

National Tribal Air Association's

Budget Analysis

May 2019



**PRESENTED AT THE
NATIONAL TRIBAL FORUM
ON AIR QUALITY
HOSTED BY THE PECHANGA TRIBE**

Appendix A: NTAA Tribal Air Quality Budget Analysis

The NTAA was founded in 2002 through a grant from the USEPA's Office of Air and Radiation.

Mission

The NTAA serves to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian Tribes and Alaska Natives.

Goals:

- 1) Advocate for and advance Tribal environmental, cultural, and economic interests in the development of air policy at all levels of government (Tribal, local, state, regional, federal, and international).
- 2) Promote the development, funding, and capacity building of Tribal air management programs.
- 3) Promote and facilitate air quality policy and technical information that may include research and scientific and medical studies.
- 4) Advance the recognition and acceptance of Tribal sovereign authority by conducting effective communication and outreach to local, state, federal, and international agencies, as well as the general public.
- 5) Encourage and support appropriate consultation with all Tribal governments in accordance with Tribal structures and policies.

The NTAA is a Tribal member organization with 140 principal member Tribes. The organization serves as a resource to all 573 federally recognized Tribal Nations. The NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving air quality under the Clean Air Act within their respective jurisdictions. Although the NTAA always seeks to represent consensus perspectives on any given issue, it is important that EPA understands interactions with the NTAA do not substitute for government-to-government consultation, which can be achieved only through direct communication between the federal government and the Tribes.

Introduction

In 2018, Tribes celebrated the 20th anniversary of the promulgation of the Tribal Air Rule (TAR). The TAR has made it possible for Tribes to take over or actively participate in the management of Tribal air resources to the degree that the Tribe is currently able. Over the last 30 years, Tribes have made great strides in taking on the challenges of managing their air quality. Across the nation, Tribal air issues vary from permitting sources on-reservation, to monitoring for a variety of criteria air pollutants, to participating on Tribal, local, state, regional, and national workgroups. Other program tasks include addressing indoor air quality issues, and reviewing and commenting on permits issued by local, state, and federal agencies.

However, as much as Tribes have progressed in the past 30 years, Tribal funding has become stagnant, even as program costs have increased and air quality issues such as wildfire smoke

have worsened. Tribes are also increasingly participating in addressing emissions from mobile sources. Meanwhile, the nation seems to be operating in a near-constant state of unpredictability when it comes to government funding in general. Continuing resolutions have become the new normal for Congressional spending, making it extremely difficult for Tribes to plan for future funding years and allowing Tribes to keep operating without the government ever adjusting budget amounts. The activities carried out by Tribal programs have been impacted by funding shortfalls, with monitoring stations shut down and workgroup participation ending because travel and staffing funds are no longer available.

As the charts and tables in Appendix B show, the work products delivered by Tribal programs have remained largely unchanged over the years, due to the hard work and dedication of Tribal staff when it comes to making do with very little, but this work cannot continue without an increase in funding.

Furthermore, Tribes see a great need to increase the amount of activity taking place in their air programs. As mentioned above, wildfire smoke levels have increased substantially over the past several years. These events lead to a double impact on Tribal spending, as Tribes need to be able to purchase air quality monitors in order to have the data available to protect the health of their citizens, and because additional staff time is needed to operate these monitors and to inform Tribal government administrations, Tribal members, and Emergency Management Services and Incident Command personnel about pollutant levels. This issue is believed to be so vital to the future of Tribal air programs that a separate section of the 2019 STAR has been written to address it (see *Emerging Wildfire Threats*).

Several instances of backpedaling by the current administration mean that funding for indoor air quality, radon, and climate change work have been completely eliminated in the FY2019 budget request, as it was in the FY2018 funding request. Tribes have also been spending increasing amounts of time reacting to EPA proposals to water down or eliminate existing guidance and regulations. Many of these proposals do not have adequate documentation showing that they are necessary and appropriate and will not cause exceedances in air pollutants. Therefore, Tribes have been spending increasing amounts of time preparing comments on these proposals. Tribal participation in the rulemaking process is more important than ever, but must be supported by adequate funding.

Program Development

Over the past several years, indicators of Tribal air program success grew in the following ways:

- The Treatment as a State (TAS) statute authorizes Tribes to manage programs under the CAA, including regulatory development, reviewing authority for Title V permits, the opportunity for PSD Redesignation of Reservation lands, air quality monitoring, etc. Between 2012 and FY2019, the number of Tribes with non-regulatory TAS status increased from 34 to 53, and the number with regulatory TAS increased from 7 to 10.

- The number of Tribes currently operating air monitors, monitoring for criteria pollutants, hazardous air pollutants, and other pollutants under the National Atmospheric Deposition Program, has grown from 81 in 2012 to 86 in FY2019.
- The number of Tribes with completed Emissions Inventories ranged from 74 in 2012 to a peak of 86 in 2015, but has decreased to 73 in FY2019.
- The number of Tribes with §103 grants has increased from 67 in 2017 to 78 in FY2019. However, this FY2019 total is down from 82 Tribes in 2018.
- The number of Tribes with §105 grants has increased from 34 in 2015 to 40 in FY2019.
- Twenty-nine Tribes applied for, and twenty-six Tribes were determined eligible for, Volkswagen Settlement funds in the first round, which closed March 1, 2019, with approximately \$6 million available. Subsequent rounds will disperse another \$48.5 million. These funds can be used in limited applications to replace certain old diesel engines with updated technology. However, these applications may not be useful to all Tribes.

Budget Analysis

FY 2018

The 2019 STAR has shown that the health concerns facing Tribal nations have increased in recent years, while funding has remained stagnant, at best. From FY2012-FY2017, overall EPA funding remained fairly steady, reaching a peak of \$8.45 billion in FY2012, but decreased markedly in FY2018 to \$5.6 billion, meaning that the agency is also fighting to continue its efforts to protect air quality across the US and in Indian Country. Tribal air funding comes almost solely from EPA State and Tribal Assistance Grants (STAG). Peak Tribal funding occurred in 2012 at \$12.49 million but only totaled \$11.48 million in FY2018. Most Tribes do not have the funding base to pay for these programs themselves. Tribes do not have the authority to raise revenue through taxation, and even if they could do so, taxation would be unlikely to lead to much revenue. For those Tribes with the capacity to raise funds through other methods, such as business ventures, areas such as providing housing and health care for their membership take precedent since many Tribal members live below the poverty level. Replacing aging infrastructure on reservations is also a priority. Many Tribes also operate K-12 schools, colleges, detention facilities, and substance abuse treatment centers, to name just a few governmental entities.

