Fact Sheet

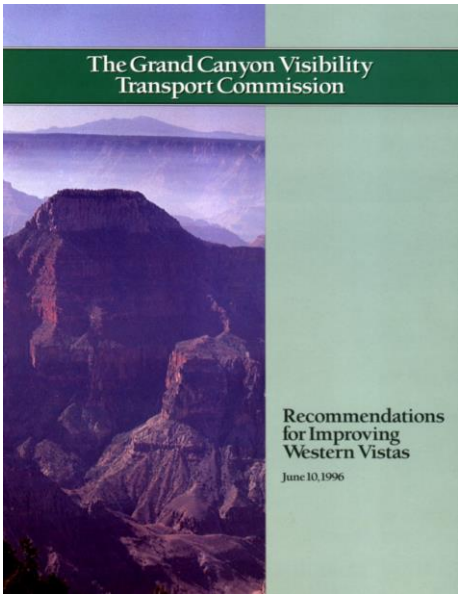
Tribes, WRAP and the Regional Haze Rule

Practices and Processes for Tribes to Address Regional Air Quality

From the outset, the Western Regional Air Partnership (WRAP) Board of Directors included an **equal number of members from Tribes and states**, along with federal government representatives. The WRAP is **co-chaired by one Tribal and one state representative.** Tribal participation **has been an important part** of foundational and ongoing work of the WRAP. Participation helps **shape regional air quality management** in a manner that reflects Tribal interests, perspectives and expertise.

Visibility, regional haze, and the formation of the WRAP

- The 1977 Clean Air Act (CAA) amendments set as a National Visibility Goal "*the **prevention of any future**, and the **remedying of any existing**, **impairment of visibility** in mandatory class I Federal areas which impairment **results from manmade air pollution***."[1]
- Further CAA amendments in 1990 provided emphasis on regional haze issues, requiring the U.S. Environmental Protection Agency (the EPA) to establish the **Grand Canyon Visibility Transport Commission** (GCVTC) to study the causes of regional haze and provide recommendations on a regulatory approach to remedy the problem.
    - In 1991 the EPA announced the first meeting of the GCVTC in Grand Canyon National Park, with members including officials from the EPA, the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the 8 Western governors.
    - Although other portions of the 1990 CAA amendments included the first explicit consideration of Tribes with respect to air quality regulations, there was no mention of Tribal participation in the requirement for the GCVTC, and the membership at the initial meeting reflected this.
    - The GCVTC immediately appointed a Public Advisory Committee (PAC) to obtain broad perspectives, and to develop policy options for its ultimate recommendations. The PAC included two Tribal leaders and was expanded to include others as the scope of the GCVTC grew beyond the Grand Canyon to include the "golden circle of parks."
    - Ultimately, representatives of the **Navajo Nation, Hopi Tribe, Hualapai Tribe, and Acoma Pueblo** served on the GCVTC, along with many Tribal members on the PAC as well as technical and communications committees. The GCVTC, and development of regional haze mitigation policies, was an early and important example of Tribal engagement with federal and state agencies to develop federal policy.
    - In 1996 the GCVTC released its report "**Recommendations for Improving Western Vistas.**" This report included a series of recommendations to the EPA on how to combat regional haze with regulatory action. Many of the GCVTC's recommendations were incorporated by the EPA into the **Regional Haze Rule**, released in 1999.



[1] Section 169A of the Clean Air Act

- The GCVTC report also included a section in which Tribal participants presented their views on the GCVTC's recommendations—noting that while they agreed overall with the recommendations, they felt the need to address some details regarding the process and the recommendations from the perspective of the Tribes, such as Tribal sovereignty, Tribal regulatory programs, and economic development.
- One of the GCVTC recommendations was to continue regional cooperation and coordination in the implementation of visibility regulations, and the **Western Regional Air Partnership** (WRAP) was created in 1997.
- The primary purpose of the WRAP in its early years was to coordinate Western states' implementation of the Regional Haze Rule, but its broader mission was to **provide a venue for cooperatively addressing air quality issues of regional concern**.
- Tribes and Tribal perspectives were **fully recognized and included** in the WRAP from the beginning, setting a precedent for a way that Tribes, state and local air agencies, and federal agencies can collaborate to develop regional environmental policies.

CASE STUDY: Forestry, Fire and Air Quality: Confederated Tribes of the Colville Reservation

For the Confederated Tribes of the Colville Reservation ("Colville Tribes"), who have been long-time active participants in the WRAP, forest management and timber sales are important parts of the local economy. These revenues historically have funded Tribal government operations, providing services and supporting government employment. About two thirds of the reservation is forested; the wildfires in the 2015 season burned nearly 20 percent of the Tribes' total land, including timber valued at $100 million. Increasingly severe fire seasons and common winter weather inversions also cause serious air quality health concerns. Consequently, managing fires for forest health and public health is important to the Tribes. The Colville Tribes' Forestry Division collaborates with the Air Quality Program in the Office of Environmental Trust, along with other Tribal agencies, to plan for and manage fire as part of its strategies to implement the Division's role in the Integrated Resources Master Plan and the Forest Management Plan.

