dennis Wall, NAU.

Clean Power Plan Community Meetings

Thank you to everyone who attended the EPA's Clean Power Plan Tribal Community Trainings in December. The trainings were held December 7-8 in New Mexico and December 9-10 in Arizona. The main objective of the training was for tribes to develop a basic understanding of the Clean Power Plan and the Proposed Federal Plan. Participants gained an understanding of the roles of Tribal governments and the Federal government in the implementation of the Clean Power Plan, as well as the impacts that the plan will have on tribal communities. For more information on the Clean Power Pan please visit: https://www.epa.gov/cleanpowerplan/clean-power-plan-existing-power-plants.

New Renewable Fuel Standards

The renewable fuel standard (RFS) program was created in 2005 and expanded in 2007 as a way to reduce greenhouse gas emissions, expand the nation's renewable fuels sector, and take action on climate change- all while reducing dependence on imported oil. Under the Clean Air Act, the EPA is required to set RFS volume requirements annually.

There are four standards that the RFS program is based upon: cellulosic biofuel, biomass– based diesel, advanced biofuel, and total renewable fuel. For 2016 the standard for advanced biofuel is nearly 1 billion gallons. This is 35 percent higher than the actual volumes in 2014. The total renewable standard for 2016 is 11 percent higher than the actual 2014 volumes. Between 2016 and 2017 the standards will steadily grow in order to reach 2 billion gallons by year 2017. The final volume requirements are higher than the levels the EPA initially proposed in June, which will boost renewable energy production and provide support for the biofuels industry.

The RFS program has been successful in cutting carbon pollution, reducing dependence on foreign oil, and sparking rural economic development. The standards set by the EPA are ambitious, but achievable and are the key to growing the amount of biofuels in the market. For a link to the final ruling, see the Regulatory Updates section in this newsletter.

Technical Assistance Funding Available

The U.S. Department of Energy (DOE) has announced the availability of up to $7 million to establish an inter-tribal technical assistance energy providers' network to assist Indian tribes and Alaska Native communities regionally. The Office of Indian Energy is seeking applications from Inter-tribal Organizations and Alaska Native Regional Corporations interested in establishing internal energy experts to provide technical energy assistance and informational resources to their member Indian tribes.

The DOE anticipates making awards that range from $300,000 to $1,000,000 for the entire period of performance of 3-5 years. After that time it is expected that the inter-tribal technical assistance energy provider will be financially sufficient and can continue these efforts without further DOE support.

Applications are due April 14, 2016.

For more information please see the EERE Funding Opportunity Exchange Webpage, DE-FOA-0001453.

TIME CHANGE

Clocks sprung forward on Sunday, March 13. Make sure that you test or change the batteries in any home or community detectors.

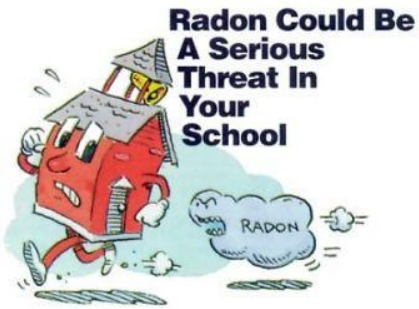
Radon

Exposure to radioactive radon gas is the second leading cause of lung cancer in America. Radon comes from the decay of uranium in the ground, and nearly all soils contain some naturally occurring uranium. The issue arises when radon seeps up from the soils and into buildings, where it can accumulate in high levels. This can be a serious problem as Americans spend up to 90 percent of time indoors.

For these reasons, the EPA rolled out the new National Radon Action plan at the end of 2015 in partnership with the United States Department of Health and Human Services (HHS), the Department of Housing and Urban Development (HUD), the American Lung Association and a number of other national organizations. The plan is aimed at preventing 3,200 lung cancer deaths annually by 2020 through radon exposure reduction policies and practices. However, the ultimate goal is to eliminate avoidable radon-induced lung cancer. This will be done by integrating radon testing, radon mitigation, and radon-resistant construction into the systems that govern purchasing, financing, constructing and renovating homes and other buildings.

The new strategy is built upon the successes of the 2011 Federal Radon Action Plan, which has protected over 105,000 homes from radon. The new plan works to broaden the scope and reach of the 2011 plan by including the health, scientific and technical expertise of the national partners.

Two of the critical pieces of the Agency's goal of minimizing and preventing radon-related lung cancer are state and tribal radon programs.



