



May 3, 2019

Executive Committee

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Alaska Native Tribal Health
Consortium

Ann Wyatt
Klawock Cooperative
Association

Marc Vincent
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Beth Burchard
Office of the Chief Financial Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

**RE: Comments on the Environmental Protection Agency's Draft FY 2020-2021
Office of Air and Radiation (OAR) National Program Guidance**

Dear Marc Vincent and Beth Burchard:

The National Tribal Air Association (NTAA) is pleased to submit these comments on EPA's proposal, "Draft FY 2020-2021 Office of Air and Radiation (OAR) National Program Guidance ("Draft Guidance")."

The NTAA is a member-based organization with 141 principal member Tribes. The organization's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of Indian Tribes. As such, the NTAA 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 organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is also important to understand interactions with the organization do not substitute for government-to-government consultation, which can only be achieved through direct communication between the federal government and Indian Tribes.

OAR's NPM Guidance is an important guide that creates the framework for EPA's key national programmatic activities by EPA headquarters and regional offices, states, territories, the District of Columbia, and Tribal governments. On July 28th, 2017, the NTAA and the Tribal Air Monitoring Support Center's Steering Committee co-submitted comments on EPA's Draft National Programs Manager's Guidance for FY 2018-2019, and on October 17, 2017, submitted comments on EPA's Draft FY 2018-2022 EPA Strategic Plan. We encourage the agency to review those comments as well, and we incorporate those comments into this comment letter by reference. It should be noted that once the budget is finalized through the Congressional Appropriations process there may be changes to the document based on the actual budget, and the NTAA EC urges EPA to include several programs listed below that were recommended before and included in the previous Guidance.



NTAA Recommendations for the 2020-2021 NPM Guidance

Based on NTAA's earlier comments and recommendations (please see attached document), and the current Draft NPM Guidance for 2020-2021, NTAA recommends the following changes:

1. Engaging Indian Tribes in review, development, and implementation of NAAQS

National Ambient Air Quality Standards (NAAQS) have been a cornerstone of United States air quality policies since the passage of the Air Quality Act of 1970. The importance of these standards has been re-enforced in subsequent amendments to that law.

The NAAQS for particulate matter (PM₁₀ and PM_{2.5}) and ozone were most recently revised in 2012 and 2015 respectively. The Draft NPM Guidance includes several elements regarding the standards and associated actions. Tribes have a vested interest in the health and environmental protections afforded by NAAQS, including any potential revisions to these standards and the attainment of these standards on all Tribal lands.

Specific Elements and Recommendations

In Section II, A, A.1 National Ambient Air Quality Standards, the draft states, "EPA plans to review the current NAAQS for ozone and particulate matter by the end of 2020."¹ Further, "EPA will continue to work with air agencies on all aspects of implementing the NAAQS." This commitment is insufficient with respect to the interests of Tribes and Alaska Native Villages. Tribes should be aware of, and encouraged to participate in, EPA processes for reviewing and potentially revising any NAAQS. Both ozone and particulate matter standards are of particular importance given the current and potential non-attainment status of Tribal lands and the potential adverse health consequences of degraded air quality. NAAQS consultation and coordination with Tribes is important and beyond "...implementing the NAAQS."

In particular, NTAA references A.1.1.1 Designations and A.1.1.3 Other as instances in the Draft Guidance to create a framework for regional activities. Tribes must be engaged with EPA at any time NAAQS are revised and attainment/non-attainment designations are contemplated. EPA's issuance of "120-day day letters" is insufficient. NTAA recommends continuous coordination with Tribes on potential area designations/re-designations as essential to the health, economic and environmental interests of Tribes. Additionally, the Draft Guidance calls for EPA to "Issue attainment determination actions and Clean Data Determinations for areas that are nonattainment for the 2008 and 2015 ozone NAAQS, the 2006 and 2012 PM_{2.5} NAAQS, and the 2010 SO₂ NAAQS." It is imperative that consultation and coordination with all potentially affected Tribes occur before EPA contemplates such an action. Non-attainment with one or more NAAQS, and the causes and effects of such conditions, are significant concerns to many Tribes.