Because federal CAA funding has been stagnant, Tribes with existing air programs receive the vast majority of available funds, meaning that hundreds of remaining Tribes have little hope of establishing an air program, even though they may face serious air quality issues or exist in non-classified or non-attainment air sheds. Even as funding remains stagnant, the number of federally recognized Tribes has grown from 566 in 2012 to 573 in 2018. This problem is especially apparent in Region 3, where the number of federally recognized Tribes has grown from 0 in 2015 to 7 in 2018. None of these Tribes currently receive air funding.

This stagnation in funding can be seen in the leveling off or even decrease of the types of activities that indicate a growing Tribal air program, such as completion (or updating) of emissions inventories, the movement of Tribes from §103 to §105 funding, placement of new

Tribal monitors or submittal of new quality assurance project plans, and the pursuit of authorities such as Class I Redesignation, permitting authorities, Tribal Implementation Plan development, and TAS status. Figure 1 contrasts Tribal funding with rising inflation and cost of living numbers.

FY2019

Congress passed a Continuing Resolution on February 15, 2019, which extends the FY2018 budget through September of 2019, keeping the overall EPA budget at \$5.6 billion and the Tribal budget at 11.45 million.

FY2020

The President’s budget proposal for FY2020 was released on March 11, 2019.¹ The budget requests \$6.1 billion for EPA, which is a \$2.8 billion or 31% decrease from the 2019 estimate, and proposes to “eliminate many voluntary and lower-priority activities,” although no further details are provided. On a somewhat more positive note, the budget proposes to enhance monitoring of America’s significant watersheds, particularly those requiring collaboration among numerous states, Tribes, and local or international governments. The NTAA suggests that the Administration propose a similar approach to enhancing air monitoring across the nation.

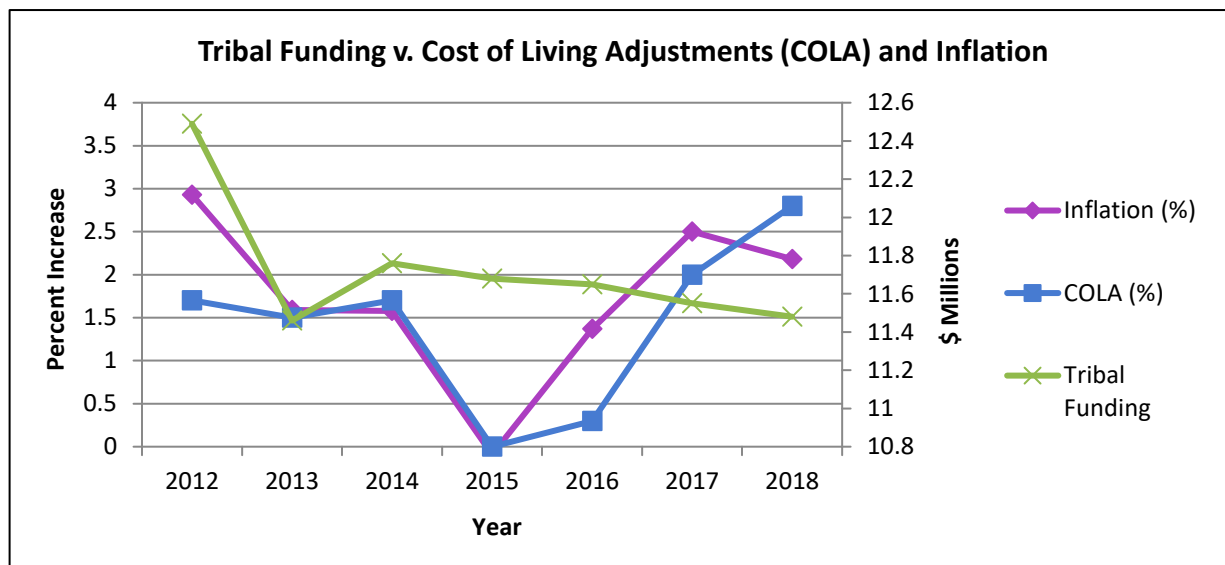


Figure 1 Tribal Funding v. COLA and Inflation

¹ Budget of the U.S. Government, Fiscal Year 2020, “A Budget For a Better American: Promises Kept. Taxpayers First.”. <https://www.whitehouse.gov/wp-content/uploads/2019/03/budget-fy2020.pdf>.



Development of a Tribal Air Program

The first thing most Tribes with new air programs do is to complete an emissions inventory (EI). This helps a Tribe plot its air program's future course and decide whether or what type of monitors might be needed. Obtaining TAS status is also a natural next step for many (but not all) Tribes, and movement from §103 to §105 funding indicates movement from "project" to "program" status. However, these progressions are not free of costs. A §105 program receives priority funding, but significant non-federal matching Tribal funds are required to supplement these federal funds. Given the economic challenges that Tribes face, it can be difficult for them to come up with this money. Monitors are expensive to purchase, operate, and maintain. These activities require extensive training and experience. While training is available through the TAMS Center and the Institute for Tribal Environmental Professionals (ITEP) for free or at reduced costs, many Tribes do not have travel funds or cannot spare staff time. Travel scholarships are sometimes available, but are limited. Additionally, most Tribes that have an air program operate with only one air program staff member. It can be difficult to travel for training when there is no one else to help run the program.

Training

Statistics from ITEP show that 493 Tribes (and 9,228 individuals) received training through 2019 at either ITEP or the TAMS Center. When compared to the total of 573 federally recognized Tribes, this means that 86% of Tribes across the nation have received some type of Tribally focused, air quality specific, environmental training. It is interesting to note that about 60% of the individuals trained are no longer in the air quality field. Only 10% of individuals who take an introductory air quality course go on to take five or more courses, indicating that overall Tribal air quality staff do not receive more than entry-level training.

