



MORONGO ENVIRONMENTAL PROTECTION DEPARTMENT

Clean Air Act – Treatment as a
State Webinar

May 4, 2021

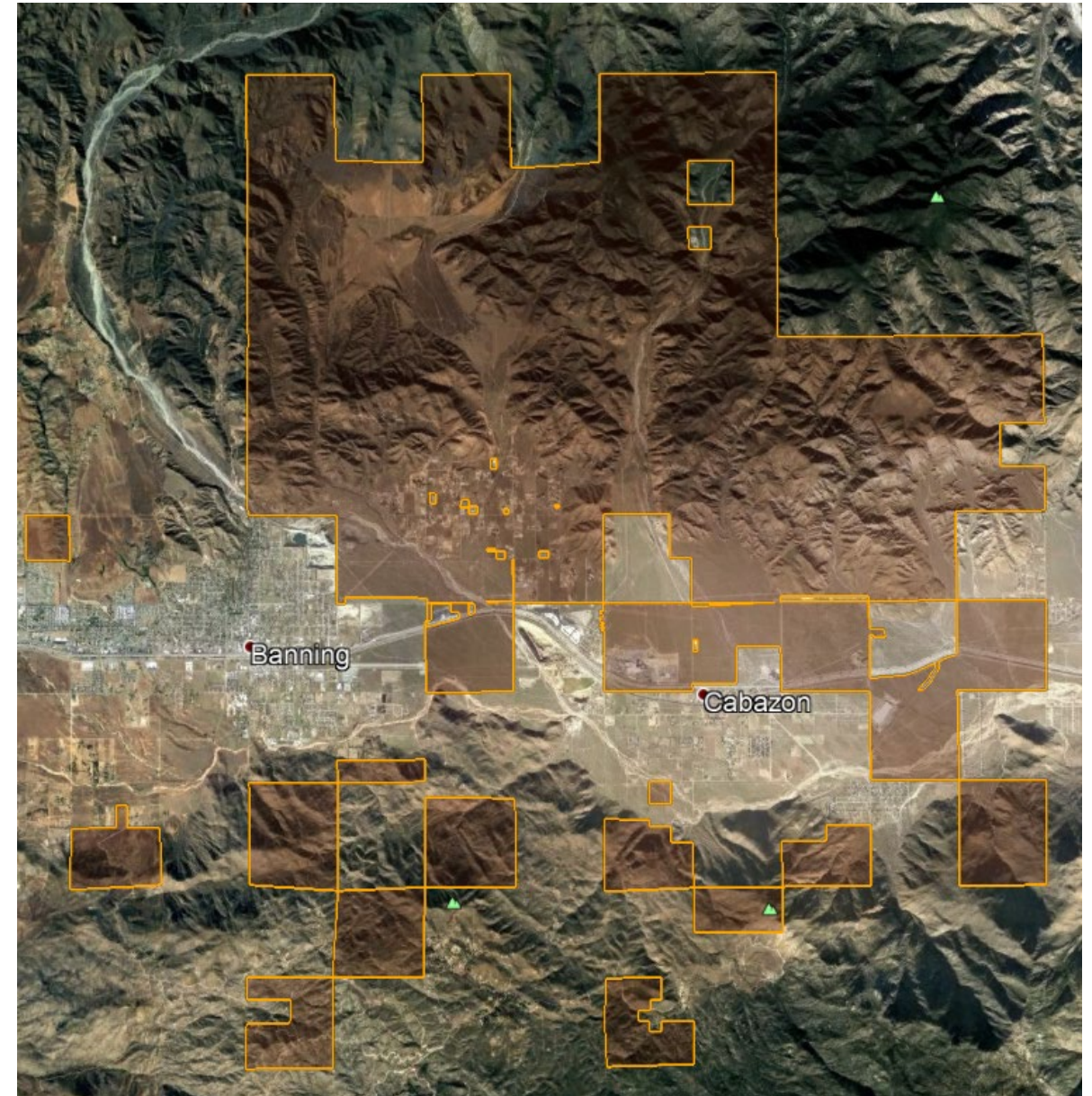
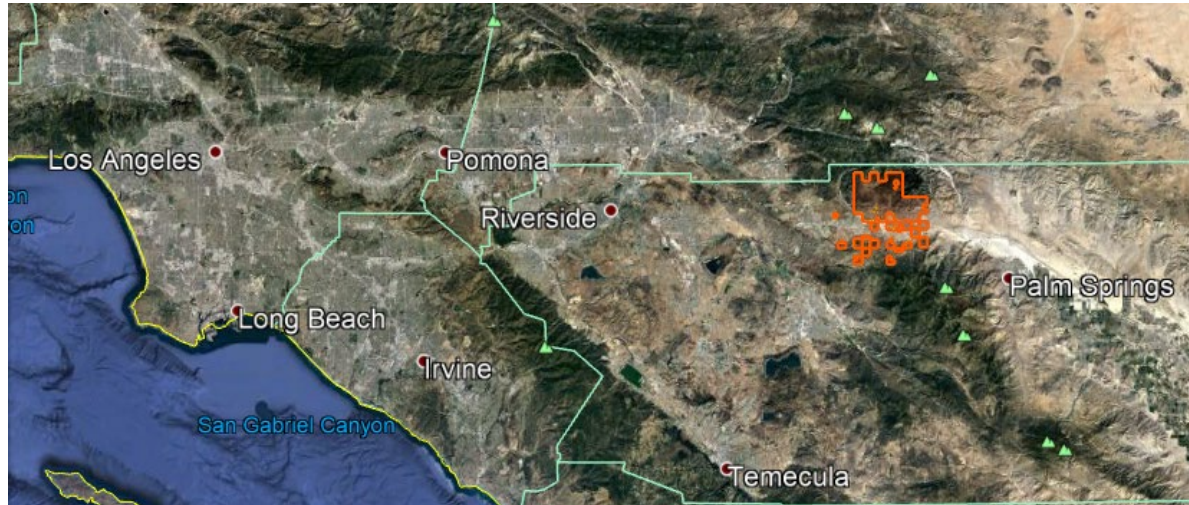
epd@morongo-nsn.gov

