



Overview of the Clean Air Act and the Tribal Authority Rule

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The Clean Air Act – A Brief History



- Why the Clean Air Act (CAA)?
 - To address air pollution problems
 - To set and meet standards
- What problems?
 - Stationary
 - Mobile
 - Natural
- What is affected?
 - Human health
 - Environment



Development of the Clean Air Act



1955

1963

1967

1970

1977

1990

Air Pollution
Control Act of
1955

Clean Air Act of
1963

Air Quality Act of
1967

Clean Air Act of
1970

1977
Amendments

1990
Amendments



Titles of the Clean Air Act

- Title I – Air Pollution Prevention and Control
- Title II – Emission Standards for Moving Sources
- Title III – General Provisions
- Title IV – Acid Deposition Control
- Title V – Permits
- Title VI – Stratospheric Ozone and Global Climate Protection



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Title I – Air Pollution Prevention and Control



- National Ambient Air Quality Standards

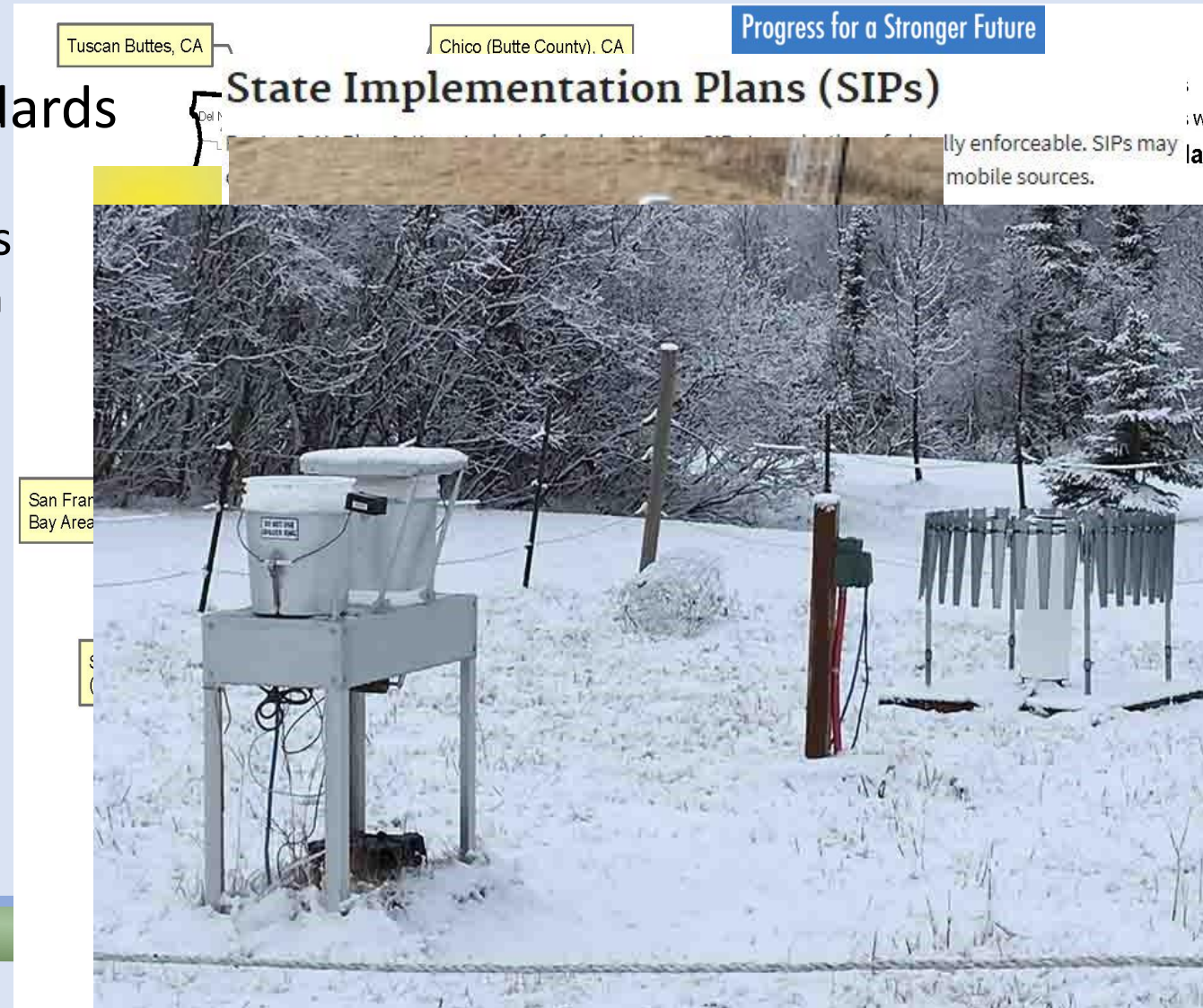
- Criteria Pollutants
- Attainment and Nonattainment Areas
 - Prevention of Significant Deterioration