In considering these numbers, it is possible that high staff turnover is being reflected. Instructors at these trainings notice that some Tribes send multiple staff to trainings. It is possible that training multiple staff from a single Tribe reflects growth of an air program because many Tribes begin air training with their General Assistance Program (GAP) staff, then expand to dedicated Tribal air staff and sometimes to supervisors or multiple staff members. However, this can also reflect a high rate of turnover within a Tribe that could be related to stagnant and/or low wages.

Institutional Experience

Many Tribal air programs experience high turnover due to stagnant wages and general low wages in comparison to state/federal counterparts. While many Tribes already know this to be true from their own personal experience, training data from the TAMS Center and ITEP support this statement. Since the number of Tribes with air grants is not increasing and Tribes with established air programs almost exclusively receive the available funding, the conclusion must be that Tribes are continually sending new staff to beginner level trainings to maintain air quality monitoring proficiency. It is rare or challenging to find enough participants to fill advanced level training classes.

Increasing Tribal Monetary Needs

Program costs for health insurance benefits have continued to increase each year, decreasing the amount of program budgets available for staffing, equipment, supplies, training, and transportation costs. In the period from 1991-2014, the average annual increase in health care costs in the US was 4.9%.² From 2015-2017, these costs increased by 3% annually - slower, but still outpacing federal funding for Tribal programs. The US Department of Labor estimates that benefits combined are worth about 30% of an employee's total compensation package.³ Estimating that about 80% of any Tribe's air budget goes to salary and compensation, the 1996 initial appropriation of \$11 million, if increased to account for rising health care costs, would need to total a \$30 million appropriation today.

The cost of outside technical support also increases annually. Tribes contract with outside entities to provide lab work, to help with audits of monitoring equipment, and to write quality assurance project plans.

If we look at the same problem in terms of general inflation, the 1996 initial appropriation of \$11 million would total \$17.6 million in FY2019 dollars if it kept pace with inflation (usinflationcalculator.com). Instead, at \$11.48 million, funding has barely changed and is, by these calculations, underfunded by 35%.

1996 appropriation	FY2019 (with increased funds to cover inflation)	FY2019 (with increased funds to cover health care costs)
\$11 million	\$17.6 million	\$30 million

The problem of high employee turnover is explored in a February 4, 2016, article by Christina Merhar on the website Peoplekeep.com. The article claims that replacing a business employee costs an average of 6 to 9 month's salary due to hiring costs, training, and lost work time while the new employee comes up to speed. Similarly, a study by the Center for American Progress found that the cost of training a new employee can be roughly 16% of annual salary for those earning below \$30,000, and 20% of annual salary for those earning between \$30,000 and \$50,000. These costs are highly detrimental to Tribes and their air programs.

Monitoring

A recent survey of Tribes operating monitors demonstrates that a significant portion of the monitors deployed in Indian Country are over ten years old. Although the data is not complete, the percentage of Tribal monitors older than ten years could well be over 50%. Meanwhile, the number of Tribes with monitoring programs has remained relatively stagnant, with 81 in 2012 and 86 in 2019. Tribes operating monitors report that even if there is money in

²<https://www.kff.org/other/state-indicator/avg-annual-growth-percapita/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>. Sources: Centers for Medicare & Medicaid Services, Office of the Actuary, National Health Statistics Group. National Health Expenditure Data: Health Expenditures by State of Residence, June 2017.

³ Steve Santiago, "The value of employer benefits," May 11, 2009, CAREER. Found at <https://www.bankrate.com/finance/financial-literacy/the-value-of-employer-benefits.aspx>.

their budget for this task, there often is not enough for audits, spare parts, repairs, or training. Good data collection takes time and money.

Although the lack of reservation-specific monitoring data is detrimental to Tribes, it is also a loss for the monitoring community at large. CASTNET contacts at EPA say they would like to see more Tribal monitors in the central and northwest parts of the country, where gaps exist in the existing network, as can be seen in Figure 2. EPA needs to rely on modeling data for locations where they do not have sites. Modeling is less accurate than data from monitors, especially if the spatial gaps between monitors are large.