MORONGO EPD OVERVIEW

- Established by Tribal Ordinance in February 2000
- Protect Morongo's air, water, and land
- 6 Staff Members
- Partially grant funded (EPA 106, 319B, 103, GAP)
- Programs
 - Tribal Air Program
 - Tribal Water Program
 - Pollution Prevention
 - Resource Conservation
 - Education and Outreach



MORONGO INDIAN RESERVATION





TRIBAL AIR PROGRAM

Collecting legally defensible data that can be used to assist Tribe in making rational decisions to protect public health

- Robust Monitoring
- Ambient Air Monitoring
 - Ozone (Regulatory since 2006)
 - Particulate Matter (2008 – Informational, seeking regulatory approval)
 - Nitrogen Dioxide (2015 – informational, seeking regulatory approval)



CAA § 103



TRIBAL AIR PROGRAM

- Meteorological
 - Wind
 - Precipitation
 - Temperature
 - Solar Radiation
- Mini Weather Stations at Schools
- Mobile Ambient Air Monitoring
- Low-cost Air Monitoring Network
 - CARB funds, monitoring for PM2.5, PM10, O3, NO2, VOCs
 - MorongoAir.com



COMMUNITY OUTREACH



Morongo Band of Mission Indians
July 2016 - Volume 11, Issue 3

Environmental Protection Department

Our Mission is to protect, monitor, restore, and regulate Morongo's natural resources, honoring and protecting all life, land, and traditions and enhancing tribal sovereignty. We will promote environmental awareness and environmentally considerate action by exemplifying environmental stewards, fostering collaborative relationships, expanding education and outreach activities, and continuing to enrich and develop our programs.

Environmental Spring Photo Contest
Check out these amazing images from the Morongo Reservation & surrounding area.

The Morongo Environmental Protection Department would like to congratulate **Amber Alps, Morongo I.T.** for winning 1st place in the Spring Seasonal Photo Contest with the photo titled *"Spiders, Bees, Flowers & Trees—Spring"*.

Congratulations to **Marisol Lopez, Morongo Social Services** who submitted the Runner-Up photo *"Beautiful bird nest found in a"*.

Summer Entries are due September 1st

INSIDE THIS ISSUE

- Water Saving Tips for Your Pool or Spa
- Dust Control on Unpaved Roads
- Earth Day
- Morongo Schools Air Quality Porter Contest
- Upper Cactus Photo Contest
- Recycling Tips
- Safely Disposing of Sharps
- Tread Lightly
- Summer Heat Tips
- Upcoming Events

A Message from the Morongo Environmental Protection Department

AQI
AIR QUALITY INDEX

Good

Today's Air Quality is... GOOD

There are little or no health risks today due to air pollution.