2. Require state engagement with Indian Tribes in review, development, and implementation of state implementation plans.

¹ EPA's Office of Air and Radiation (OAR) Draft FY 2020-2021 National Program Guidance. 4/1/2019. 440D19001. <https://www.epa.gov/sites/production/files/2019-04/documents/fy20-21-oar-draft-national-program-guidance.pdf>



NTAA has previously commented on its interest in EPA support for collaborative efforts between Indian Tribes, state governments, and other local air pollution control agencies. However, the draft guidance in A.1 related to the more efficient processing of state implementation plans (SIPs) does not appear to take into consideration Tribes' interest in working with state on the development of SIPs. This collaboration, consultation, and cooperation becomes more critical as EPA seeks to push more enforcement and standard setting back to State and Tribal air quality programs. The draft guidance should specifically incorporate a consultation requirement for states with Tribes as part of the SIP development process.

Furthermore, the NTAA seeks further clarification of the EPA item A.1.1.3.8 and A.1.2.3.9 regarding "clarifying air quality management authority for non-reservation tribal lands." These statements seem to imply that there are different jurisdictional authorities over Tribal lands. From a state law and jurisdiction perspective, there is no difference between reservation lands and trust lands. The term "non reservation tribal lands" needs to be more specifically defined in this guidance to ensure continued clarity of state versus federal and tribal jurisdiction.

With respect to Title V and New Source Review Permitting (A.3), the EPA wants to "recognize the primacy of SIP-approved PSD permitting programs." This statement represents the EPA's changed positions on its overview responsibilities under the Title V permitting program. While the draft guidance includes some activities related to supporting Tribes and others, to participate in state permitting processes, the EPA should – due to its trust responsibilities to Tribes and Tribal environments – develop and promote efforts to pilot collaborative approaches between states and Tribes in Title V permitting. The guidance should include specific actions that require both EPA and air agency consultation with Tribes if directly affected by Title V, NSR and PSD permitting.

3. Restore funding for Tribal participation in Regional Planning Organizations

NTAA is pleased to see Regional Haze (RH) included as one measure of Expected Air Agency Activities. Tribes were very active in the first round of RH State Implementation Plan (SIP) preparations. However, that participation was largely due to money provided to the Regional Planning Organizations that led this work effort. That funding has not been renewed, and RH SIP work is now mostly being done through Multi-Jurisdictional Organizations, many of which have a pay-to-play structure that precludes Tribes from participating fully due to lack of travel funds to attend meetings. Restoring funding for this important work would help Tribes contribute to the final products.

4. Restore continuation of funding and support for Voluntary and Non-Regulatory Programs such as IAQ, Radon, and Climate Change.

This Draft Guidance shows no support for important air quality program guidance for voluntary and non-regulatory programs such as radon, indoor air quality, asthma, and climate change. Tribes will continue to be adversely impacted by the elimination of grants and programs that provide immediate and long-term support needed to improve the health of Tribal communities. Tribes and Alaskan Native Villages and the United States will continue to be affected by warming temperatures due to climate change.



| Program Area | Inclusion in 2016-2017? | Inclusion in 2018-2019? | Inclusion in 2020-2021? |
|---|--------------------------------|---|---|
| NAAQS | Yes | Yes | Yes |
| Regional Haze | Yes | Yes | Yes |
| Title V and New Source Review Permitting | Yes | Yes | Yes |
| Ambient Air Monitoring for Criteria Pollutants | Yes | Yes | Yes |
| Air Toxics Program Implementation | Yes | Yes | Yes |
| Ambient Air Monitoring for Toxics | Yes | Yes | Yes |
| Allowance Trading and Other Stationary Source Programs | Yes | Yes | Yes |
| Mobile Source Programs | Yes | Yes | Yes |
| Improving Air Quality in Indian Country and Alaska Native Villages | Yes | Yes | Yes |
| Greenhouse Gas Reporting Program | Yes | Yes | Yes |
| Climate Partnership Programs | Yes | No | No |
| Clean Power Plan | Yes | No | No |
| Reducing Radon Risk | Yes | No | No |
| Reducing Asthma Triggers | Yes | No | No |
| Comprehensive IAQ Interventions | Yes | No | No |
| Radiation Protection | Yes | No | Yes |
| Radiation Emergency Response Preparedness | Yes | No | Yes |
| Homeland Security: Preparedness, Response, and Recovery | Yes | No | Yes |
| Improving Outdoor Air Quality and Addressing Climate Change in Indian Country | Yes | Yes for Outdoor Air Quality, No for Addressing Climate Change | Yes for Outdoor Air Quality, No for addressing climate change |
| Improving Indoor Environments in Indian Country | Yes | No | No |
| Addressing Radiation Protection in Indian Country | Yes | No | Yes |