In Fall 2015, the Colville Tribes signed an agreement with EPA Region 10 to allow the Tribes to manage the Federal Air Rules for Reservations (FARR) provisions for air pollution episodes, open burning and burn bans. This partial delegation of authority under FARR enabled much greater outreach regarding these provisions. They are now managed by the Colville Reservation Office of Environmental Trust. Enforcement remains the responsibility of EPA Region 10.

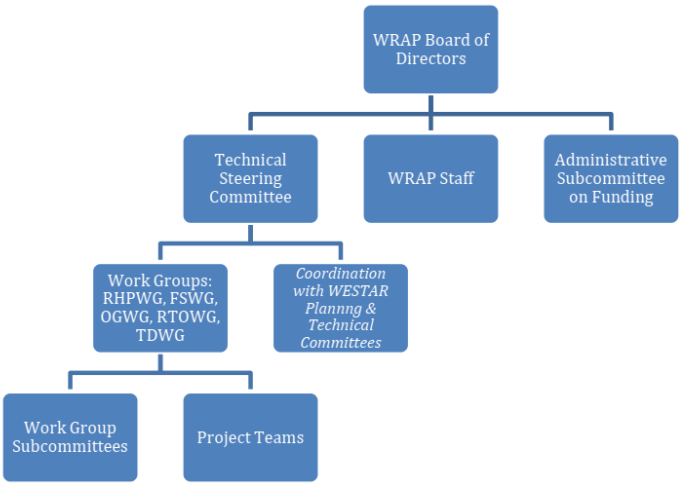
The Colville Tribes' Air Quality Program monitors air quality on the Reservation, makes determinations about appropriate burning times and burn bans, and issues permits for agricultural and other field open burning. As part of this work, the Air Quality Program is involved with other Tribal programs, such as Emergency Services, Colville Indian Housing Authority, Tribal Health, and collaborates with regional agencies on smoke management and other air pollution issues.

The Colville Tribes have been long-time active members of the WRAP. Many years ago, Kris Ray, the Tribes' Air Quality Program manager, noticed a high haze over the Reservation that could not be attributed to local or regional emissions sources. He looked to the WRAP for information, and became an active member by joining the Technical Steering Committee and becoming co-chair of the Tribal Data Work Group. This involvement has helped Kris understand the complexities of Regional Haze and other Western and national U.S. air quality issues.

The WRAP today

- The WRAP continues as a voluntary partnership of Tribes, states, federal land managers[2], and the EPA, with the addition of local air agencies to the membership.
- In 2009, WRAP Members revised the WRAP Charter to shift from a policy emphasis to more technical aspects of air quality planning, with the purpose of understanding current and evolving regional air quality issues in the West. With this change, the WRAP Board membership shifted from State Governors and Tribal Leaders to Air Quality and Environmental Directors.
- The WRAP provides a venue for its membership to work together to:
  - Continue work on regional haze regulation and planning, making data and tools available for states and Tribes to implement SIPs and TIPs;
  - Examine issues such as regional haze, ozone, fine and coarse particulate matter, nitrogen deposition and critical loads, and mercury and other hazardous air pollutants;
  - Develop and maintain regional databases that support regional and sub-regional technical analyses, and ensure that these databases and analyses are compatible with and leverage work conducted at the national level;
  - Evaluate the air quality impacts associated with regionally significant emission sources to discuss regional and cross-jurisdictional strategies to improve air quality and mitigate the impacts from such sources;
  - Consult with air quality agencies in other regions to reduce duplication of effort and enhance efficiency and consistency of databases and analyses;
  - Evaluate how the impacts of climate change may affect air quality in the West; and
  - Formulate and advance consensus positions on Western regional air quality issues, as requested by the membership.

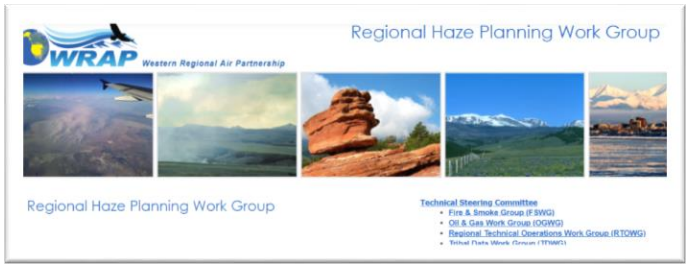
- As with the predecessor GCVTC, decisions addressed by the WRAP continue to be made by **consensus** of the membership.
- The WRAP Board consists of five state, five Tribal, five federal, and two local air agency representatives.
- There are 24 Tribes that are active WRAP members today, with participation in all of the committees.
- The WRAP Board adopted the Regional Haze Principles of Engagement in 2018 to encourage transparency and equal participation among WRAP members for regional haze planning.
- With a goal of ensuring continued participation by all members in the organization, the WRAP strives to fund in-person participation in semi-annual meetings for all Board and Technical Steering Committee members.



