

Leech Lake Band of Ojibwe's *105 Air Program*

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ITEP's EPA Grants and Tribal Air Quality Programs Webinar
August 25th, 2020



Leech Lake Reservation Ownership



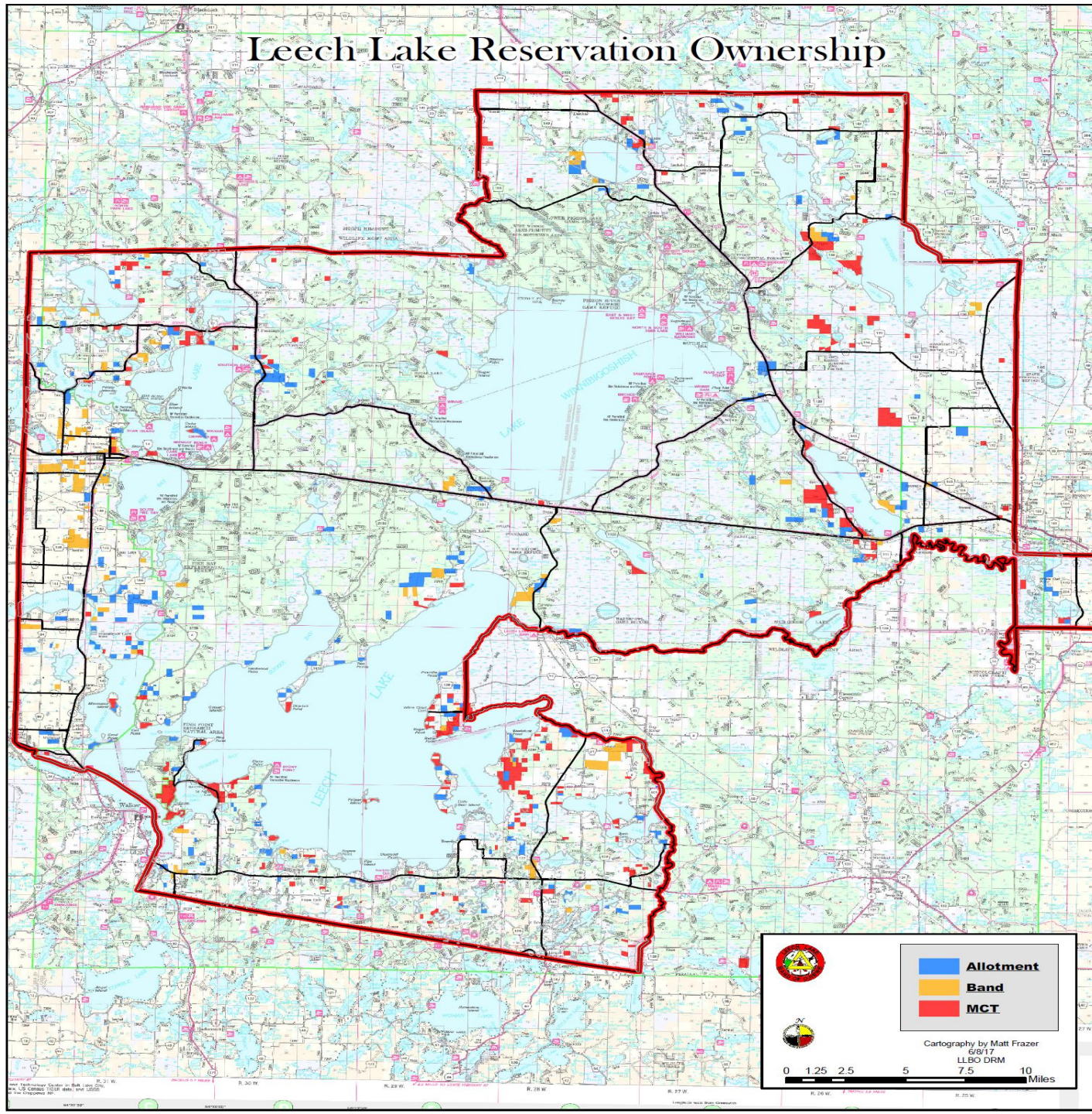
864,158 acres
45 x 45 miles

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

Region 5 Ceded Territories



Boundaries for Ceded Territories are for illustration purposes only. The boundaries were digitized at a very coarse scale. Not for legal use. Years may not be accurate.

