

# Leech Lake Band of Ojibwe's *Air TAS*

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# Leech Lake Reservation Ownership



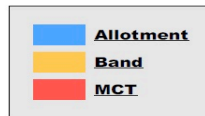
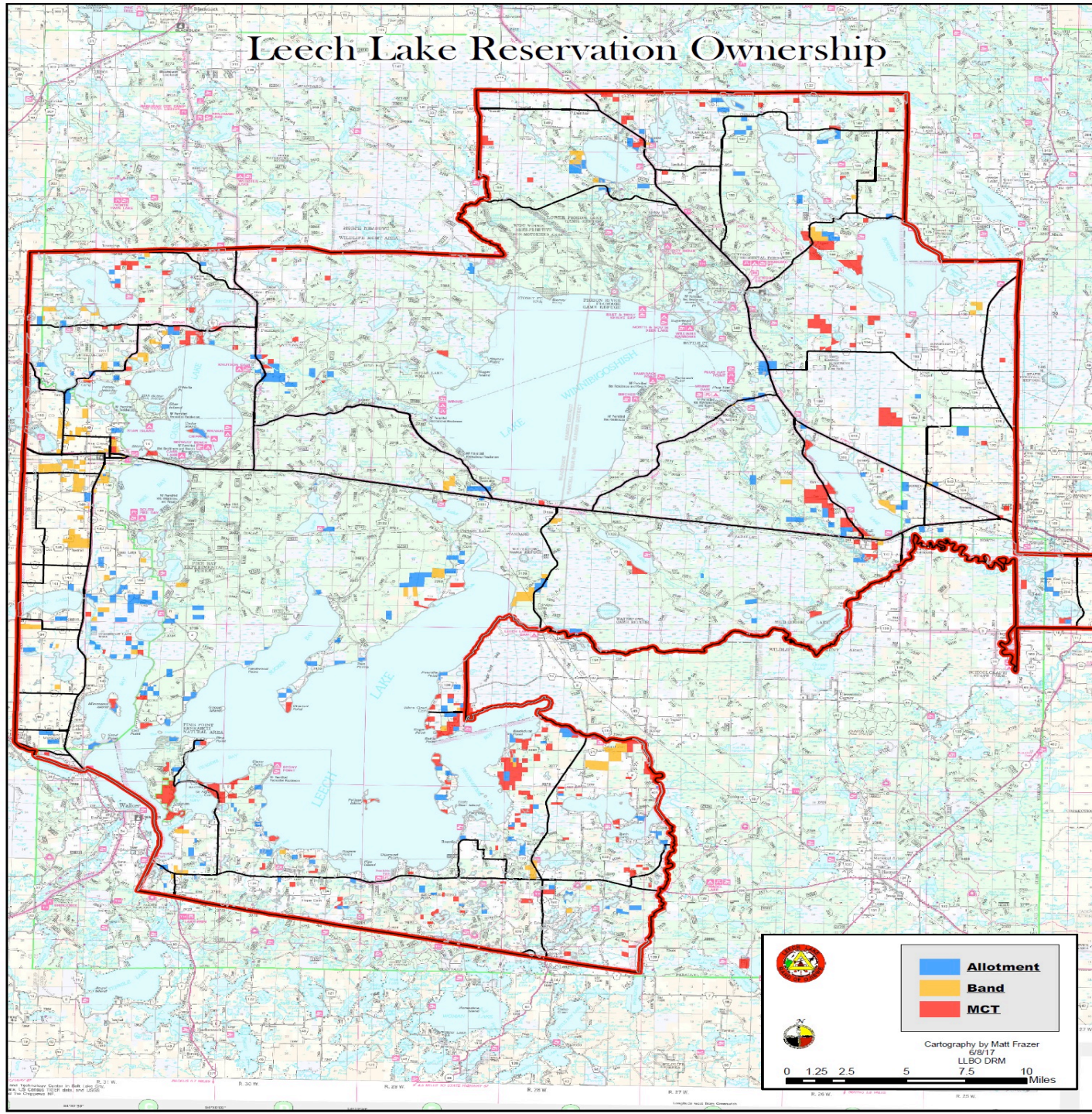
864,158 acres  
45 x 45 miles