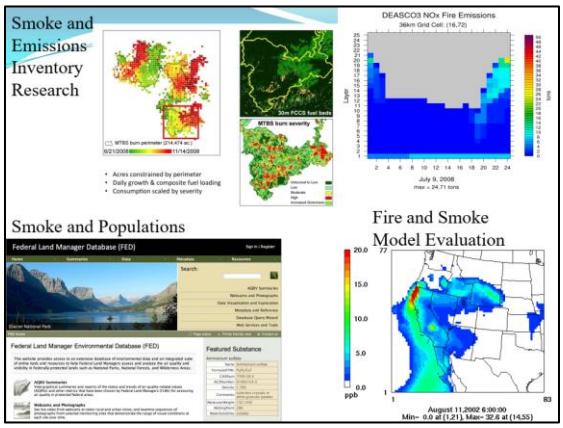
- Five Work Groups have been formed to address specific elements of the WRAP's mission (see organizational chart above).

[2] U.S. Forest Service, Bureau of Land Management (BLM), U.S. National Park Service, U.S. Fish and Wildlife Service.

- **The Regional Haze Planning Work Group (RHPWG)** supports the technical and planning analysis for Regional Haze State and Tribal Implementation Plans by:
  - analyzing monitoring data;
  - assessing and using emission inventories for planning;
  - identifying needed modeling studies and analyzing results;
  - analyzing control measures;
  - implementing a common database, technical tools, and training; and
  - providing a framework for consultation and coordination.



- **The Fire & Smoke Work Group (FSWG)** promotes understanding of the role of fire and smoke in regional and local air quality plans by:
  - improving fire activity data for fire & smoke emissions in emissions inventories;
  - assessing contributions of natural sources such as fire to regional air pollution;
  - evaluating smoke management programs, and tracking effects on regional air pollution;
  - compiling information about efforts to assess Exceptional Events such as large wildfires that may influence ozone concentrations and complicate regulatory compliance;
  - reviewing the treatment of fire and smoke emissions in modeling studies; and
  - improving coordination between state, Tribal, and federal agencies on wildfire response & smoke management.



- **The Oil & Gas Work Group (OGWG)** promotes understanding of the role of oil and gas in regional and local air quality plans by:
  - identifying oil & gas production & distribution sources in the WRAP region, and member agencies dealing with oil & gas sources;
  - assessing financial impacts of oil & gas production and environmental compliance costs to regional economy; and
  - improving oil & gas activity data to support emissions inventories and modeling for oil & gas sources. As part of this task, the Oil & Gas Work Group coordinated two studies supported by the BLM:
    - a study with the Southern Ute Indian Tribe to refine emissions estimates from a major oil and gas production field and assess the performance of EPA emissions inventory models; and
    - a collaborative study to measure drill rig 1-hour nitrogen dioxide (NO_2, a significant contributor to regional air pollution and haze). Ambient measurements of NO_2 were recorded adjacent to drill rigs in Denver-Julesburg Basin and north slope of Alaska in fall of 2014. Once data from the study are analyzed the results will be used to improve NO_2 air quality models.

- **The Regional Technical Operations Work Group (RTOWG)** provides regional technical capabilities for analysis and modeling support on topics of common interest to the members, by:
  - identifying regional and local air quality planning needs for regional haze, ozone, particulate matter, and other air pollution indicators;
  - investigating background ozone impacts to western U.S. locations;
  - supporting air quality planning issues including regional haze, National Ambient Air Quality Standards (NAAQS) State and Tribal Implementation Plan development, and Exceptional Events demonstrations;
  - implementing regional modeling studies and other tools for agencies to use for planning compliance efforts; and
  - evaluating model results with Tribal monitoring data to ensure models accurately predict effects on Tribal lands.
- **The Tribal Data Work Group (TDWG)** works to include Tribal issues and data in regional air quality planning and supports development of Tribal air quality program capacity and capability. The TDWG:
  - gathers data on the size, complexity, and scope of Tribal air needs;
  - supports Tribal membership and participation in the WRAP;
  - supports Tribal air quality monitoring and emissions inventories;
  - provides training opportunities; and
  - coordinates with the TSC and WRAP Work Groups to support Tribal needs.