Tribes can apply for the State and Tribal Indoor Radon Grants (SIRG) program to receive funds from the EPA that help finance radon risk reduction programs. The recipients must provide a minimum of 40% in matching funds, and these funds are not available to individuals or homeowners. Those who receive SIRG funds must align their projects and activities with the Agency's strategic goals as well as demonstrate, capture, and report results. If you are interested in applying for the SIRG Program first contact your Regional radon or SIRG program coordinator and also check out the State and Tribal Indoor Radon Grants Program Guidance and Handbook. If your reservation has schools, you may be interested to know that radon could be a serious threat to your

(Continued on page 5)

Grant Opportunity

The EPA's Office of Air and Radiation is hosting a Request for Applications for the National Tribal Air Association Operations—FY 2016 Grant. Funds are available for eligible entities to provide comprehensive air quality policy and regulatory analysis including support and national coordination activities to assist tribes in understanding, participating in and respond to EPA's Office of Air and Radiation's policy and regulatory activities. More information can be found on the grant webpage.

Closes: May 4, 2016

Radon Continued

students and teachers. A survey of nationwide radon levels in schools estimates that nearly one in five schools have at least one classroom with a short-term radon level above the action level of 4 picoCuries per liter. This is the level at which the EPA recommends schools take action to reduce radon exposure. The EPA estimates that more than 70,000 classrooms in use today have high short-term radon levels. Radon is an issue that students, teachers, parents, and community members need to be aware of. Currently only approximately 20% of schools nationwide have done testing for radon, although the EPA recommends that all schools should be tested. The basic elements of testing are to [1] test all frequently used rooms on and below the ground level; [2] conduct tests in the cooler months of the year; and [3] follow the testing strategy of initial testing, follow-up testing, and taking action. For more information on testing for radon in schools check out the EPA published guidance that is available free to schools.

While radon can be a serious threat to ones health, it is important to remember that there are proven techniques available to lower radon levels and exposure, but this cannot be done without the first step of testing!

EPA Releases MOVES2014a Mobile Source Emissions Model

MOVES is the EPA's Motor Vehicle Emissions Simulator, a state-of-the-science emission modeling system that estimates emissions for mobile sources at the national, county, and project level for criteria pollutants, greenhouse gases, and air toxics.

Towards the end of 2015 the EPA announced the release of MOVES2014a, which incorporates significant improvements in calculating nonroad equipment emissions. Other changes include adding volatile organic compounds and toxics to the list of pollutants, updating gasoline fuels used for nonroad equipment to be consistent with on road vehicles, providing users with more flexibility concerning nonroad model output, adding new options for the input of local vehicle miles traveled, minor updating to the default fuel tables, and correcting an error in break wear emissions.

MOVES2014a does not significantly change the criteria pollutant emissions results of the previous model and therefore is not considered a new model for State Implementation Plan (SIP) and transportation conformity purposes.

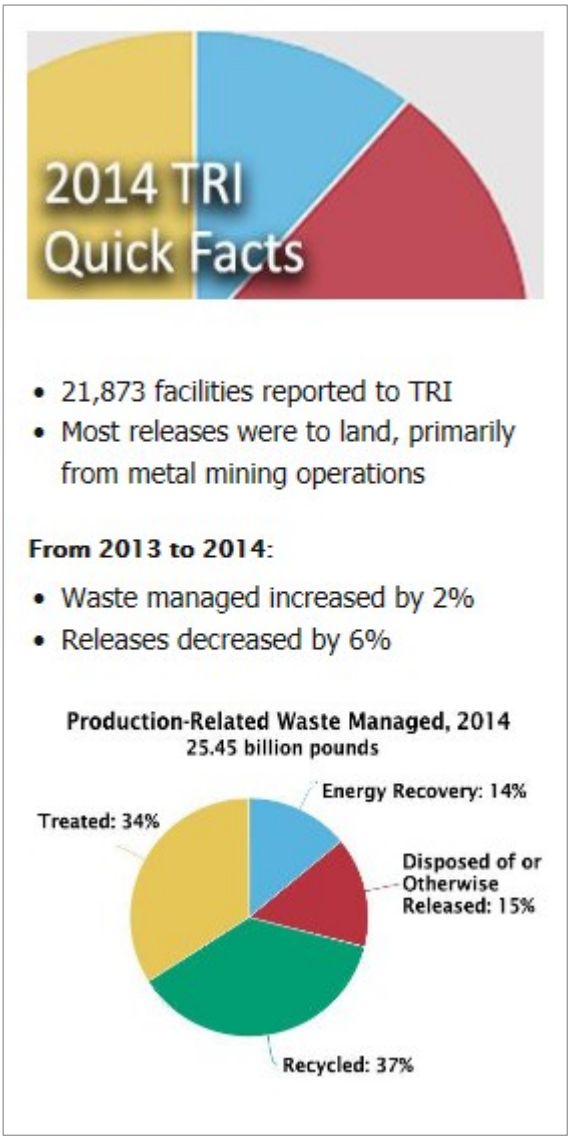
The EPA is providing a tool within MOVES2014a that converts input databases created for MOVES2014. However users should always specify what version of MOVES was used to create emissions results.