75% of land is  
water/wetlands  
606,874 acres

270 fishable lakes

177 wildrice beds  
12,107 acres

713 miles of  
rivers/streams



Cartography by Matt Frazer

6/8/17

LLBO DRM

0 1.25 2.5 5 7.5 10 Miles

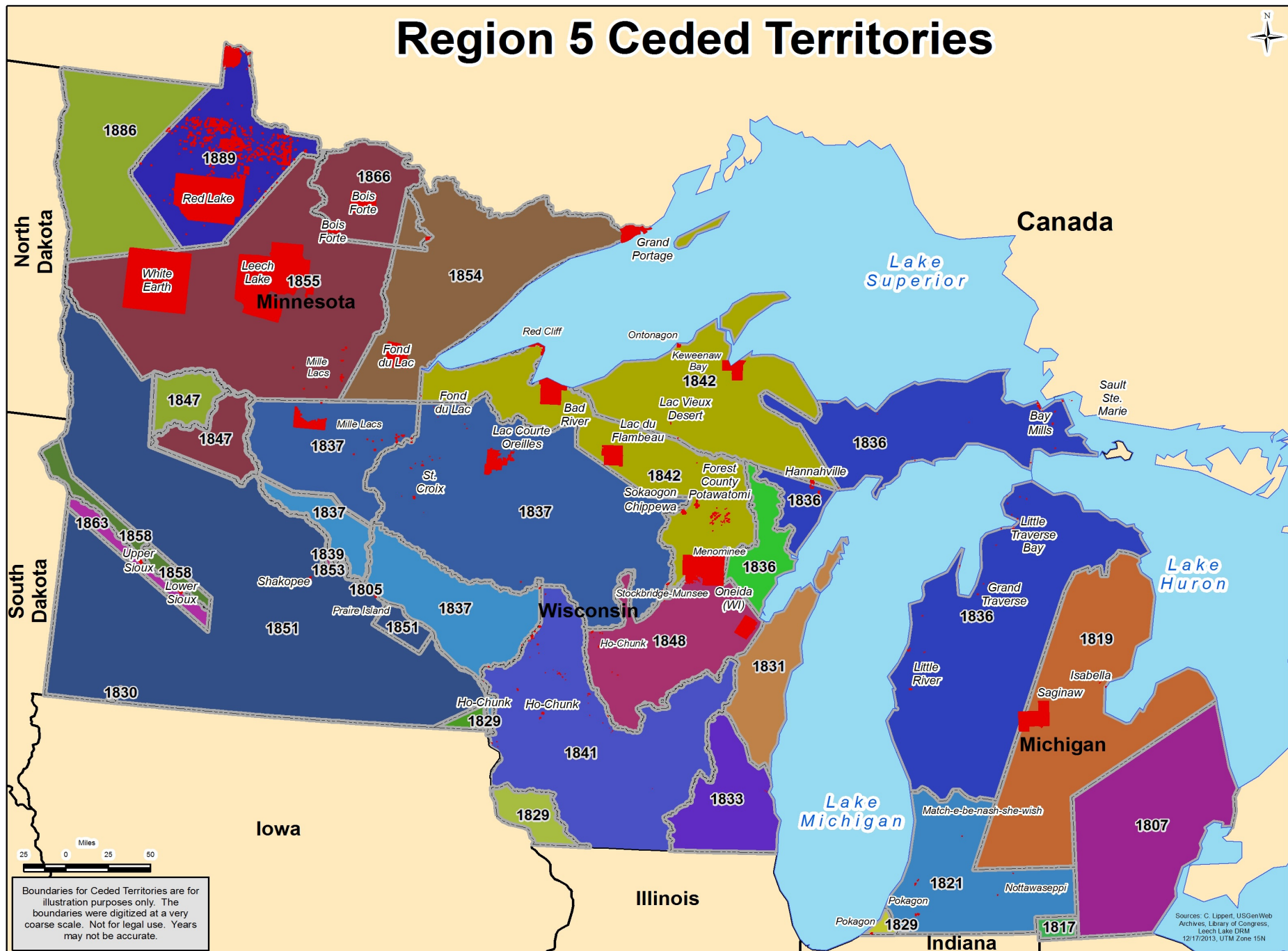




# Checker Boarded Reservation – Leech Lake

- Chippewa National Forest ~ 45%
- State of Minnesota ~ 17%
- Private ~ 15%
- Counties ~ 5%
- Leech Lake Band ~ 7%
- Reservation the size of Rhode Island