- Implementation Plans

- State (SIPs)
- Tribal (TIPs)
- Federal (FIPs)

- Project and Program Funding

- Section 103 and 105





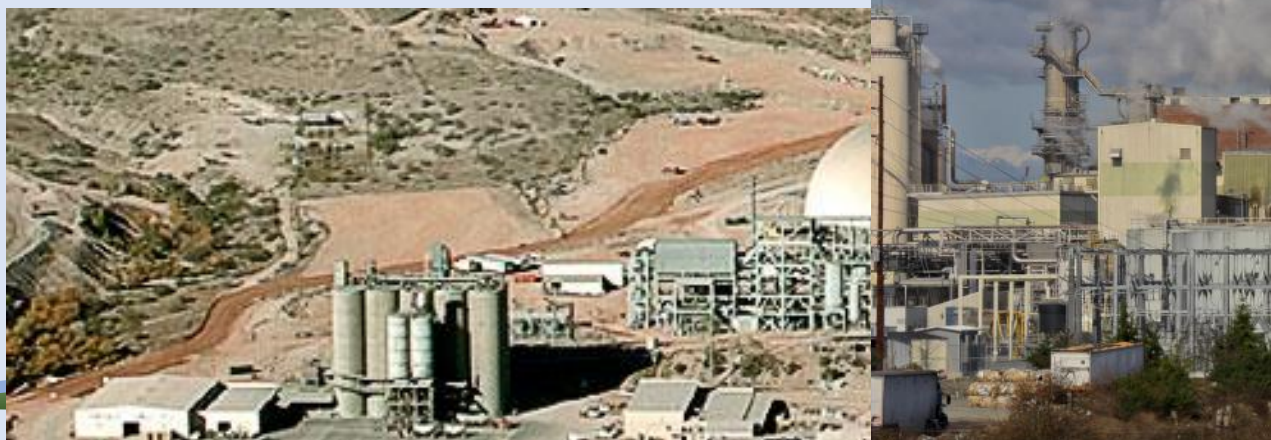
Title I – Air Pollution Prevention and Control (cont'd)

- New Source Performance Standards
- Hazardous Air Pollutants
- Redesignation
 - Class I

MAGAZINE

August 12, 1977

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Northern Cheyenne tribe wins Class I air quality