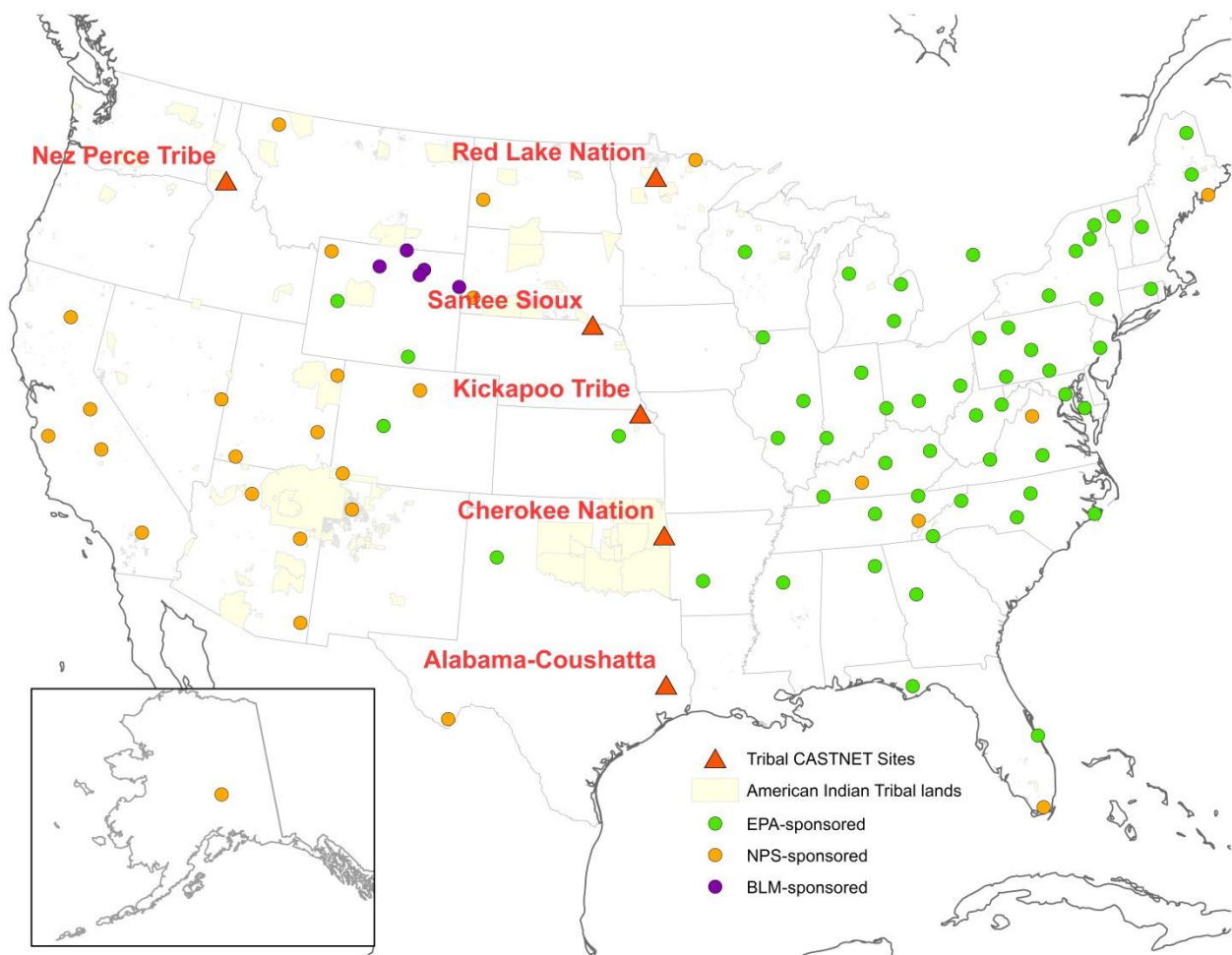


Figure 2 Tribal CASTNET Monitors

Emissions Inventories (EIs)

It is troubling to note that the number of completed Tribal EIs has decreased in recent years. The peak of 86 completed EIs was reached in 2015. This number diminished to 84 in 2016, 80 in 2017, and 78 in 2018. The explanation for this is likely that “completed EIs” refers to those that have been undertaken or updated within the last five years (although it is also possible that Tribes are choosing to not report their data to the National Emissions Inventory database; the problem remains the same). The fact that this number has fallen indicates that at least some Tribes do not have the staffing levels required to keep these inventories updated after their initial completion. This is an alarming trend, as atmospheric/air pollution conditions can change in terms of emissions over five years and these changes can greatly impact how a Tribe chooses to direct its air program.

Participation in Regional Planning Organizations (RPOs)

In the early 2000s, Tribes demonstrated active participation in regional RPOs, which were tasked with planning for implementation of the Regional Haze Rule, which was promulgated in 1999. During the early 2000s, there was adequate funding for Tribal staff to travel to Regional Haze meetings and provide meaningful input. However, Tribal participation in RPOs for the second round of Regional Haze State Implementation Plans (RH SIPs) has dropped due to the lack of funds available to participate. Much of this is due to the decreased level of funding for RPOs, but states have the funds to make up for this while Tribes do not. This is a loss to the development of the RH SIPs, to state/Tribal relations, and to the capacity development of Tribal air programs.

Non-Attainment Areas

EPA data shows that the number of Tribal non-attainment areas has increased to 185 in FY2019. This is an increase of 20% over the number of non-attainment areas in 2018. However, the EPA budget decreased during this time period, as did Tribal CAA funding. Combined with the stagnation in the number of Tribal monitors in operation, this indicates that a growing number of Tribal members are living in non-attainment areas and that these areas are not being adequately monitored.

Priorities

In recent years, the EPA’s priorities have changed, as shown by changes from previous years in the annual Strategic Plan and National Program Manager’s Guidance. Several important areas have been removed from these planning documents, including indoor air quality, radon, and climate change. These are especially important in Tribal communities because of: the high poverty rate, high rates of asthma and diabetes, old and failing housing stock, and old and failing infrastructure. Many Tribal homes were built poorly according to plans that did not take into account the local climate and are energy inefficient. Therefore, cases of mold are common and widespread. Increased flooding due to climate change has exacerbated the problem for many Tribes. Wildfire smoke is increasingly a concern for Tribal indoor air quality and ambient air quality, as these fires grow in incidence, size, and duration. Radon is a naturally occurring element found in many Tribal homes and offices. Remediation is relatively cheap (about \$2,200 per home) and effective but Tribal funding for evaluating these homes

has decreased drastically and funding has never been available for remediation. Poor air quality due to climate change is a great concern for Tribes in many ways. These include: increased mold from flooding, increased impacts from wildfires, increased construction debris from floods and fires, increased levels of pollen from longer growing seasons, and increased levels of ozone due to higher temperatures. Climate change is also an issue that will have huge impacts on Tribes, from the loss of important species and other resources, such as crops and grazing land and the increasing impacts of wildfires, drought, flooding, and severe weather. In short, not only are Tribes losing ground in terms of funding, but they are increasingly unable to direct what funds they receive to the issues that may need the most attention.

Implementation

The decrease in funding to both the EPA and to Tribal air programs is a double-edged sword when it comes to implementing the CAA on Tribal lands. Tribes are increasingly unable to “do it all” as a result of insufficient funding to meet their needs and must rely on EPA to address air pollution and compliance assurance issues on their reservations. Since EPA regional offices are located in urban areas, extensive travel on the part of EPA staff is required to conduct inspections or permitting site visits on or near reservations. However, decreased funding within EPA has made it even more difficult for EPA staff to justify travel to Indian Country. It would be more cost efficient to train Tribal staff to perform site inspections and to work with facilities on compliance assurance with the added benefit of trained staff locally situated to respond quickly to emergencies.

Likewise, any loss of Tribal monitors can place an additional burden on state agencies, some of whom have come to rely on Tribally purchased monitors and Tribal staff to operate equipment that helps the state assess its air quality and meet monitoring placement requirements.

Needs Assessment

The preamble to the Tribal Authority Rule clearly stated the need for EPA to conduct a needs assessment for maintaining and improving air quality in Indian Country. While narrowly constructed needs assessments have been performed to address such things as capacity building, drinking water/wastewater, and indoor air quality funding, no comprehensive assessment of the air quality management needs in Indian Country exists today. Such an assessment would cost on the order of \$500,000 but would provide a wealth of information to EPA.