***Retain jurisdiction of all lands within the exterior boundaries***





# Leech Lake Air Program

- Air Quality Specialist – 100%
- Environmental Deputy Director – 50%
- Radon Technician – 60%

- Monitoring

PM<sub>2.5</sub> (1:6, BAM, purple air), Hg (wet dep, litter fall), meteorological, skybloom, sensor study, toxics study, dioxins

- Permit/Rule review and commenting
- Air quality forecasting
- Radon and IAQ
- Burn barrels
- Sustainability: energy ↓, solar, EV, policies
- Diesel retrofits
- Tribal, regional and national engagement – RTOC, NTAA, TAMS, Rn+



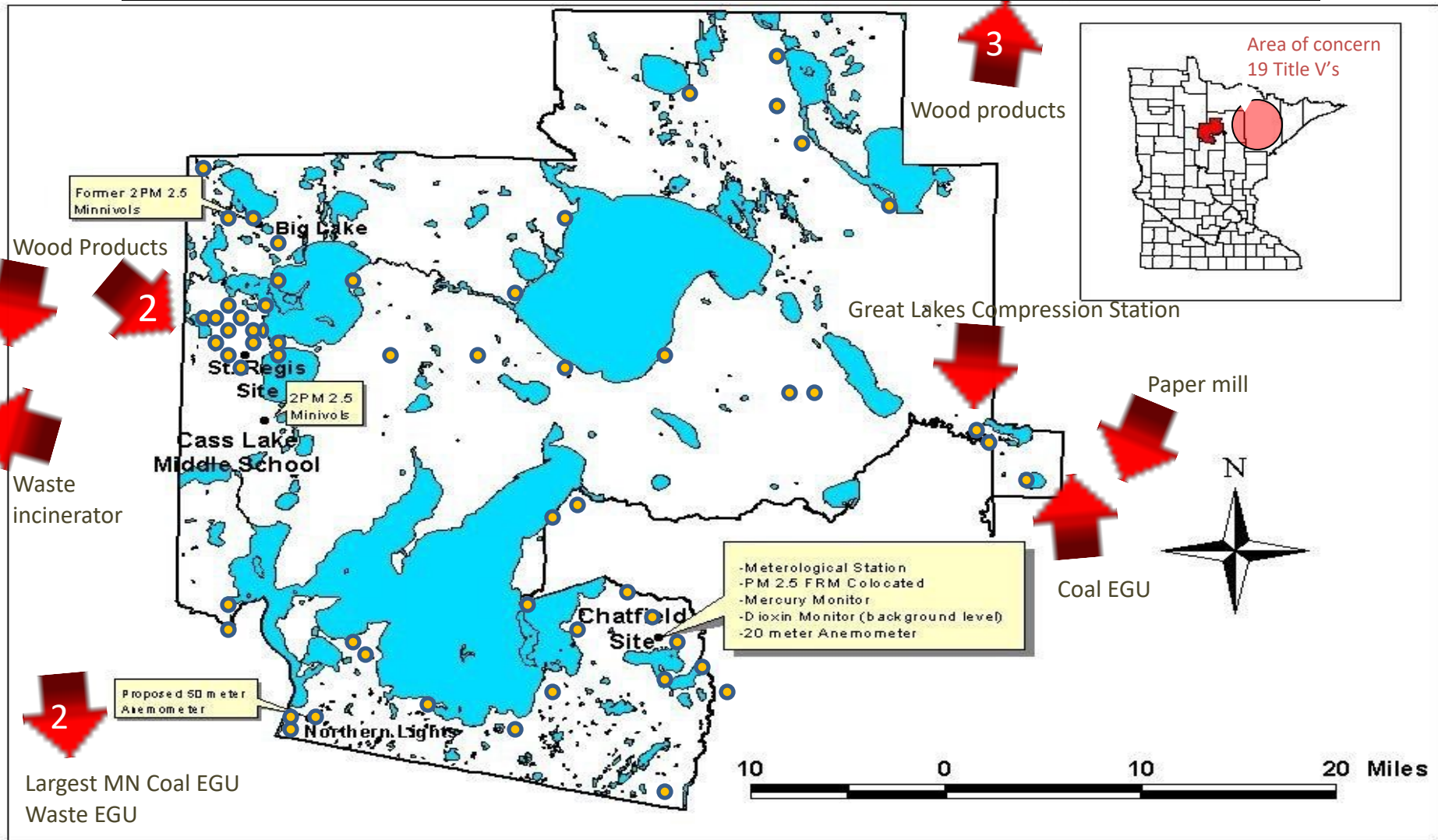
# Why TAS? Why in 2006?