Sources: C. Lippert, USGenWeb Archives, Library of Congress, Leech Lake DRM 12/17/2013, UTM Zone 15N

Leech Lake Air Program

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

- Monitoring

PM_{2.5} (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+

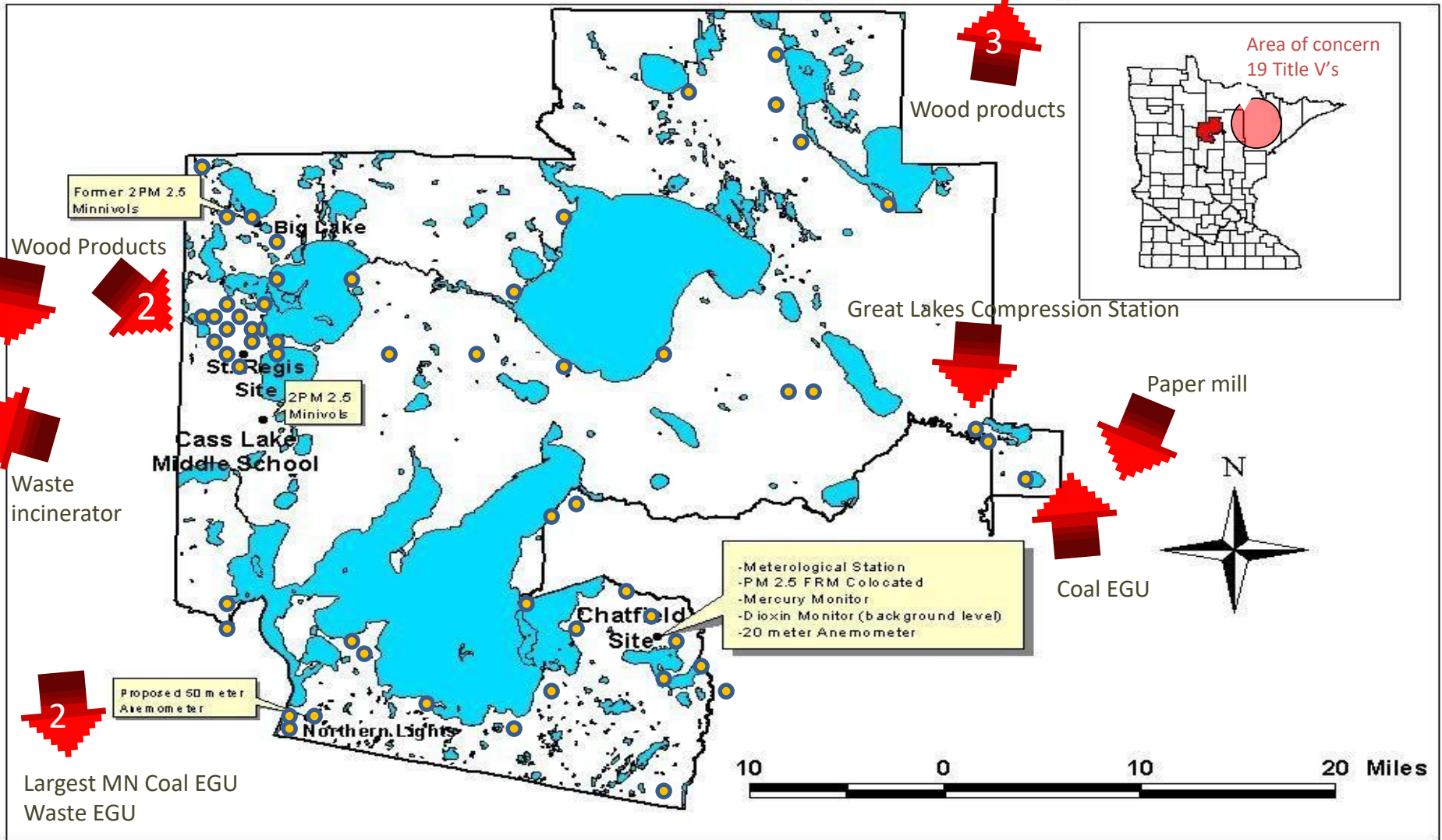


Why TAS? Why in 2006?