5. Restore and increase funding to Tribal Air Programs above FY 2018 levels

Tribes are important co-regulators of air quality, working with federal, state, and local agencies to assess, monitor, and manage regional air quality. While Tribal Air Quality Programs have been growing in number, annual federal funding has been reduced. NTAA recognizes FY2020-2021 Guidance is based on the FY 2018-2022 EPA Strategic Plan and the FY 2020 President's Budget Request, a budget which proposes dramatic cuts to the EPA. As a result, the proposed budget reduces funding to several important air grant and air programs including the Tribal Air Program, EPA, and OAR. While funding for air quality programs has been stagnant for several years, NTAA consistently recommends increasing funding in order for Tribal Air Quality Programs to restore funding for existing established Tribal Air Quality Programs to the highest historical funding



levels, provide additional funding for Tribes seeking to establish an air program of their own, and create new funding streams to address IAQ, climate change, and wildfire smoke.^{2,3,4}

6. Include funding and support for Wildfire Threats

The United States has seen increases in fire activity, including area burned, number of large fires, and fire-season length.⁵ Tribes are actively engaged in planning and responding for increasing and interacting risks of catastrophic wildfire, rising temperatures and changing precipitation patterns, leading to ambient and indoor air pollution and emergency management issues. Tribes now need to address periods of degraded air quality, additional carbon emissions, health care issues from smoke exposure, and emergency management due to increased wildfire activity and smoke.³ NTAA recommends including funding and support for programmatic activities relating to risks of wildfire and smoke.

Conclusions

The new direction of the EPA evidently seeks to focus on regulatory work only. This removes non-regulatory areas of information and assistance and the resultant health value that protects human lives. By focusing on only regulatory work, the new direction of EPA appears to be diminishing its regulatory authority, which will further impact the health and well-being of populations with higher vulnerability including young children, older adults, and Tribal communities.

Finally, we would like to point out that the comment deadline of May 3, 2019, does not provide sufficient time for Tribes to provide comments. We believe this Draft Guidance requires additional time to review and evaluate the impacts to Tribal governments and communities. The NTAA appreciates this opportunity to comment on the US EPA Office of Air and Radiation's National Program Manager Guidance document for FY 2020-2021. If you have any questions or require clarification from the NTAA, please do not hesitate to contact the NTAA's Project Director, Andy Bessler, at 928-523-0526 or andy.bessler@nau.edu.

On Behalf of the NTAA Executive Committee,


Wilfred J. Nabahe
Chairman

National Tribal Air Association

Cc: Pat Childers, OAR

² NTAA's 2018 Status of Tribal Air Report <http://www7.nau.edu/itep/main/ntaa/Resources/StatusTribalAir/>

³ NTAA's 2019 Status of Tribal Air Report <http://www7.nau.edu/itep/main/ntaa/Resources/StatusTribalAir/>

⁴ NTAA's National Indoor Air Quality Needs Assessment for Indian Country Updated and Revised Report <http://www7.nau.edu/itep/main/ntaa/IAQPDF/IAQNeedsAssessment2017/>

⁵ USGCRP, 2018: Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, 1515 pp. doi: 10.7930/NCA4.2018



FY 2020-2021 NATIONAL PROGRAM GUIDANCE

NTAA Comments within EPA's Template:

| Comment | Location in Draft Guidance | Office Issuing National Program Guidance | Commenter |
|--|--|--|---------------------------------|
| In Section II, A, A.1 National Ambient Air Quality Standards, the draft states, "EPA plans to review the current NAAQS for ozone and particulate matter by the end of 2020." ⁶ Further, "EPA will continue to work with air agencies on all aspects of implementing the NAAQS." This commitment is insufficient with respect to the interests of Tribes and Alaska Native Villages. Tribes should be aware of, and encouraged to participate in, EPA processes for reviewing and potentially revising any NAAQS. Both ozone and particulate matter standards are of particular importance given the current and potential non-attainment status of Tribal lands and the potential adverse health consequences of degraded air quality. NAAQS consultation and coordination with Tribes is important and beyond "...implementing the NAAQS. | A.1 National Ambient Air Quality Standards (NAAQS) | OAR | National Tribal Air Association |
| Tribes must be engaged with EPA at any time NAAQS are revised and attainment/non-attainment designations are contemplated. EPA's issuance of "120-day day letters" is insufficient. NTAA recommends continuous coordination with Tribes on potential area designations/re-designations as essential to the health, economic and environmental interests of Tribes. | A.1.1.1 Designations" | OAR | National Tribal Air Association |