Other Air Agency Budgets

As stated above, Tribes are not the only air agencies struggling with stagnant budgets. From the National Association of Clean Air Agencies website, the EPA budget for state and local air grants has remained steady for several years at roughly \$228 million despite rising costs of inflation and health care.⁴ This is the same amount these agencies received 15 years ago, even

⁴ “FY 2018 Budget and Congressional Appropriations.” NACAA - National Association of Clean Air Agencies, www.4cleanair.org/happening-in-congress/page/fy-2018-budget-and-congressional-appropriations

though their duties and responsibilities have increased. NACCA showed that if this \$228 million amount was adjusted for inflation it would translate into \$310 million in today’s dollars. NACAA requested an increase to this level of funding in a hearing before the House Appropriations Committee – Subcommittee on Interior, Environment, and Related Actions in February, 2019. NACAA also requested flexibility to use any additional grants to address the highest priority programs in state and local areas.⁵

In particular, these budget constraints affect many organizations such as the national, non-profit, consensus driven organization the Association of Air Pollution Control Agencies and Multi-Jurisdictional Organizations that collaborate with state, local, and Tribal air agencies to address air pollution across political boundaries.

Conclusions and Recommendations

The NTAA recommends that the EPA consider three amended budgeting solutions to help alleviate some of the financial pressure on Tribal air programs.

- Scenario 1 addresses basic inflationary costs and adds a needs assessment for estimating additional Tribal funding needs. As shown in Table 1 above, NTAA estimates that Tribal funding of \$17.6 million would be needed in FY2019 in order to keep pace with inflation of the original 1996 appropriation of \$11 million. The addition of a needs assessment (estimated at \$500,000) would bring the total to **\$18.1 million**.
- Scenario 2 recommends that EPA increase Tribal funding by 3% each year for five years in order to meet increases in cost of living and health care cost increases. If this recommendation is followed, funding for the next several years would look like this:

Year	2019	2020	2021	2022	2023
\$ Million	\$11.48	11.82	12.17	12.54	12.92

- Scenario 3 recommends an increase of \$9 million, **totaling \$20.48 million**. This would include \$2.5 million for updating outdated or defunct monitors and \$500,000 for a Tribal needs assessment. The remainder (\$6 million) would cover cost of living increases and additional staff, as needed, to manage the most urgent air quality situations for the Tribes. These may include emergency response to wildfires, improving indoor air quality, assessing criteria or toxic pollutants, participation in RPOs or MJOs, or any other relevant needs identified.

⁵ Testimony of Miles Keogh, Executive Director, National Association of Clean Air Agencies (NACAA) Before the House Appropriations Committee Subcommittee on Interior, Environment, and Related Agencies Regarding the FY 2020 Budget for the U.S. Environmental Protection Agency, February 26, 2019. http://www.4cleanair.org/sites/default/files/Documents/NACAA_FY_2020_House_Testimony-ORAL_STATEMENT.pdf



Appendix B: Data Tables of Tribal Air Quality Programs and Grants

Tribal Air Quality Monitoring Programs and Projects

Tribes significantly contribute to air quality protection, exercising Tribal sovereignty through air quality program activities. At the request of the NTAA, EPA's Office of Air and Radiation provided a set of data summarizing Tribal air activities from 2012-2019. A broad national summary of Tribal Air Quality Programs can be found below, followed by regional summaries, with additional explanations of terms used in Appendix C.

The following data is used by the EPA to create budgets that influence CAA grant funding available to Tribes. The presentation of this data is illustrated in a simplified layout that is both easier to understand and more useful to readers. This simplified layout serves the important purpose of highlighting recent declines of funding and stagnation of Tribal Air Quality Programs.

Please see **Appendix A** for a more in-depth Tribal Air Program budget analysis, which references these tables as well. The data set was provided to the NTAA by EPA's OAR Tribal System (OTS) database.

National Summary of Tribal Air Quality Programs

National Summary of Tribal Air Quality Programs								
	2012	2013	2014	2015	2016	2017	2018	2019
STAG Funding (in millions)	\$12.49	\$11.46	\$11.76	\$11.68	\$11.65	\$11.55	\$11.48	
Tribes Operating Air Monitors	81	83	84	83	85	83	85	86
Tribes w/ Completed EIs	74	73	84	86	84	80	78	73
Tribes w/ Non-Regulatory TAS	34	38	45	46	48	49	52	53
Tribes w/ Regulatory TAS	7	8	8	8	10	10	10	10
Major Sources on Reservations*	167	159	863	1626	1900	2991	342	367
Tribal Non-Attainment Areas	201	156	156	202	167	166	166	198
Tribes with 105 Grants	25	25	32	34	35	39	40	40
Tribes with 103 Grants	84	84	96	77	78	75	82	78

Table 1 National Summary of Tribal Air Quality Programs

*The values shown in this table reflect annual totals for all regions. The steep rise of Major Sources on Reservations in 2014-2017 is due to the introduction of new major source registration rules, which were applied to previously identified sources. This jump in major sources was caused by increased regulation, not by new pollutant sources. 2018-2019 totals are reflective only of actual permitted sources in Indian country.