Check out the MOVES Website for more general information, user documents, training sessions, and downloading instructions.

EPA Announces 2014 Toxics Release Inventory Report

U.S. facilities report detailed information to the EPA on their management of toxic chemicals- including what is released into the environment. The Toxics Release Inventory (TRI) National Analysis then interprets this information and examines trends in releases, waste management practices, and pollution prevention activities. The most recent report (2014) has been released by the EPA. Facilities must report their toxic chemical releases for the prior year to the EPA by July 1 of each year, as required by the Emergency Planning and Community Right-to-Know Act. The facilities that submit data annually to the EPA, states, and tribes, include industry sectors such as: manufacturing, metal mining, electric utilities, and commercial hazardous waste. Under the Pollution Prevention Act of 1990 facilities are also required to submit information on pollution prevention and other waste management activities related to TRI chemicals.

The TRI report is available on its own dedicated website that gives users easier access to key information. Website features includes analyses, interactive maps showing data at various levels, integrated demographic information, profiles of federal facilities and the automotive manufacturing sector, and a discussion forum where users can share feedback about the report and discuss how they are using the report.



Air Pollution Training Institute

Did you know that the EPA has an Air Pollution Training Institute (APTI) that helps air pollution professionals plan training, register for courses, participate in self-instructional learning, and track progress? APTI– Learn has courses on a variety of topics that include, but are not limited to: introduction to air pollution control, permitting, climate change, inspection and enforcement, mobile sources, air toxics, data analysis, and regulation development. Courses are either held online or in classrooms, depending on scheduling by state or local agencies. APTI courses are offered at no cost for employees of state and local environmental agency staff, and no one is charged for self-instructional courses. The entire list of training courses for the year can be found on the APTI website, and if there is a course you would like to take that is not scheduled, you can request it through your training coordinator at your regional association.

2016 National Tribal Forum on Air Quality

The 2016 National Tribal Forum on Air Quality will be held May 17-19 in Niagara Falls, New York. The forum is being hosted by The Seneca Nation of Indians and The Saint Regis Mohawk Tribe in coordination with the Institute for Tribal Environmental Professionals (ITEP), the National Tribal Air Association (NTAA), and the EPA. The registration fee is $50. There will also be pre-conference sessions held on Monday, May 16. The topics for these sessions include: Building Dynamics & Radon Entry Technical Training, Clean Air Act Training, Clean Power Plan Training, and field trips to nearby environmental project sites. The agenda for this year's conference includes sessions on: air quality and health impacts, climate change and tribes, indoor air quality, networking and information-sharing sessions, NTAA annual membership meeting, the Virgil Masayesva Tribal Air Programs Excellence Award Ceremony, and much more. For more information on logistics, the agenda, and how to register, be sure to visit the forum's webpage.

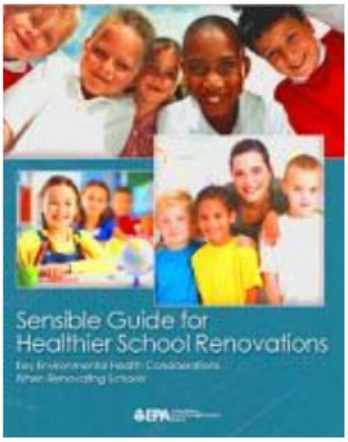
Welcome New Federally Recognized Tribe

In July of 2015, The Pamunkey Tribe became the only Virginia tribe to obtain federal recognition from the U.S. Bureau of Indian Affairs. However, in October their recognition was put on hold by a last minute challenge to their recognition. In late January the Interior Board of Indian Appeals resolved the recognition question, and tribe cleared their last hurdle to officially became federally recognized. After striving for the coveted recognition for decades, they are now the 567th federally recognized tribe. The Pamunkey is now the first federally recognized tribe in Region 3, which includes: Pennsylvania, Virginia, West Virginia, Delaware, Maryland, and Washington DC. Congratulations Pamunkey!