- R5 Air Division highly encouraged Band to move from *103 project to 105 Program*
- Engagement, monitoring, & projects compelling shift
- Base funding established for Leech Lake Air Program
  - More financial security, establishing Air Program
- Build up STAG portion “of the pie” for R5 funding





# *Leech Lake Title V Permits, Minor and Area sources of Concern*



● Over 250 minor/area sources within the Reservation Boundaries

➔ Title V facilities of concern to the LLAP

● 19 clustered Title V mining facilities of concern

# TAS for Leech Lake

- Input and involvement in permit commenting
  - ~20 Title V facilities on/surrounding the Reservation
- Lower percentage on 105 funding - 40% to 5%
- Build capacity for Leech Lake
- The “next” step for Leech Lake Air Program





# Drafting TAS

- Started in 2006
- Built upon Fond du Lac's approved TAS
- Worked closely with Environmental Director and dedicated LL legal attorney
- Worked closely with Project Officer
- Leech Lake legal worked directly with EPA legal
- Fully complied document before reviewed by EPA
  - “*All ducks in order*” theory
- Kept in contact with EPA during their review



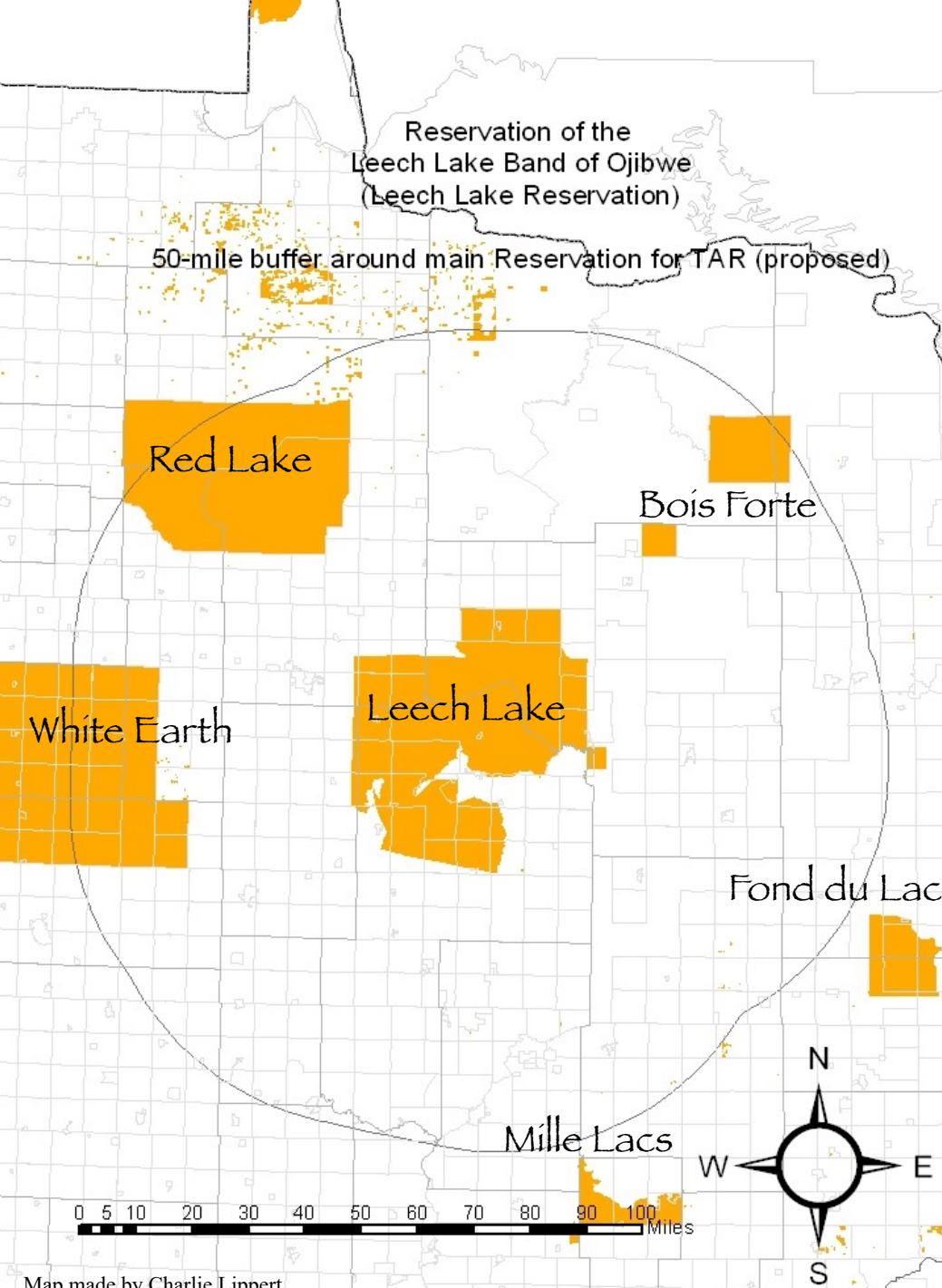
# Attained TAS



- Submitted LL's TAS on September 13, 2006
- Granted TAS on October 4, 2007

*Leech Lake Band of Ojibwe Air Quality Program Proposal to  
the US EPA Region V Air and Radiation Division Request for  