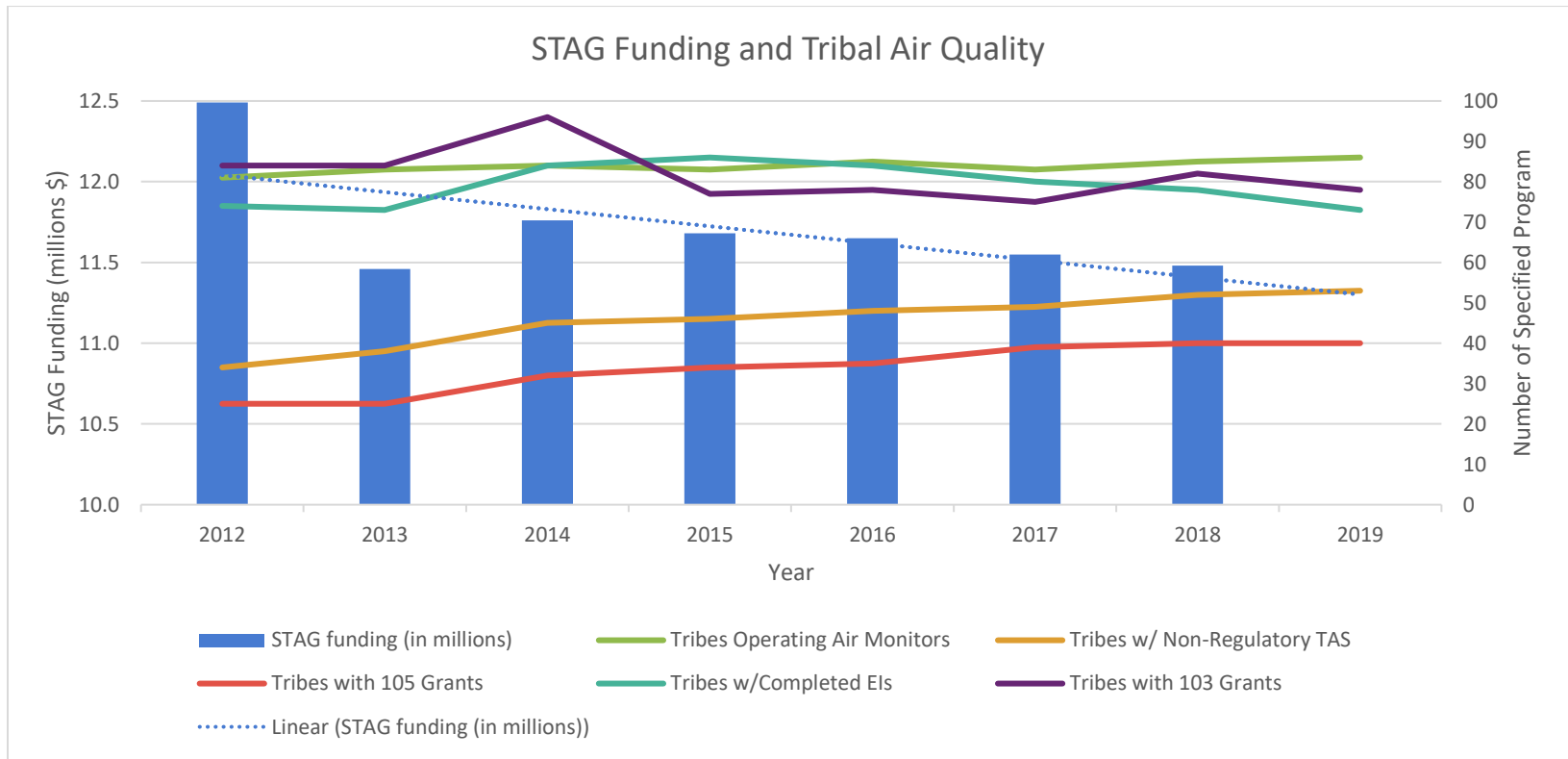


Table 2 STAG Funding and Tribal Air Quality Programs

Using the data provided, the average decrease of STAG funding is \$170,000/year from the time period of 2012 to 2018 (indicated by the “Linear” trend line). This decrease does not account for Cost of Living Adjustments (COLA). See **Appendix A: NTAA Tribal Air Quality Budget Analysis** for analysis of this information.

Regional Summaries of Tribal Air Quality Programs

Table 3 Regional Summaries of Tribal Air Quality Programs

Region 1 - Summary of Tribal Air Quality Programs								
	2012	2013	2014	2015	2016	2017	2018	2019
STAG Funding (in thousands)	\$657	\$614	\$623	\$622	\$594	\$576	\$566	
Tribes Operating Air Monitors	4	5	5	5	5	5	5	5
Tribes w/ Completed EIs	1	1	1	1	1	1	1	1
Tribes w/ Non-Regulatory TAS	1	2	2	2	2	2	2	2
Tribes w/ Regulatory TAS	2	2	2	2	2	2	2	2
Major Sources on Reservations	2	2	2	2	2	2	2	2
Tribal Non-Attainment Areas	5	5	5	5	3	3	3	3
Tribes with 105 Grants				2	2	2	2	2

Region 2 - Summary of Tribal Air Quality Programs								
	2012	2013	2014	2015	2016	2017	2018	2019
STAG Funding (in thousands)	\$440	\$424	\$425	\$418	\$403	\$394	\$389	
Tribes Operating Air Monitors	1	1	1	1	1	1	1	1
Tribes w/ Completed EIs	0	1	1	1	1	1	1	0
Tribes w/ Non-Regulatory TAS	1	1	1	1	1	1	1	1
Tribes w/ Regulatory TAS	1	1	1	1	1	1	1	1
Major Sources on Reservations	1	1	1	1	1	1	1	1
Tribal Non-Attainment Areas	5	4	4	4	1	1	1	1
Tribes with 105 Grants				1	1	1	1	1

Region 4 - Summary of Tribal Air Quality Programs

	2012	2013	2014	2015	2016	2017	2018	2019
STAG Funding (in thousands)	\$331	\$312	\$317	\$313	\$316	\$327	\$328	
Tribes Operating Air Monitors	1	2	2	3	3	4	4	3
Tribes w/ Completed EIs	1	1	2	2	2	2	2	2
Tribes w/ Non-Regulatory TAS	1	1	1	1	1	1	1	1
Tribes w/ Regulatory TAS	0	0	0	0	0	0	0	0
Major Sources on Reservations	0	0	0	0	0	0	0	0
Tribal Non-Attainment Areas	1	0	0	0	0	0	0	0
Tribes with 105 Grants				1	1	1	1	1

Region 5 - Summary of Tribal Air Quality Programs

	2012	2013	2014	2015	2016	2017	2018	2019
STAG Funding (in millions)	\$1.26	\$1.15	\$1.18	\$1.23	\$1.23	\$1.23	\$1.28	
Tribes Operating Air Monitors	11	11	12	12	12	14	14	14
Tribes w/ Completed EIs	14	14	15	16	18	19	20	20
Tribes w/ Non-Regulatory TAS	4	4	5	5	5	6	7	7
Tribes w/ Regulatory TAS	0	0	0	0	0	0	0	0
Major Sources on Reservations	13	15	15	15	15	16	17	17
Tribal Non-Attainment Areas	5	5	5	5	4	4	4	4
Tribes with 105 Grants				5	5	5	7	7