Today's Weather
Monday, February 5, 2018
Sunny

Tomorrow's Weather
Tuesday, February 6, 2018
Sunny

High	Low	Wind	Gusts
78°	56°	5-10 mph	20 mph
75°	56°	10-20 mph	30 mph

Morongo Environmental Protection Department - Tribal Air Program - 755-5176 Pam Atcityy
AQI by: www.airnow.gov - Weather by: forecast.weather.gov

REGULATING AIR QUALITY



- Morongo Air Quality Protection Code (2010)
- Cogeneration Plant CAA Permit
 - Synthetic Minor NSR Permit with federally enforceable limits; (Replacing Title V permit)
- Pre-Construction Reviews
 - Enforce tribal air quality standards
 - Collaborate with tribal entities to reduce impacts
- Review South Coast Air Quality Management District (SCAQMD) Permit Application Notifications
- Engage in consultation and coordination opportunities

BUILDING CAPACITY



- Building capacity to administer sections of the Clean Air Act
- On-going program improvements to monitoring
- Completed Level 3 Emissions Inventory
- Active in tribal air collaborative groups
- Seeking Treatment as a State (TAS)
 - Administrative and Notification functions
 - Authorized to develop a TIP

CLEAN WATER ACT TAS

■ Clean Water Act

■ TAS application

- Water Quality Standards (CWA §303(c))
- Water Quality Certifications (CWA 401)

■ Pre-application process with EPA in 2009

■ Final application submitted in October 2015

■ Final Approval in April 2018

■ Why the delay?

- Staff turnover
- Back and forth on boundaries and obtaining documents from the Library of Congress
- Submitted prior to the rule change which streamlined the process for applying for CWA TAS
- Change in EPA Administrator



CLEAN AIR ACT TAS — FIRST STEPS

- Discussed with Tribal Council
- Benefits:
 - Protect public health (long term)
 - Additional funding opportunities
 - Reinforces tribal sovereignty
 - Builds capacity within the tribe
- Cons:
 - Increased grant match
 - Increased staff time
 - Local government entities would comment on the Tribe's assertion of authority
- April 2018 - Received approval from Tribal Council to prepare the application



DEVELOPING THE APPLICATION

Resources:

- ITEP TAMS Center Training – Treatment as a State for Air Quality Training (2017) and course manual
- US Environmental Protection Agency – Clean Air Act: Summary of Content for Applicability for TAS for Titles I, III, and V (March 2015)
- EPA staff
- Other Tribe's TAS applications
 - La Jolla Band of Luiseno Indians
 - Gila River Indian Community