Treatment as an Affected State 505(a)(2) and  
Section 105 Grant Funding*





50 mile buffer for  
*Treatment as a State* status

505(a)(2) of the CAA

CFR 40 Part 49 for  
CAA Section 105

## CAA Tribal Authority Rule

Allows Tribes to take on  
additional implementation as  
they build capacity.

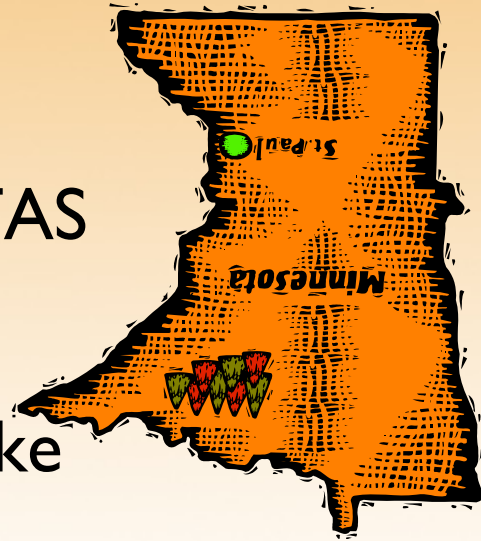
# Expand TAS / Set Precedent

- Expand in the future as need to build capacity as it presents itself and we are ready to take on
  - Tribal Authority Rule (TAR)
- Set precedent for LL Water Program to build from Air Program TAS
- Where else can TAS take your Tribe?

*probe  
the depths  
of experience*

# State of Minnesota

- 2006 - Did not talk with State before hand... sovereignty
- State could comment *during* public comment period
  - State tried to knit pick at application
    - Not the same relationship as established today...
  - 2019 Governor submitted letter of support for Water TAS
- EPA backed up Tribe
- State concerned to see any Tribe receive TAS
  - concerned on THEIR role & responsibility
- State dropped main comments as Leech Lake has indisputable Reservation boundaries
  - no fear of diminishment





# Minnesota's “pseudo TAS”

- Tribes had been asking for advance state permit notification and commenting
- Tribes with TAS had a greater voice
  - Neighboring “state” clause
- Discussions with State ensued... in the end,