Tribal Air Sensors Pilot Project

The Tribal Air Sensors Pilot Project is a highly anticipated study that will be presented at the 2016 National Tribal Forum. The goal of the project is to assist tribes in understanding local-scale air quality issues and potential differences between local– and regional-scale particulate matter (PM) using low-cost sensors. The EPA has lent three PM sensor devices to the Leech Lake Band of Ojibwe Tribe. The outcome of the project is to be able to evaluate: potential benefits of continuous PM measurements, sensor precision, sensor accuracy, and spatial gradients in concentrations near PM emission sources. The study began in late October 2015 and will last four to six months. Having a pilot project will allow the EPA and tribes to assess the methods used for data collection, raise awareness of challenges concerning continuous monitoring, determine the usefulness of low-cost sensors, and make tribes aware of how their local air quality may differ from regional scales. For questions regarding the pilot project, please contact Brandy Toft (air@lldrm.org).

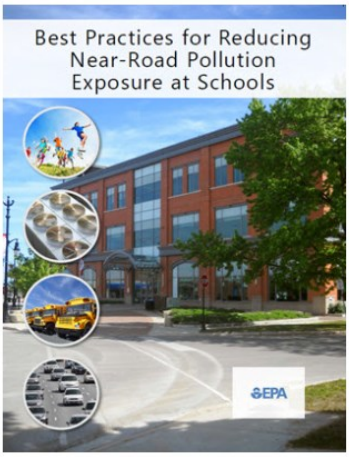
Two New Guides to Ensure Healthy Schools



The new booklet *Sensible Guide to Healthier School Renovations* was released by the EPA to help keep schools around the country healthy while cleaning up contaminants such as asbestos, mold, mercury, lead, and radon that are typically associated with renovations. It is very important for schools to understand potential hazards during renovation projects because children are more sensitive than adults to environmental contaminants due to their respiratory systems not being fully developed yet. It is important to provide a healthy learning environment in order to optimize children's potential.

The EPA created the guide in response to requests from parents, schools and public health officials. The booklet is important because school renovations pose their own unique challenges and addressing the challenges proactively can help the school save money and support student performance.

School renovation is also an optimum time to evaluate hazardous material storage, integrate pest management by design, and incorporate green building practices. Some of the suggestions include scheduling renovations when the least number of staff and students will be in the building, knowing where asbestos containing materials are, fixing moisture problems, and planning for ways to mitigate radon.



A second booklet, Best Practices for Reducing Near-Road Air Pollution Exposure at Schools, was released by the EPA to give schools and parents ideas on how to reduce exposure to traffic-related air pollution.

Nearly 17,000 U.S. schools are located within 1/10th of a mile of a major road. Whenever a school is located near a busy road, students are potentially exposed to unhealthy levels of traffic-related air pollution. The document offers strategies for limiting exposure, including ventilation and filtration, school siting and layout decisions, anti-idling policies, bus fleet upgrades, sound walls, vegetative barriers, and other actions staff can take.

Low income and minority children are disproportionately impacted by asthma and are more likely to live and attend school near major roadways. Children are more active and breathe more rapidly than adults, so their respiratory systems are at a greater risk.

With the creation of the Clean Air Act the EPA has reduced common pollutants by roughly 99% from cars and trucks. However, this does not mean that schools are not still located in areas of elevated air pollution. If your reservation has a school near a heavily traveled roadway, or a school that will be undergoing renovation in the future, be sure to check out these guides to ensure the best practices for children's health are followed.

Region 6 & 7 IAQ Stakeholders Meeting

By: Justin Morehead
Eastern Shawnee Tribe of Oklahoma

The Eastern Shawnee Tribe Environmental Department hosted the first Region 6 & 7 Indoor Air Quality (IAQ) Stakeholders meeting on July 28-30th. EPA Officials representing Regions 6 and 7 helped to form the event. The meeting was held at the Eastern Shawnee Annex Building, with many great presentations and presenters.