U.S. Environmental Protection Agency

**CLEAN AIR ACT:
SUMMARY OF CONTENT FOR
APPLICABILITY FOR TAS
FOR TITLES I, III, AND V**

March 2015



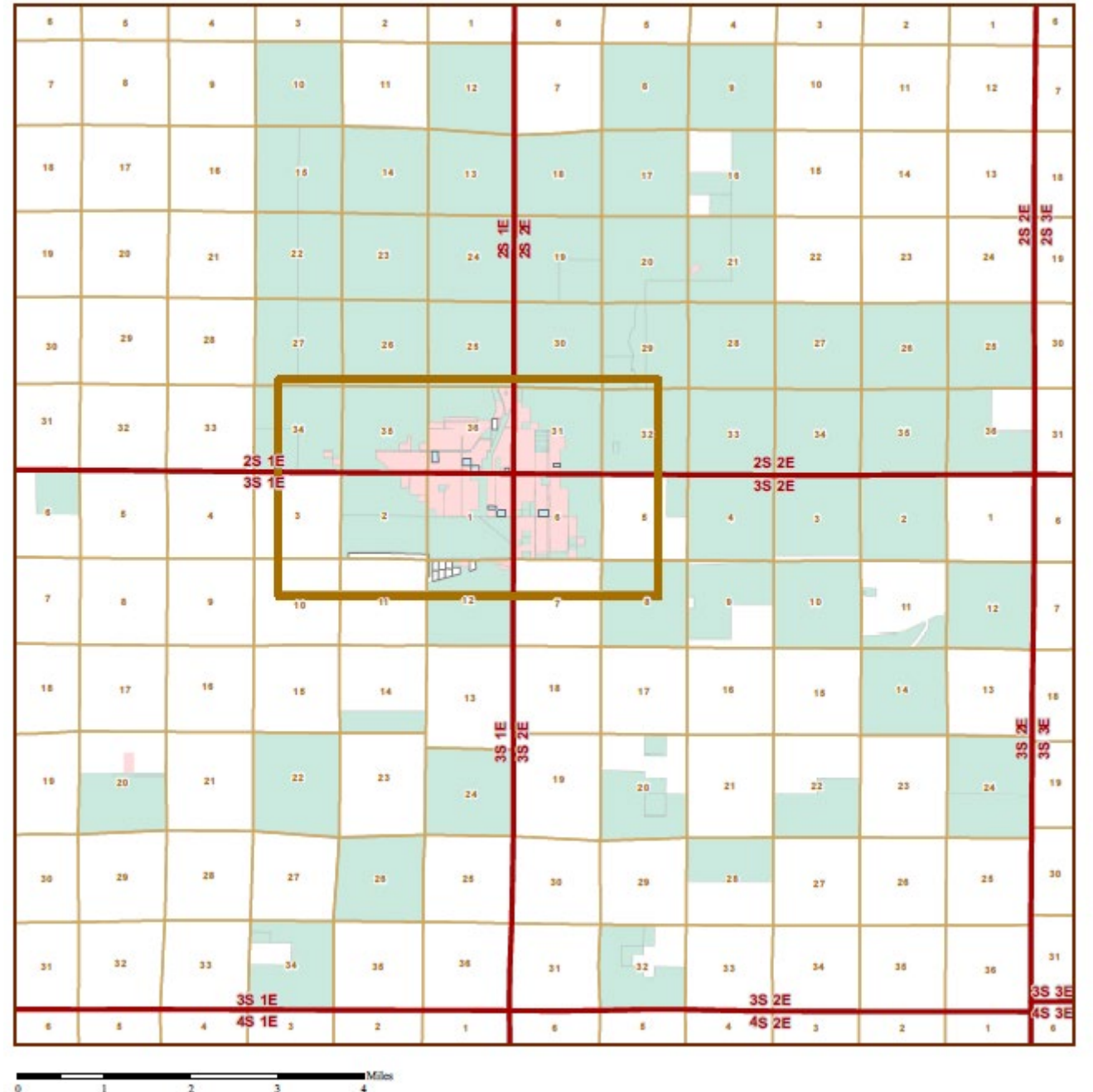
DEVELOPING THE APPLICATION

- **Deciding what to take on...**
- **Administrative and notification provisions:**
 - Section 105 – Grants for Supporting Air Pollution Planning
 - Sections 126(a), 126(b), and 110(a)(2)(D)(i) – Receive notifications as an “affected state”
 - Section 107 – Designate air quality control regions
 - Section 319 – Conduct air quality monitoring
 - Section 505(a)(2) – Notification of Title V permits
- **Regulatory Provisions:**
 - Section 110 and 172 – Develop Tribal Implementation Plans for National Primary and Secondary Ambient Air Quality Standards and Nonattainment Plans
 - Necessary in order to be able to prepare Tribal Implementation Plans

THE BOUNDARY

Tract Status

- Individual Tract (Trust) 1,309.26± Acres
- Tribal Tract (Trust) 33,451.31± Acres
- Fee Properties Within Morongo Jurisdiction


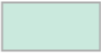
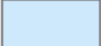