Region 6 - Summary of Tribal Air Quality Programs

	2012	2013	2014	2015	2016	2017	2018	2019
STAG Funding (in millions)	\$1.31	\$1.17	\$1.18	\$1.18	\$1.14	\$1.14	\$1.11	
Tribes Operating Air Monitors	5	5	4	4	5	5	7	7
Tribes w/ Completed EIs	8	8	14	15	11	12	9	5
Tribes w/ Non-Regulatory TAS	2	2	3	3	4	4	5	6
Tribes w/ Regulatory TAS	0	0	0	0	0	0	0	0
Major Sources on Reservations	6	6	6	6	11	10	9	9
Tribal Non-Attainment Areas	0	0	0	0	0	0	0	0
Tribes with 105 Grants				0	0	1	1	1

Region 7 - Summary of Tribal Air Quality Programs

	2012	2013	2014	2015	2016	2017	2018	2019
STAG Funding (in thousands)	\$465	\$434	\$500	\$525	\$535	\$535	\$575	
Tribes Operating Air Monitors	4	4	5	4	4	4	5	6
Tribes w/ Completed EIs	6	6	6	6	6	6	6	6
Tribes w/ Non-Regulatory TAS	0	1	2	2	2	2	2	2
Tribes w/ Regulatory TAS	0	0	0	0	0	0	0	0
Major Sources on Reservations	4	4	4	4	4	4	4	4
Tribal Non-Attainment Areas	0	0	0	0	0	0	0	0
Tribes with 105 Grants				1	0	1	2	2



Region 8 - Summary of Tribal Air Quality Programs

	2012	2013	2014	2015	2016	2017	2018	2019
STAG Funding (in millions)	\$2.11	\$2.00	\$2.10	\$2.07	\$2.00	\$1.98	\$1.89	
Tribes Operating Air Monitors	10	10	10	10	10	10	9	9
Tribes w/ Completed EIs	18	13	14	14	14	8	8	8
Tribes w/ Non-Regulatory TAS	7	7	9	9	9	9	9	9
Tribes w/ Regulatory TAS	1	1	1	1	1	1	1	1
Major Sources on Reservations*	86	89/706**	702	1451	1719	2806	261	289
Tribal Non-Attainment Areas	3	3	3	3	3	3	3	4
Tribes with 105 Grants				7	6	8	8	8

*The steep rise of Major Sources on Reservations in 2014-2017 is due to the introduction of new major source registration rules, which were applied to previously identified sources. This includes newly identified oil and gas sources required to be registered for PSD permits. 2018 totals are reflective only of actual permitted sources in Indian country.

** In 2013, Region 8 reported this data using both old and new rules.

Region 9 - Summary of Tribal Air Quality Programs

	2012	2013	2014	2015	2016	2017	2018	2019
STAG Funding (in millions)	\$3.26	\$2.93	\$2.97	\$2.89	\$2.97	\$2.92	\$2.87	
Tribes Operating Air Monitors	29	29	29	29	30	29	27	28
Tribes w/ Completed EIs	17	19	21	21	24	24	24	24
Tribes w/ Non-Regulatory TAS	7	7	9	10	11	11	12	12
Tribes w/ Regulatory TAS	2	2	2	2	4	4	4	4
Major Sources on Reservations	21	21	21	21	22	22	22	18
Tribal Non-Attainment Areas	170	137	137	183	154	154	154	185
Tribes with 105 Grants				4	7	7	5	6

Region 10 - Summary of Tribal Air Quality Programs

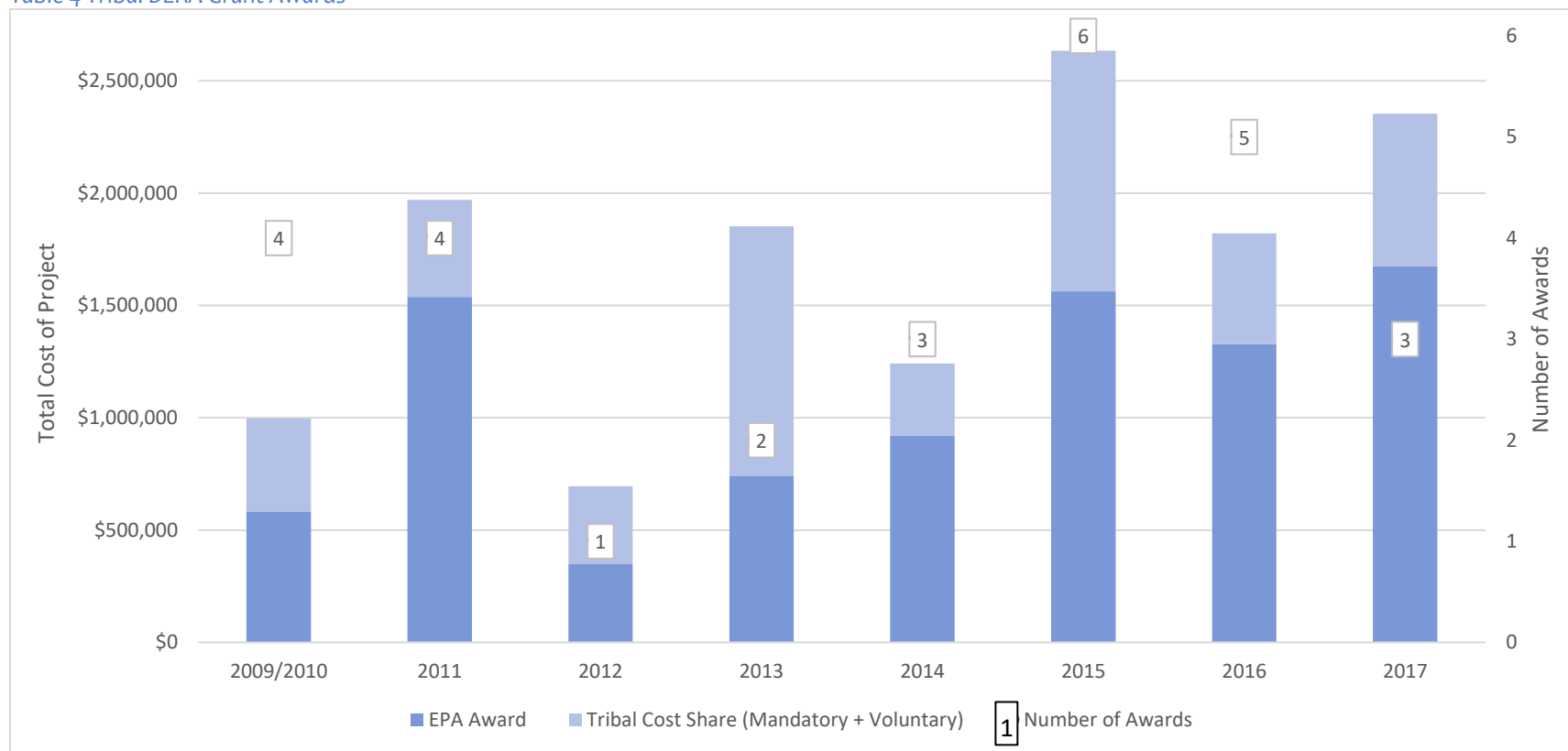
	2012	2013	2014	2015	2016	2017	2018	2019
STAG Funding (in millions)	\$2.66	\$2.42	\$2.47	\$2.44	\$2.46	\$2.45	\$2.47	
Tribes Operating Air Monitors	16	16	16	15	15	13	13	13
Tribes w/ Completed EIs	9	10	10	10	7	7	7	7
Tribes w/ Non-Regulatory TAS	11	13	13	13	13	13	13	13
Tribes w/ Regulatory TAS	1	2	2	2	2	2	2	2
Major Sources on Reservations*	34	110	112	126	126	130	26	27
Tribal Non-Attainment Areas	12	2	2	2	1	1	1	1
Tribes with 105 Grants				13	13	13	13	12