⁶ EPA's Office of Air and Radiation (OAR) Draft FY 2020-2021 National Program Guidance. 4/1/2019. 440D19001. <https://www.epa.gov/sites/production/files/2019-04/documents/fy20-21-oar-draft-national-program-guidance.pdf>



| Comment | Location in Draft Guidance | Office Issuing National Program Guidance | Commenter |
|--|----------------------------|--|---------------------------------|
| Additionally, the Draft Guidance calls for EPA to "Issue attainment determination actions and Clean Data Determinations for areas that are nonattainment for the 2008 and 2015 ozone NAAQS, the 2006 and 2012 PM _{2.5} NAAQS, and the 2010 SO ₂ NAAQS." It is imperative that consultation and coordination with all potentially affected Tribes occur before EPA contemplates such an action. Non-attainment with one or more NAAQS, and the causes and effects of such conditions, are significant concerns to many Tribes. | A.1.1.3 Other | OAR | National Tribal Air Association |
| NTAA has previously commented on its interest in EPA support for collaborative efforts between Indian Tribes, state governments, and other local air pollution control agencies. However, the draft guidance in A.1 related to the more efficient processing of state implementation plans (SIPs) does not appear to take into consideration Tribes' interest in working with state on the development of SIPs. This collaboration, consultation, and cooperation becomes more critical as EPA seeks to push more enforcement and standard setting back to State and Tribal air quality programs. The draft guidance should specifically incorporate a consultation requirement for states with Tribes as part of the SIP development process. | A.1 | OAR | National Tribal Air Association |



| Comment | Location in Draft Guidance | Office Issuing National Program Guidance | Commenter |
|--|--|--|---------------------------------|
| Furthermore, the NTAA seeks further clarification of the EPA item A.1.1.3.8 and A.1.2.3.9 regarding “clarifying air quality management authority for non-reservation tribal lands.” These statements seem to imply that there are different jurisdictional authorities over Tribal lands. From a state law and jurisdiction perspective, there is no difference between reservation lands and trust lands. The term “non reservation tribal lands” needs to be more specifically defined in this guidance to ensure continued clarity of state versus federal and tribal jurisdiction. | A.1.1.3.8 and A.1.2.3.9 Other | OAR | National Tribal Air Association |
| With respect to Title V and New Source Review Permitting (A.3), the EPA wants to “recognize the primacy of SIP-approved PSD permitting programs.” This statement represents the EPA’s changed positions on its overview responsibilities under the Title V permitting program. While the draft guidance includes some activities related to supporting Tribes, and others, to participate in state permitting processes, the EPA should – due to its trust responsibilities to Tribes and Tribal environments – develop and promote efforts to pilot collaborative approaches between states and Tribes in Title V permitting. The guidance should include specific actions that require both EPA and air agency consultation with Tribes if directly affected by Title V, NSR and PSD permitting. | A.3 Title V and New Source Review Permitting | OAR | National Tribal Air Association |



| Comment | Location in Draft Guidance | Office Issuing National Program Guidance | Commenter |
|--|----------------------------|--|---------------------------------|
| NTAA is pleased to see Regional Haze (RH) included as one measure of Expected Air Agency Activities. Tribes were very active in the first round of RH State Implementation Plan (SIP) preparations. However, that participation was largely due to money provided to the Regional Planning Organizations that led this work effort. That funding has not been renewed, and RH SIP work is now mostly being done through Multi-Jurisdictional Organizations, many of which have a pay-to-play structure that precludes Tribes from participating fully due to lack of travel funds to attend meetings. Restoring funding for this important work would help Tribes contribute to the final products.” | A.2 Regional Haze | OAR | National Tribal Air Association |
| Restore continuation of funding and support for Voluntary and Non-Regulatory Programs such as IAQ, Radon, and Climate Change. This guidance shows no support for important air quality program guidance for voluntary and non-regulatory programs such as radon, indoor air quality, asthma and climate change. Tribes will continue to be adversely impacted by the elimination of grants and programs that provide immediate and long-term support needed to improve the health of Tribal communities. Tribes and Alaskan Native Villages and the United States will continue to be affected by warming temperatures due to climate change. | Section II and Section III | OAR | National Tribal Air Association |