- 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

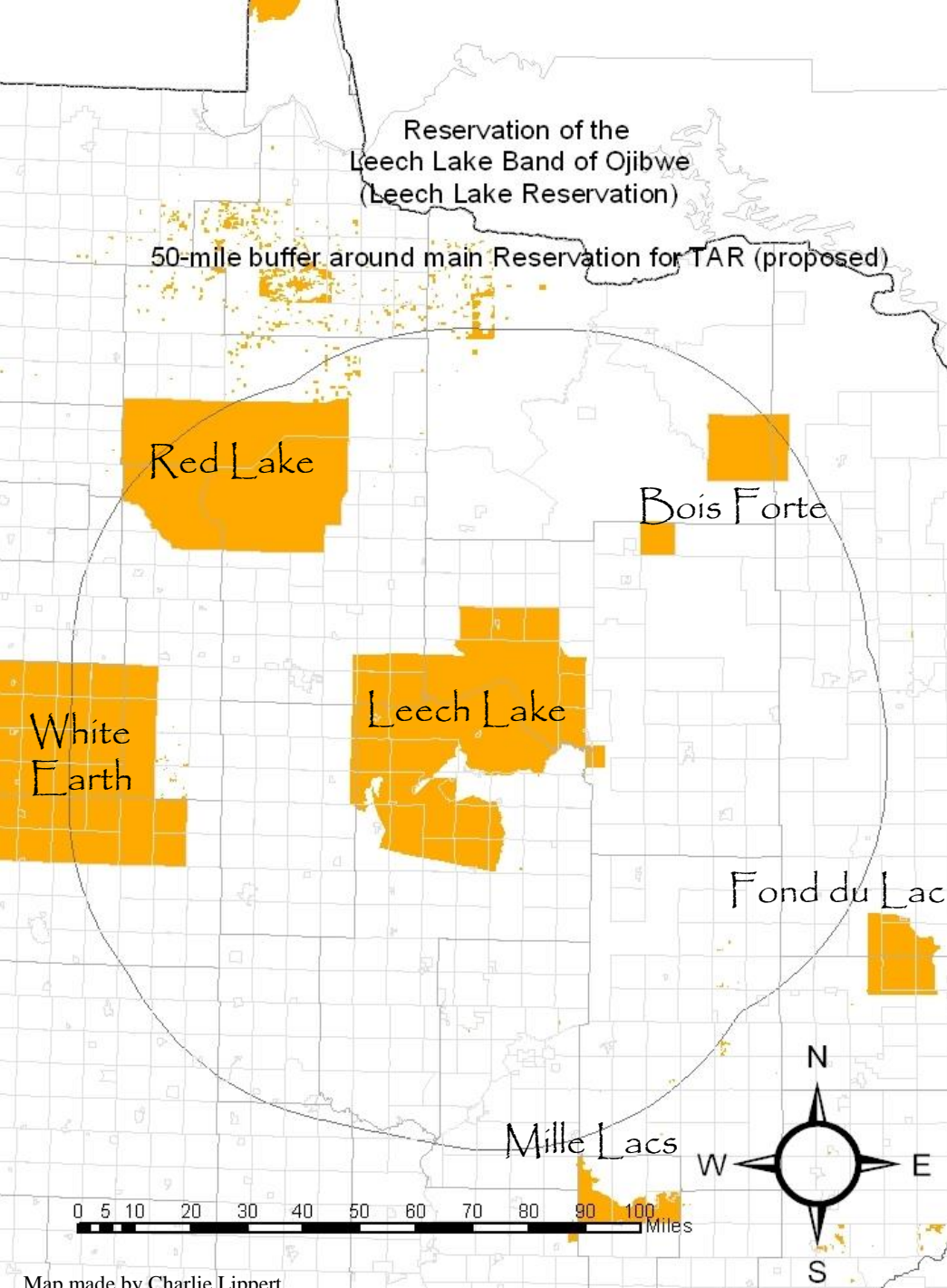


Attained TAS



- 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.



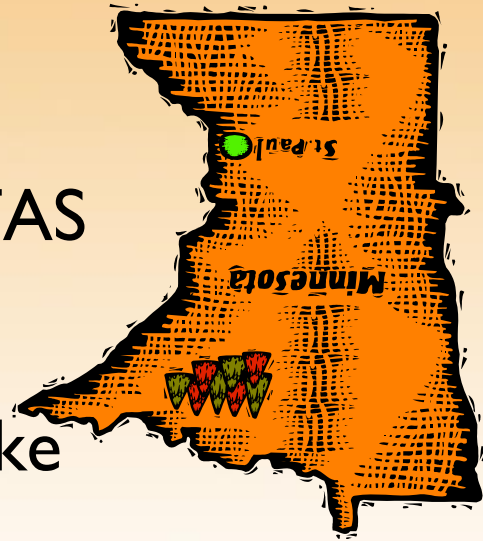
Expand TAS / Set Precedent

- 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*

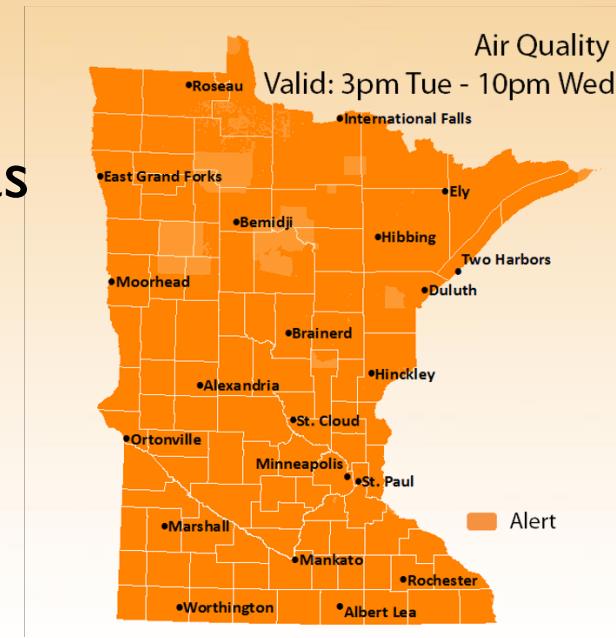
MN to EPA Region V EPA

- 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



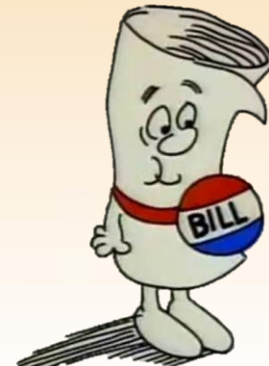


*What else though can come of
establishing 105 status?*

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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