Getting involved in the WRAP

- There are 480 Tribes in the WRAP region, and there are 61 Tribal air quality programs in the WRAP area outside of Alaska. WRAP offers Tribes significant capacity-building opportunities for technical and regional planning.
- The WRAP tackles key regional air quality planning issues. Tribal participation helps to inform and shape the collaborative process now and for the future. This Tribal presence ensures a Tribal perspective and ensures that Tribal voices are included in future WRAP undertakings and major regional air quality planning issues.
- Whether or not a Tribe has an interest in, or need for, developing its own Tribal Implementation Plan for air quality management, participation in WRAP provides an opportunity to engage in a collaborative process for regional air quality and public health. This includes access to and familiarity with the partnering States' SIP planners and SIP components, WRAP data sets and data tools, and special presentations on a range of air quality topics.
- Participation in the WRAP provides opportunities for Tribal staff to interact and form professional networks with state, local, federal land manager and EPA colleagues.
- All Tribes in the West are automatically members of the WRAP, and can become active members by sending an official letter to the WRAP requesting active membership and designating two contacts for the Tribe (the Air Quality or Environmental Program Manager, and an alternate).
- Any Tribes in the WRAP region may participate; however, for membership on the WRAP Board, Technical Steering Committee, or Work Groups, or actions requiring a vote (such as a change to the Charter), active membership is required. (Tribes can also participate on the Technical Steering Committee and Work Groups as advisors, without having an active membership.)
- Participation commitments can include: regular call-in meetings of committees or work groups, participation in webinars, review of technical documents, and time spent working on ideas and solutions. For face-to-face meetings, some travel costs may be covered.
- For more information about joining the WRAP, contact Tom Moore at tmoore@westar.org.

CASE STUDY: Permitting in-house to ensure protection of public health: Southern Ute Air Quality Program

The Southern Ute Indian Reservation (SUIR) is a Reservation with significant natural gas production. The Southern Ute Indian Tribe (SUIT) owns and operates oil and gas production, processing and transmission companies on and off the Reservation. Ozone concentrations on the SUIR have been close to the 2015 Ozone standard of 70 ppb at one or more of its monitoring stations in one or more of the last several years. An Intergovernmental Agreement (IGA) is managed by the Southern Ute Indian Tribe and State of Colorado Environmental Commission (Commission), which serves as the policy-making and administrative review authority for the Reservation Air Program; the IGA established the Tribe as the administrator of the Reservation Air Program. A main goal of the IGA was to create a single air quality program for all lands within the exterior Reservation boundaries. Under the IGA, the EPA retains authority to administer federal Clean Air Act programs on the Reservation that have not been adopted by the Commission. Since 2012, SUIT has been administering a Part 70 program delegation of the Title V Operating Permit program for the SUIR. This delegation provided the Tribe authority to perform permitting, compliance inspections, and civil enforcement. In 2018, 36 sources operated under SUIT-issued Title V permits.

According to the 2015 Southern Ute Indian Tribe Comprehensive Emission Inventory for Criteria Pollutants, Hazardous Air Pollutants, and Greenhouse Gases, oil and gas production and processing infrastructure account for the vast majority of stationary sources of air pollution on the Reservation. The Tribe manages two regulatory and one non-regulatory air quality monitoring stations on the SUIR. Pollutants monitored include ozone, oxides of nitrogen, carbon monoxide, particulate matter, sulfur dioxide, methane, and non-methane hydrocarbons. The Tribe also has an experimental mobile methane detection unit. Minor sources on the SUIR are currently regulated through the EPA's administration of the federal TMNSR and FIP for all oil & gas activity (over 300 sources). There are approximately 2600 additional oil and gas sources on the SUIR with emissions below the de-minimus permitting thresholds of the TMNSR and FIP. There is concern at the Air Quality Program that the FIP and State of New Mexico air quality regulations may not be adequate to prevent a future non-attainment designation for Ozone in the San Juan Basin, due to the volume of oil & gas activity, particularly if there is another boom. The SUIT is considering either seeking administrative delegation for the TMNSR and FIP or submitting a TIP to replace the TMNSR and FIP in its entirety. The Air Quality Program recommended the Commission to consider authorizing the Tribe to seek administrative delegation of the federal TMNSR program and FIP at the Commission meeting on December 5, 2018. The Commission has tasked the Air Quality Program with seeking some additional stakeholder input prior to making a final decision on minor source regulation on the SUIR.

The SUIT AQP has worked to share emission inventory information with WRAP for their 2014 Greater San Juan Basin Emission Inventory and for their efforts in aiding the BLM in development of the Colorado Air Resource Management Modeling Study.

WESTAR
Western States Air Resources Council

WRAP
Western Regional Air Partnership