*State of Minnesota felt it would be easier  
to treat all Tribes equally*

# Minnesota Tribal Notification - How it works..



- Permit engineer notifies Tribe upon receipt of permit app
- Given full application ~30 days before the public period
  - Continual reminders and education of engineers
- State updates and maintains Tribal contact list and Tribal areas (counties) of interest bi-annually
- Crossed over from air to water permits
- Formalized in 2009, updated in 2015

*Minnesota Pollution Control Agency Guidance  
On Air Quality Permit Consultation with  
Indian Tribal Governments*

# MN to EPA Region V EPA

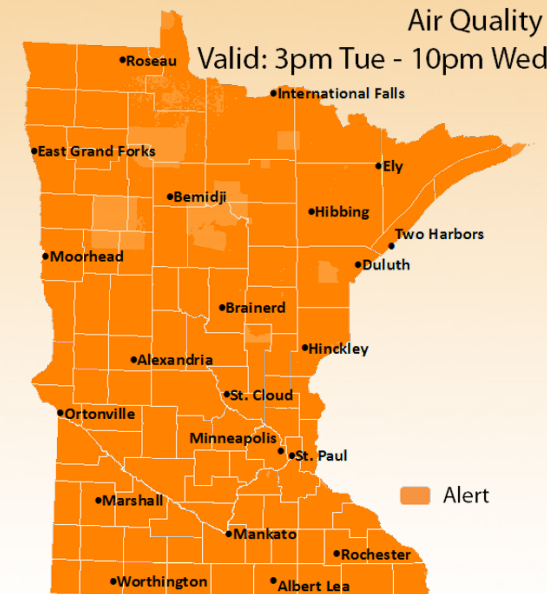
- With precedence set in MN – Tribes wanted equal notification from R5 EPA
- Formulated a contact list for Tribal air, water, mining, permitting, and environmental contacts
- Updated by Tribes every year
- Took a few years... 2016 EPA adopted process
  - Took upper management to push middle management
  - Notify Tribes of TV permits in areas of interest as designated by the Tribes





# Monitoring - Forecasting Network

- Five MN Tribes part of State PM 2.5 Monitoring Network
  - Part of monitoring network = part of forecasting
- State Air Quality Forecasting
  - Education at all levels: tech to admin
  - State Staff attended National Tribal Forum “*I get it now*”
- Went from 2 locations to 18 ► 5 Tribal
  - 2 locations were in southern urban areas
  - LL only Tribe forecasting via contractor
  - Tribal boundaries on forecasting maps
  - Tribal Nations included in alerts to National Weather Service



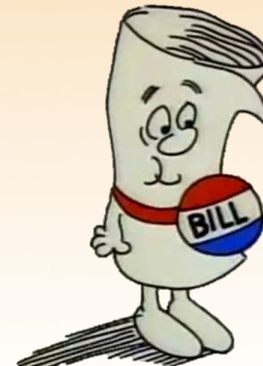


*What else though can come of  
establishing 105 status?*

*The hits just keep on coming...*

# Air Media PPG

- Problem – how to reduce match on SIRG Radon \$
  - Since 2008 trying to identify a solution
  - Creative ways to identify match
  - Seeing other Tribes loose the battle
    - Quit applying for funds
- 25% - 40% *matching* Tribes out of opportunity
- Tried working with EPA HQ
  - Requires congressional change







# Out of the box thinking...

- Continued expressing concern for Indian Country
- R5 EPA Indian Office worked with the Band to find PPG solution
  - PPGs are not the answer for all – hardship waiver?
  - Paperwork and financial tracking intensive
  - Aligning project period/funding timelines can be complex
- First Tribe to incorporate SIRG into PPG
  - Now four Tribes in R5 have taken similar route
  - LL only Air Media PPG, others mixed media PPGs

# 13 years of TAS/I05 Program



- 505 a2 – “Affected State” 50 mile radius for permits
- Air Program base with reduced match

TAS can go beyond one Tribe...

- Assisted with pseudo TAS for MN Tribes ~ 2009
  - permit notification and kickoff to improved relations
  - EPA R5 permit review notification ~ 2016
- Tribal inclusion in forecasting and monitoring ~ 2018
- Base for Leech Lake Water TAS ~ 2019
- Air Media PPG ~ 2018

I RUN WITH SCISSORS  
IT MAKES ME FEEL DANGEROUS



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