| Comment | Location in Draft Guidance | Office Issuing National Program Guidance | Commenter |
|---|----------------------------|--|---------------------------------|
| <p>Restore and increase funding to Tribal Air Programs above FY 2018 levels</p> <p>Tribes are important co-regulators of air quality, working with federal, state, and local agencies to assess, monitor, and manage regional air quality. While Tribal Air Quality Programs have been growing in number, annual federal funding has been reduced. NTAA recognizes FY2020-2021 Guidance is based on the FY 2018-2022 EPA Strategic Plan and the FY 2020 President’s Budget Request, a budget which proposes dramatic cuts to the EPA. As a result, the proposed budget reduces funding to several important air grant and air programs including the Tribal Air Program, EPA, and OAR. While funding for air quality programs has been stagnant for several years, NTAA consistently recommends increasing funding in order for Tribal Air Quality Programs to restore funding for existing established Tribal Air Quality Programs to the highest historical funding levels, provide additional funding for Tribes seeking to establish an air program of their own, and create new funding streams to address IAQ, climate change, and wildfire smoke.</p> | OAR Guidance | OAR | National Tribal Air Association |



| Comment | Location in Draft Guidance | Office Issuing National Program Guidance | Commenter |
|--|----------------------------|--|---------------------------------|
| Include funding and support for Wildfire Threats The United States has seen increases in fire activity, including area burned, number of large fires, and fire-seasons length. Tribes are actively engaged in planning and responding for increasing and interacting risks of catastrophic wildfire and warm drought, leading to ambient and indoor air pollution and emergency management issues. Tribes now need to address periods of degraded air quality, additional carbon emissions, health care issues from smoke exposure, and emergency management due to increased wildfire activity and smoke. | OAR Guidance | OAR | National Tribal Air Association |



July 28, 2017

Beth Burchard
Office of the Chief Financial Officer
U.S. Environmental Protection Agency
Mail Code 2710A
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

RE: Comments from the National Tribal Air Association's Executive Committee, Tribal Air Monitoring Support Center's Steering Committee on the Environmental Protection Agency's Draft National Program Manager's Guidance for FY 2018-2019

Dear Ms. Burchard:

The Tribal Air Monitoring Support Center Steering Committee ("TAMS SC"), and the National Tribal Air Association's Executive Committee ("NTAA EC"), are pleased to provide comments on U.S. Environmental Protection Agency's (EPA)'s Request for Early Input to the FY 2018-2019 Office of Air and Radiation National Program Manager Guidance ("Guidance").

The NTAA is a member-based organization with 122 principal member Tribes. The organization's mission is to advance air quality management policies and programs that are aligned with the needs, interests, and unique legal status of Indian Tribes. As such, the NTAA 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 organization always seeks to represent consensus on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. In addition, it is also important that EPA understands interactions with the organization do not substitute for government-to-government consultation, which can only be achieved directly between the federal government and Indian Tribes.

The TAMS Center represents a collaborative effort among Tribes from across the nation, the Institute of Tribal Environmental Professionals, and the Environmental Protection Agency (EPA) to address environmental program development needs. The TAMS Center offers different training courses that focus on a variety of topics related to ambient and indoor air quality monitoring. To date, over 1,100 Tribal professionals have utilized the services offered by the TAMS Center, representing more than 185 tribes. A Steering Committee, comprised of Tribal air

quality professionals, help the center to provide timely guidance and information to help Tribal programs succeed.

NTAA EC and TAMS SC General Comments on the EPA OAR NPM Guidance for FY 2018-2019

The NTAA EC and TAMS SC acknowledge that the OAR Draft NPM's Guidance document is an important guide that creates the framework for EPA's key national programmatic activities for the fiscal years of 2018-2019. While the Guidance is based on the President's Proposed Budget and the "back to basics" agenda set forth by EPA Administrator Scott Pruitt, EPA asked for and received early comments from the NTAA EC prior to the 2016 presidential election. The ~~most~~ proposed current draft has been modified greatly since then and this document has been developed prior to finalization of EPA's budget. It should be noted that once the budget is finalized through the Congressional Appropriations process, there may be changes to the document, based on the actual budget and the NTAA EC and TAMS SC urge EPA to include several programs listed below that were included in the last round of the Guidance.