The IAQ meeting was very informative, shining light on many indoor air pollutants such as different allergens, asbestos, carbon monoxide, tobacco smoke, lead, mold, polychlorinated biphenyls (PCBs), pesticides, radon, volatile organic compounds (VOCs), and many more. Many of these pollutants are unseen dangers that may be lurking in your home, schools, or business. Presenters that touched on these pollutants said the best way to know if you have any IAQ pollutants is to test and presented on many different test options and testing parameters. With people spending more and more time indoors, IAQ pollutants are of increasing concern for human health.

The IAQ meeting had many presenters from all sorts of areas. There were many tribes that presented about their Air Programs and how they got their Air Programs started. EPA Officials presented on a wide range of issues from climate change impacting indoor air to green building codes as well as air quality in casinos. That's not all; there were many other representatives present at the meeting from universities and health facilities.

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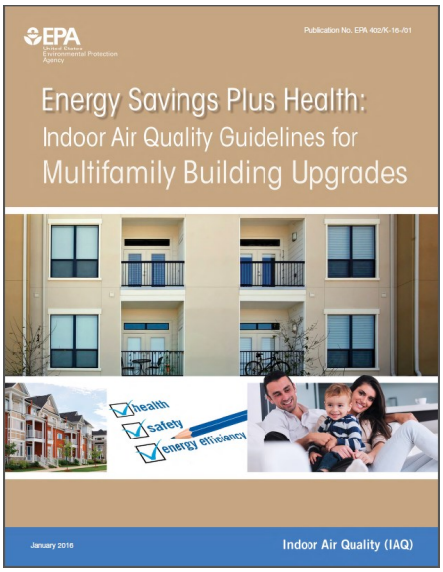
Save Energy and Indoor Health



About twenty-five percent of the U.S. population lives in multi-family homes, and about one-quarter of these residents live below the poverty level. A large portion of affordable housing residents are children, elderly, or disabled. Many of these buildings may be renovated in the near future to update their structure, improve energy efficiency, and improve long-term durability. However, it is possible that some of the upgrade activities might negatively affect the indoor air quality for residents. It is for these reasons that the EPA has released *Energy Savings Plus Health: Indoor Air Quality Guidelines for Multifamily Building Upgrades*.

The guidelines serve as a tool to help those involved with renovation and remodeling to integrate health protections into energy and upgrade projects. The EPA has provided a checklist generator tool that allows you to develop custom checklists tailored specifically to your renovation project. These checklist items are not difficult to do, they just require proper planning and coordination. If done correctly, these renovations can save money, protect public health, reduce reliance on fossil fuels, and reduce climate change impacts. For more information, access to the checklist, and the full guidance document please visit the guideline's website.

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Region 6 & 7 IAQ Stakeholders Meeting Continued

The following presented : The Center of Disease Control and Prevention, U.S. Department of Housing and Urban Development, Kickapoo Tribe in Kansas, Ponca Tribe of Nebraska, U.S. EPA, Cherokee Nation, Tulalip Indoor Air Program and Community Asthma Advocates, Black Hills Center for American Indian Health in South Dakota, National Center for Healthy Housing, Institute for Tribal Environmental Professionals, Children's Mercy Hospital, Prairie Band Potawatomi Nation, Poison Control, American Lung Association, National Radon Program from Kansas State University, Indoor Air Research from the University of Tulsa, Indian Health Service, and National Center for Healthy Housing. Not only did we have all of these great representatives, but we also had some great vendors as well.

Overall, the Region 6 & 7 IAQ meeting was a great success. All participants and presenters stayed at Indigo Sky Casino and Hotel and were extremely happy with the accommodations. A total of 41 tribal attendees from 20 different tribes were in attendance for the training. If you think there is a possibility of IAQ issues in your home, please contact Bob Haskins at (918) 666-5151 ext. 1042 and have your home tested.

Regulatory/ Action Updates

Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards final rule was signed on 9/29/2015, and published in the Federal Register on 12/1/15, at 80 FR 75178.

Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 and Biomass-Based Diesel Volume for 2017 was signed on 11/2/15 and published in the Federal Register on 12/14/2015 at 80 FR 77419. The EPA has finalized the volume requirement and associated percentage standards that apply under the Renewable Fuel Standards program in 2014, 2015, and 2016 for cellulosic biofuel, biomass -based diesel, advanced biofuel, and total renewable fuel. The EPA is also finalizing the volume requirement for biomass-based diesel for 2017. These requirements will boost renewable fuel production and provide for robust, achievable growth of the biofuels industry. More information can be found at: http://www.epa.gov/renewable-fuel-standard-program/final-renewable-fuel-standards-2014-2015-and-2016-and-biomass-based.

Oil and Natural Gas Sector: National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler MACT) was signed 11/5/16, and Published in the Federal Register on 11/20/15, at 80 FR 72790. **NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing:** Correction to the final rule was signed 11/18/15, and published in the Federal Register on 12/4/15, at 80 FR 75817. These amendments make two technical corrections to the final regulation that was published on 10/26/15.

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Regulatory/ Action Updates Continued

National Emission Standards for Aerospace Manufacturing and Rework Facilities was Signed on 11/15/15 and published in the Federal Register at 80 FR 8391. This rule adds limitations to reduce organic and inorganic emissions of hazardous air pollutants from specialty coating application operations; removes exemptions for periods of startup, shutdown and malfunction (SSM) so that affected units will be subject to the emission standards at all times; and revises provisions to address recordkeeping and reporting requirements applicable to periods of SSM. The amendments include a requirement to report performance testing through the EPA's Compliance and Emissions Data Reporting Interface. The EPA estimates that implementation of this rule will reduce annual hazardous air pollutant (HAP) emissions by 58 tons. More information can be found at: http://www3.epa.gov/airtoxics/aerosp/aeropg.html.

Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS was published in the Federal Register on 12/3/15 at 80 FR 75705. Comment period closed on February 1st, 2016. Starting in 2017, the proposed rule would reduce summertime nitrogen oxides emissions from power plants in 23 states in the eastern U.S., providing up to $1.2 billion in health benefits to millions of Americans. For more information please see: http://www.epa.gov/airmarkets/proposed-cross-state-air-pollution-update-rule.

Revisions to the Public Notice Provisions in Clean Air Act Permitting Programs was signed on 12/21/15 and published in the Federal Register on 12/29/2015 at 80 FR 81234. This action removes the mandatory requirement to provide public notice of a draft air permit, and other program actions, through publication in a newspaper. Instead electronic noticing (e-noticing) is now allowed. This rule applies to major source air permits issued by the EPA, EPA delegated air agencies, air agencies with EPA- approved programs (with the exception of permits that are issued pursuant to the Tribal NSR Rule, which already allows for e-notice methods). http://www.epa.gov/sites/production/files/2015-12/documents/20151221fs.pdf

Treatment of Data Influenced by Exceptional Events- Rule Revisions and Notice of Availability for Related Draft Guidance was published in the Federal Register on 12/30/15 at 80 FR 81495. The comment period closed on February 3rd, 2016. Exceptional events are unusually or naturally occurring events that can affect air quality but are not reasonably controllable using techniques that tribal, state or local air agencies may implement to attain national ambient air quality standards (NAAQS). The EPA finalized the Exceptional Events Rule to establish criteria and procedures for use in determining if air quality monitoring data has been influenced by exceptional events. The proposed rule revisions include: more clearly defining the scope of the Exceptional Events Rule to apply only to certain types of regulatory actions, aligning language closer to that of Clean Air Act (CAA), clarifying the analyses, content and organization for exceptional events demonstrations, requiring an initial notification by the state to the EPA of a potential exceptional event request, removing the specific deadlines that apply in situations other than initial area designations, and clarifying fire-related definitions and demonstration components. Visit the following link for more information: http://www.epa.gov/sites/production/files/2015-11/documents/5708_fact_sheet_exeventsrevsnprm_final.pdf.

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Regulatory/ Action Updates Continued

Supplemental Finding that it is Appropriate and Necessary to Regulate Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units comment period closed on 1/15/16 for the proposed supplemental finding that consideration of cost does not alter the agency's conclusion that it is appropriate and necessary to regulate coal- and oil- fired electric utility steam generation units. This is in light of the U.S. Supreme Court decision in *Michigan v. EPA*, where it was ruled that the EPA had not properly considered cost as part of the "Appropriate and Necessary" finding required under the CAA. For more information please visit: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2009-0234-20497

Greenhouse Gas Reporting Rule: Leak Detection Methodology Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems was signed on 1/21/16 and published in the Federal Register on 1/29/16 at 81 FR 4987. This rule adds new monitoring methods for detecting leaks from oil and gas equipment in the petroleum and natural gas systems source category consistent with the leak detection method in the recently proposed new source performance standards for the oil and gas industry. The rule also adds emission factors for leaking equipment to be used to calculate greenhouse gas emissions from leaks. Additionally, the rule adds confidentiality determinations for new data elements. More information can be found at: http://www.epa.gov/sites/production/files/2016-01/documents/san_5847_factsheet_1_15_16.pdf.