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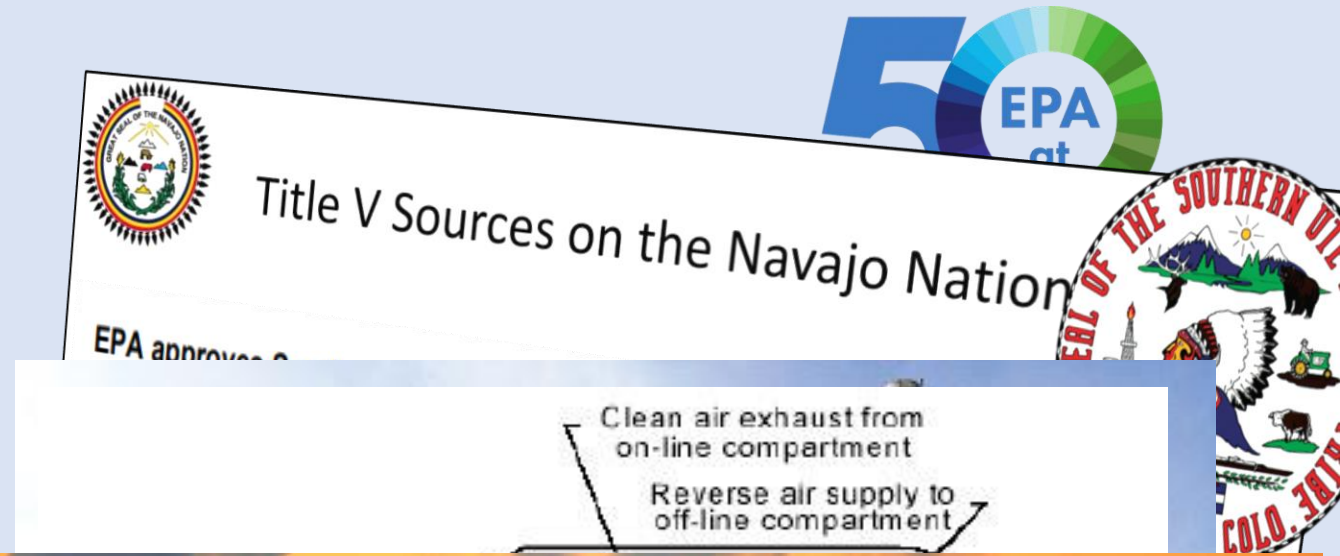
Title III – General Provisions

- Treatment in a manner similar to States (TAS)
- Air Monitoring



Title V – Permits

- Operating Permits
 - Large “major” sources
 - Pollution control requirements
 - Notification guidelines
- Responsibility
 - Part 70 & Part 71
 - Permit review and issuance
 - Monitoring report review



Tribal Authority Rule



- In 1998 – The TAR implements the provisions of CAA Section 301(d), commonly called “Treatment in a manner similar to states” or TAS
- Establishes eligibility criteria for TAS





Tribal Authority Rule

- Flexibility
 - Modular approach – allows tribes to implement CAA programs, or even portions of programs, most relevant to their air quality needs
 - Tribes can be authorized for program, but are not obligated to do so
- Implementation
 - Tribes can set standards, provided they meet or exceed federal standards
 - Can work with EPA for federal implementation of a program if they choose not to implement themselves
 - Authority is granted over all air resources within the exterior boundaries of a reservation (including non-Indian owned fee lands)



Tribal Authority Rule

- Eligibility
 - A tribe must be federally recognized; and
 - have a governing body carrying out substantial governmental duties and powers; and
 - possess the ability to implement the program consistent with the CAA and applicable regulations; and
 - statement of tribe's authority to regulate air quality and jurisdiction
- Previous TAS determination under other medias/programs makes it easier to obtain CAA TAS



Resources

- [Evolution of the CAA](#)
- [*The Plain English Guide to the Clean Air Act*](#)
- [1990 CAA Amendment Summary w/links to different CAA Titles](#)
- [Criteria Pollutants](#) and the [NAAQS](#)
- [Implementation Plans](#)
- [New Source Performance Standards](#)
- [Hazardous Air Pollutants](#) (Air Toxics)
- [Redesignation to Class I for Indian country](#) (PDF)



Resources (cont'd)

- [Tribal Authority Rule \(TAR\)](#)
- [Treatment as a State \(TAS\) for Clean Air Act Titles I, III, V \(PDF\)](#)
- [Air Monitoring](#)
- [Title V Operating Permits](#)
- [EPA Tribal Air Website](#)
- [EPA Regional Tribal Air Coordinators](#)
- [National Tribal Air Association](#)



Thank you!

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