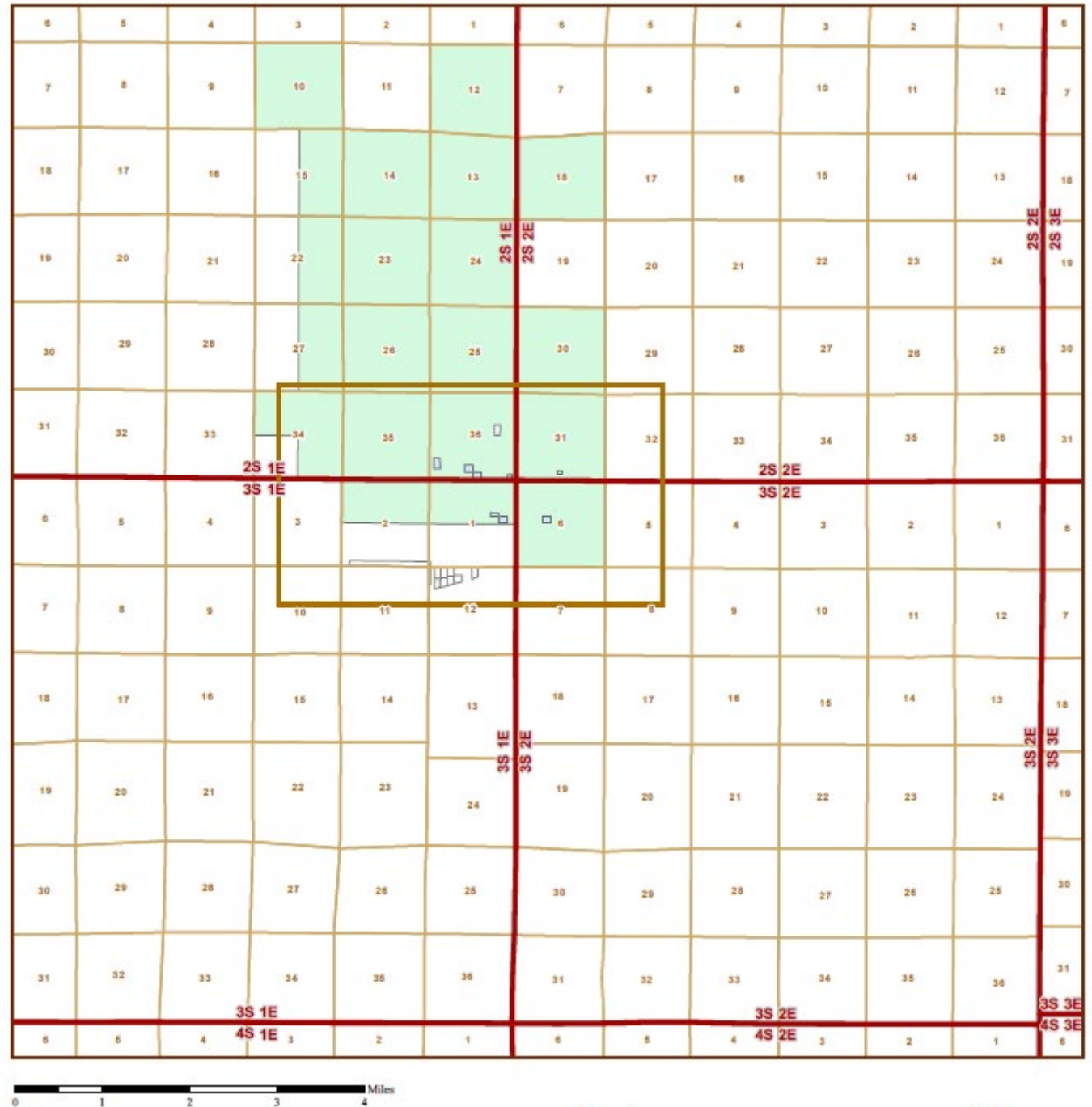
THE BOUNDARY

1908 Patent Map

- Additional map included in the application to help justify the inclusion of 8 fee allotments within the tribe's jurisdiction.
- Map shows the fee parcels were part of the original 1908 Trust Patent Boundary and the Tribe asserts jurisdiction over these parcels.

Tract Status

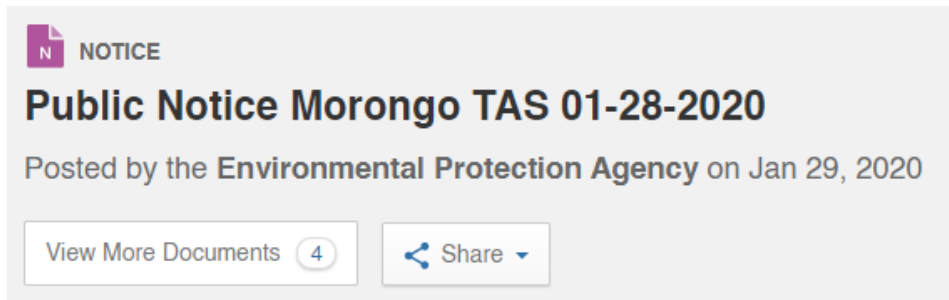
-  Individual Tract (Trust) 1,309.26± Acres
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-  Fee Properties Within Morongo Jurisdiction



FINAL APPLICATION

November 2019 - Presented the final application to Tribal Council for approval

November 2019 - Submitted the TAS application to EPA R9 Administrator



EPA Public Comment Period –

- January 29, 2020 – March 2, 2020
 - One Comment from SCAQMD regarding maps
 - Maps were confusing... see Boundary slides
 - Clarified maps in the docket
- Extended comment period May 15 – June 15, 2020
 - One Appropriate Government Entity never received the public notice letter.
 - Regulatory requirement to give AGEs 30 days to comment
 - Extended period applied only to the AGE