Protection of Stratospheric Ozone: Revisions to Reporting and Recordkeeping for Imports and Exports signed on 1/21/16 and published in the Federal Register on 2/9/16 at 81 FR 6765. The International Trade Data System is an electronic filing system that allows businesses to transmit the transactional data required by federal agencies through a single "window" to save businesses time and money. This rule removes the requirement that the petition for used ozone-depleting substances accompany the shipment through U.S. Customs and removes reference to Customs forms that are obsolete under the new system.

National Emission Standards for Hazardous Air Pollutant Emissions: Petroleum Refinery Sector Amendments was signed on 1/29/16 and published in the Federal Register on 2/9/16 at 81 FR 6814. This rule amends the compliance date in Refinery MACT 1 for maintenance vent standards that apply during periods of startup, shutdown, maintenance or inspection for sources constructed or reconstructed on or before June 30, 2014. The EPA is also proposing to revise the compliance dates in Refinery MACT 2 for the standards that apply during startup, shutdown, or hot standby for fluid catalytic cracking units and startup and shutdown for sulfur recovery units constructed or reconstructed on or before June 30, 2014. The EPA is also proposing technical corrections and clarifications to the National Emission Standards for Hazardous Air Pollutants and the New Source Performance Standards.

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Regulatory/ Action Updates Continued

Method 303 Direct Final Rule and Parallel Proposal was published in the Federal Register on 2/9/16 at 81 FR 6763. Method 303 is an air pollution test method used to determine the visible emissions from coke ovens. The action adds additional language that clarifies the criteria used by the EPA to determine the competency of training providers, but will not change the requirements for conducting the test method. For more information visit: http://www3.epa.gov/ttn/emc/methods/20160212m303fs.pdf.

Review of New Sources and Modifications in Indian Country: Extension of Permitting and Registration Deadlines for True Minor Sources Engaged in Oil and Natural Gas Production in Indian Country final rule was signed 2/12/16, and published in the Federal Register on 2/24/16 at 81 FR 9109. This rule extends the NSR minor source permitting deadline for true minor sources from March 2, 2016 to October 3, 2016.

Revision to the Regulatory Definition of Volatile Organic Compounds– Requirements for t-Butyl Acetate was signed on 2/17/16 and published in the Federal Register on 2/25/16 at 81 FR 9339. The final action removes the recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to the use of TBAC as a volatile organic compound.

2015 Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule was signed on 2/21/16 and published in the Federal Register on 2/26/16 at 81 FR 9797. This rule proposed revisions to specific provisions covering 30 subparts of the Greenhouse Gas Reporting Rule to streamline implementation, improve data quality, more accurately reflect industry practices, and provide clarification. The action also establishes confidentiality determinations for reporting certain data elements for data elements added in amendments and a small number of existing elements. More information can be found at: http://www.epa.gov/sites/production/files/2015-12/documents/san_5835_factsheet_clean_12-16-2015_formatted.pdf.

Rulemaking to Affirm Interim Amendments to Dates in Federal Implementation Plans Addressing Interstate Transport of Ozone and Fine Particulate Matter was signed on 2/26/2016 and is awaiting publication in the Federal Register. This final rule affirms amendments made on an interim basis and making them permanent without change. More information can be found at: https://www3.epa.gov/crossstaterule/pdfs/CSAPR_Date_Change_Affirmation_Rule.pdf.

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EPA United States Environmental Protection Agency

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Tribal Training

http://www7.nau.edu/itep/main/Training/training_air/

Date (2016)	Training Course	Location
April 26-28	GIS for Air Quality	Las Vegas, NV
May 3-6	Indoor Air Quality (IAQ) Diagnostic Tools for Alaska	Palmer, AK
May 17-19	National Tribal Forum on Air Quality	Niagara Falls, NY
June 7-10	Air Pollution and Ecosystems	Flagstaff, AZ