The NTAA EC and TAMS SC generally support the OAR NPM Guidance for 2018-2019, particularly with EPA's expanded and substantive discussion about Indian Tribes and how Tribal air quality issues will be addressed.

NTAA EC and TAMS SC Recommendations for the 2018-2019 NPM Guidance

Based on NTAA's earlier comments and recommendations (please see attached document), and the current Draft NPM Guidance for 2018-2019, the NTAA EC and the TAMS SC recommend the following changes:

1. Add Further Details to Section on Indian Country and Alaska Native Villages

For the 2016-2017 Guidance, the NTAA recommended that specific reference be made to Alaska Native Villages as Indian Tribes covered by the Guidance, and that the Guidance distinguish air issues unique to Alaska Native Villages for which EPA intends to undertake air quality activities. The NTAA's purpose for this recommendation was that within the 2016-2017 Guidance Alaska Native Villages were referenced only once while "Indian Country" was referenced several times.

EPA agreed with NTAA's recommendation and attempted to modify the 2016-2017 Guidance to better reflect Alaska Native Villages where appropriate. However, more detail should be added to describe how the Guidance will specifically address Alaskan Native Villages and would be helpful to better understand how EPA plans to address the unique air quality issues found within the 229 Alaska Native Villages that represent over 40% of the Nation's federally-recognized Tribes. Of the 229 Alaska Native Villages, 228 are not eligible to receive any direct allocation of federal CAA monies and resources designated for Indian Tribes with reservation lands due to a Regional rule interpretation. It must be observed that Alaska Native Villages share many of the same air quality issues as Indian Country, but warrant particular attention by EPA. In addition, other air quality issues (e.g.: cruise ship emissions and lead pollutants from small airplanes at rural airports) are unique to Alaska Native Villages, and are, in fact, included in several recent annual Status of Tribal Air Reports published by the NTAA.

2. Include Continuation of Funding and Support for Voluntary and Non-Regulatory Programs Such As IAQ, Radon, and Climate Change

The NTAA EC and TAMS SC are deeply concerned about the omission of important air quality program guidance for voluntary and non-regulatory programs such as indoor air quality, radon, and climate change. Because the Guidance creates the framework for the programmatic activities that will be the focus of the EPA's work and grants, Tribes will be adversely affected by any cuts to programs and grants that are not included. We recognize that the proposed draft Guidance document reflects the reduced funding to the Tribal Air Program, EPA and OAR in the President's Proposed Budget, but these programs continue to be priorities for the Tribes nationwide, as evidenced by the TAMS 2017 Needs Assessment¹, NTAA National Indoor Air Quality Needs Assessment for Indian Country² and the NTAA's 2017 Status of Tribal Air Report.³ Additionally, Tribes have important and ongoing programs related to these areas that will be severely impacted by this discontinuation of EPA support if this draft document is finalized as it is written.

The NTAA EC and TAMS SC requests inclusion of programmatic activities related to ongoing IAQ, radon, and climate change work and grants.

The following chart highlights the exclusions and reductions in programming:

| Program Area | Inclusion in 2016-2017? | Inclusion in 2018-2019? |
|--|--------------------------------|--------------------------------|
| NAAQS | Yes | Yes |
| Regional Haze | Yes | Yes |
| Title V and New Source Review Permitting | Yes | Yes |
| Ambient Air Monitoring for Criteria Pollutants | Yes | Yes |
| Air Toxics Program Implementation | Yes | Yes |
| Ambient Air Monitoring for Toxics | Yes | Yes |
| Allowance Trading and Other Stationary Source Programs | Yes | Yes |
| Mobile Source Programs | Yes | Yes |
| Greenhouse Gas Reporting Program | Yes | No |
| Climate Partnership Programs | Yes | No |
| Clean Power Plan | Yes | No |

¹ TAMS Technical Needs Assessment Report and Implementation Plan

http://www7.nau.edu/itep/main/tams/docs/about/TAMS_TechnicalNeedsAssessmentReport1-21-15.pdf

² NTAA's National IAQ Needs Assessment for Indian Country Updated and Revised Report, May 2017, https://dl.dropboxusercontent.com/content_link/evZYznHigLlvCf09pZOgzaRmdQpOeJrwDE4LaK15560ly5chEYra8s42zAY2FHLS/file