*The steep rise of Major Sources on Reservations in 2014-2017 is due to the introduction of new major source registration rules, which were applied to previously identified sources. 2018 totals are reflective only of actual permitted sources in Indian country.

Tribal Diesel Emissions Reduction Act (DERA)

EPA's Tribal DERA program awards grants to federally recognized Tribes, intertribal consortium, or Alaskan Native Villages for projects that reduce emissions from diesel engines. The Tribal DERA program requires a high cost share commitment, which is a barrier for most Tribes. The graph below provides the total amount awarded from EPA, the total amount of cost share borne by the Tribes, and the total number of awards for each year since the program began in 2009.

Table 4 Tribal DERA Grant Awards



Appendix C: Permit Categories on Reservations

The Clean Air Act establishes emissions-related permitting programs, the pre-construction permit programs under Title I of the Act, and the operating permit program under Title V of the Act. EPA delegates their implementation to local air agencies. Tribes may implement their permit programs once approved by EPA either under the Tribal New Source Review rule or under the part 71 rule for Title V sources (Federal Implementation Plan) or by taking delegation of one or both of the Federal Implementation Plans (FIPs). Where a Tribe does not implement these programs, EPA issues the permits to the sources as appropriate.

Terms

NSR – New Source Review – NSR is a Clean Air Act program (aka, the “preconstruction air permitting program”) that requires industrial facilities to install modern pollution control equipment when they are built or when making a change that increases emissions significantly. The program requires owners or operators to obtain permits before they begin construction.

Tribal New Source Review rule – The Tribal NSR rule is a Federal Implementation Plan (FIP – a plan that is developed by the EPA to federally implement CAA requirements) that establishes the nonattainment NSR and minor NSR permitting programs in Indian country where no EPA-approved Tribal program exists. There are 2 parts – the minor NSR rule and the nonattainment major NSR rule. The permitting authority (either EPA or a Tribe that takes delegation from EPA) reviews the permit application and either grants or denies the permit after a public comment period.

PSD – Prevention of Significant Deterioration – Applicable to new and modified major sources in attainment areas. Regulated pollutants: NAAQS, GHGs, and others (sulfuric acid mist, hydrogen sulfide) – does not include air toxics (mercury, cadmium, benzene, etc.). Has specific requirements - Install Best Available Control Technology (BACT); perform air quality analysis to assess impacts on air quality; perform class I area analysis to assess impacts on national parks/wilderness areas; perform additional impacts analysis; and allow for public involvement. This program can also be delegated to the tribes or implemented through an EPA approved Tribal Program.

FARR – Federal Air Rules for Reservations (applicable in Region 10 only) – A set of air quality regulations that apply to Indian Reservations in Idaho, Oregon, and Washington.

Title V – Permits issued to major sources by the Tribe (CAA part 70) and permits issued by EPA (CAA part 71). These operating permits include all the applicable CAA requirements that apply to a major source and are designed to improve compliance by clarifying what sources must do to control air pollution.

Major Source – Facilities that emit or have the potential to emit pollutants in amounts equal to or greater than the corresponding major source threshold levels. These levels vary by pollutant and/or source category. Major sources must comply with specific emission limits

which are generally more stringent in nonattainment areas and if the pollutant is a criterial pollutant or an air toxic.

Minor Source – Facilities that have the potential to emit pollutants in amounts less than the corresponding major source thresholds.

Synthetic Minor Source – Facilities that have the potential to emit pollutants at or above the major source threshold level, but voluntarily accept enforceable limits to keep emissions below the major source thresholds and avoid the major NSR requirements.

Nonattainment Area – Areas of the country that meet or violate air quality standards (NAAQS).

Attainment Area – Areas of the country that have air quality as good as or better than the air quality standards for a given pollutant.

HAP – Hazardous Air Pollutant - Pollutants (toxic air pollutants or air toxics) that are known to cause cancer and other serious health impacts. There are approximately 187 toxic air pollutants.

TAS – Treatment as a State

The Tribal Authority Rule authorizes EPA to treat eligible federally recognized Indian tribes in the same manner as a state for implementing and managing certain environmental programs.

TAS Eligibility – A Tribe must meet certain criteria to be eligible for TAS. The Tribe must be federally recognized; have a governing body; have appropriate authority to regulate air quality (includes exterior boundaries of the reservation); and be capable of carrying out the functions of the program.

Administrative TAS – Examples include 105 grants, 107 designations, 126/505 notifications, 319 monitoring, permit review, redesignations, etc.

Regulatory TAS – Examples include Tribal Implementation Plan (TIP), delegation of a FIP, regional haze, or permit program, etc.

Note: TAS is not required for all programs, e.g., program development, monitoring.