CRIMINAL ENFORCEMENT MOA —

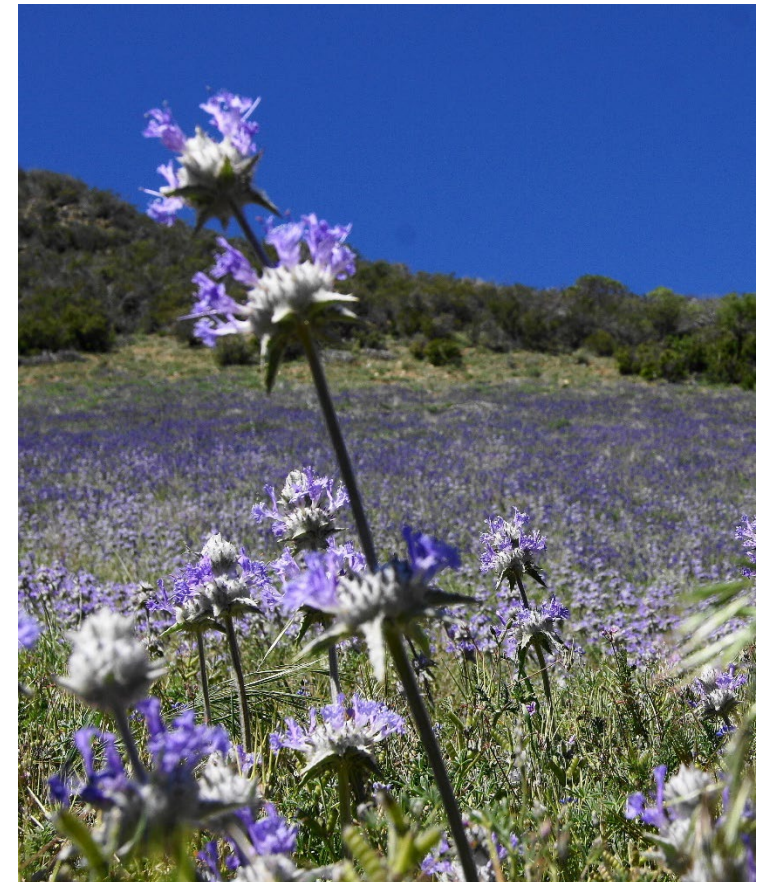
REQUIREMENT FOR REGULATORY TAS

- Criminal enforcement authority of the Tribe is limited by the Indian Civil Rights Act of 1968, 25 U.S.C. § 1302
- Per 40 CFR 49.8, the Federal Government/ US EPA Region 9 will exercise primary criminal enforcement authority for the Tribe if someone on the Reservation is violating the Clean Air Act (Tribal Implementation Plan)
- Memorandum of Agreement between the Tribe and EPA Region 9 documents the process for enforcement
- Required to complete TAS application
 - Document the Tribe's capability to work with R9 to regulate sources of air pollution within the Reservation boundaries
 - MOA will not take effect until a TIP is prepared and approved



APPROVAL AND ANTICIPATED NEXT STEPS!

- Application in final review stage! Anticipate announcement at Summer RTOC!
- Process was fairly quick and painless
 - April 2018 – drafting
 - November 2019 – application submitted
 - January – June 2020 – Public Comment Period
 - October 2020 – notified of the need for MOA
 - March 2021- MOA approved by Tribe
- Next Steps
 - Formalize process for reviewing, responding, and cataloging notices
 - Continuing to pursue regulatory monitoring
 - Thoughtfully drafting a TIP
 - Training
 - Updating our strategic plan
 - Discussing with Tribal Council
 - Participate in state planning efforts



FINAL THOUGHTS

- Buy in from leadership early and in writing
 - Clear purpose and clear communication
 - On-going communication with leadership throughout the process
- Know your weaknesses and address
 - Concerns with neighboring air district → iron clad boundary
 - Air is complex → ask for help and find your resources
- Ask for it all!
 - This is a big undertaking, plan for the future
- Thanks to everyone who helped!
 - Morongo Team – Pam Atcitty, Env. Specialist II and Legal, Realty, and GIS Departments
 - EPA – Lauren Maghran, Roberto Gutierrez, Noah Smith, Laura McKelvey, James J. Payne, and many more!