³ NTAA's 2017 Status of Tribal Air Report <http://www7.nau.edu/itep/main/ntaa/Resources/StatusTribalAir/>

| | | |
|---|-----|---|
| Reducing Radon Risk | Yes | No |
| Reducing Asthma Triggers | Yes | No |
| Comprehensive IAQ Interventions | Yes | No |
| Radiation Protection | Yes | No |
| Radiation Emergency Response Preparedness | Yes | No |
| Homeland Security: Preparedness, Response, and Recovery | Yes | No |
| Improving Outdoor Air Quality and Addressing Climate Change in Indian Country | Yes | Yes for Outdoor Air Quality, No for Addressing Climate Change |
| Improving Indoor Environments in Indian Country | Yes | No |
| Addressing Radiation Protection in Indian Country | Yes | No |

The NTAA EC and TAMS SC are pleased to submit the aforementioned comments on the U.S. EPA Office of Air and Radiation's National Program Manager Guidance document for FY 2018-2019. For any clarification or questions regarding these comments, please contact NTAA's Project Director Andy Bessler at 928-523-0526 or email at andy.bessler@nau.edu.

Signed,

Craig Kreman, Chairman
Tribal Air Monitoring Support Center
Steering Committee

Wilfred J. Nabahe, Chairman
National Tribal Air Association
Executive Committee

NTAA's Earlier Comments and Recommendations for 2018-2019 Guidance to Improve upon 2016-2017 Guidance

1. Training support for Indian Tribes to assess and comment on Title V permits

The 2016-2017 Guidance commits EPA resources to address a number of issues related to the Title V operating permits program including timely permit issuance and compliance monitoring. A number of Title V sources upwind to Tribal lands are being issued or reissued Title V permits. It would benefit Indian Tribes to review these permits for compliance and other issues, and provide comments as appropriate or necessary in order to protect the health and environment of their communities from the sources requiring Title V permits. Unfortunately, there are Tribes that lack the capacity and expertise to conduct these reviews and/or to make comments regarding Title V permits which is compounded by the number of permits requiring such reviews and/or comments.

The NTAA recommends that, in the 2018-2019 Guidance, EPA commit to providing Indian Tribes with ongoing training support, and additional technical and financial support, to assess and comment on Title V permits.

2. Engaging Indian Tribes in development and implementation of SIPs

In the FY 2016-2017 Guidance, the NTAA recommended that the Guidance identify plans on how EPA intends to engage Indian Tribes in consultation with states regarding the development and implementation of SIPs. In response to this recommendation, EPA focused instead on the regional approaches to these issues through the Tribe's EPA-Tribal Environmental Plans.

The NTAA does not find EPA's response to be respectful to the needs of Indian Tribes. EPA is requiring individual states to submit several SIPs to EPA on a number of air-related issues. This is not only burdensome to the states, but is a barrier to the many Tribes that could be significantly impacted by such SIPs. Therefore, Tribes need to be engaged in the development and implementation of SIPs. The reason is that states are not obligated to consult with Tribes under the law unless a Tribe has treatment-as-a-state (TAS) for such Clean Air Act provisions as Section 126. However, EPA has a trust responsibility to Tribes that necessitates it to protect the treaty rights, lands, assets, and resources of Tribes which could be impacted by the SIPs that EPA requires states to submit. As such, Tribes require more specificity from EPA as to how it will honor this trust responsibility to Tribes.

The NTAA recommends that, in the 2018-2019 Guidance, EPA commits to the development of national and regional guidance specifically including a framework on how EPA will engage Indian Tribes in the development and implementation of SIPs and strategies for encouraging states to participate in this engagement with Tribes.

3. Facilitation of Partnerships

Indian Tribes are often required to act alone without strong communication with other entities including co-regulators. Partnerships between Tribes and other air quality regulators will provide

benefits for these entities through gaining Tribal perspectives on air quality issues faced by many Tribes. Partnerships through entities like Regional Planning Organizations provide Tribes with a seat at the table with other air quality co-regulators to tackle complex issues together.

The NTAA recommends that the 2018-2019 Guidance encourage and fund partnerships between Indian Tribes, and other entities and co-regulators, specifically in areas of co-regulations, monitoring analysis, and indoor air quality testing and remediation.