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# Environmental Fact Sheet

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September 2002

## Proposed Air Quality Rules For Idaho, Oregon & Washington Indian Reservations

### Why is EPA Proposing These Rules?

The U.S. Environmental Protection Agency (EPA) is proposing these rules to create federally-enforceable air quality regulations on the 39 Indian reservations in Idaho, Oregon, and Washington. These rules will ensure that residents within the boundaries of the reservations enjoy air quality protection similar to that existing outside the reservations.

In the 1990 amendments to the federal Clean Air Act (CAA), Congress explicitly delegated to Tribes the responsibility to regulate any source located within the exterior boundaries of Indian reservations. Until a Tribe is approved to administer an air quality program, the CAA authorizes EPA to manage air quality on reservations.

At present there is a regulatory gap under the CAA on Indian reservations. EPA has not established many of the basic rules under the CAA for managing sources of air pollution, and State and local agencies are not approved to administer their CAA rules on Indian reservations. As a result, many activities on reservations that could threaten air quality, public health, and the environment are presently unregulated. The proposal fills this regulatory gap and ensures that consistent standards are in place on the reservations.

### What Are the Benefits of the Proposed Rules?

The proposed rules will:

- ▶ Establish a framework for air quality protection on Indian reservations, especially important to vulnerable populations - the young, the sick and the elderly;
- ▶ Create a level playing field so air pollution sources on reservations and those on surrounding areas are subject to similar requirements;
- ▶ Clarify who is the appropriate regulator for Clean Air Act related matters for sources on reservations. It is EPA.

### Where Will These Rules Apply?

These rules apply only to facilities within the boundaries of Indian reservations, and without regard to land ownership. Facilities outside of reservations will continue to be regulated by State or Local authorities.

### Who Will Be Enforcing the Rules?

This is a proposal of federal rules by EPA. As such, EPA would enforce these rules administratively or in U.S. District Courts. In addition, these rules could be enforced by citizens under the authority of the citizen suit provisions of the CAA. This proposal would enable EPA to enter into delegation agreements with a Tribe to provide more people to help EPA carry out these rules on the ground. However, even if parts of a program are delegated, EPA would continue to enforce these rules.



United States Environmental Protection Agency  
Region 10, ECO-081  
1200 Sixth Avenue  
Seattle, Washington 98101

## **PROPOSED AIR QUALITY RULES**

*For Idaho, Oregon & Washington Indian Reservations  
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### **Will These Rules Impose New Requirements on Facilities?**

The rules largely reflect the level of air quality control that State and local entities have implemented in areas surrounding these Indian reservations. Air pollution sources on reservations have generally complied with these levels of control. EPA does not expect these gap-filling rules to impose significantly different regulatory burdens upon industry or residents within reservations, from those imposed by State or local air agencies in surrounding areas. EPA continues to be especially interested in the potential economic impacts of this proposal on small entities and welcomes comment on issues related to such impacts.

### **Where Can I Find More Information about this Proposal?**

EPA staff will be available to provide more information about the proposal and to answer questions at:

#### **A Time for Questions**

**Tuesday, September 10, 2002  
4:00 to 6:00 PM  
Liberty Theater  
211 S. Toppenish Avenue  
Toppenish, WA**

For more about the proposed rule, call Regina Thompson at (206) 553-1498 or Debra Suzuki at (206) 553-0985, or visit: <http://www.epa.gov/r10earth/tribalairrules.htm>

### **What Opportunities Are There for Public Comment?**

In addition to the original 90 day comment, EPA re-opened the comment period on August 9, 2002, to provide an additional 60 days for the public to submit written comments. There is also a hearing scheduled:

#### **A Public Hearing**

**Tuesday, September 10, 2002  
7:00 to 9:30 PM  
Liberty Theater  
211 S. Toppenish Avenue  
Toppenish, WA**

People wishing to provide oral comment will be called in the order in which they sign in.

#### **Written Comments May Be Submitted To:**

David Bray  
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U.S. EPA Region 10  
1200 Sixth Avenue  
Seattle, WA 98101-1128  
email address - "[bray.dave@epa.gov](mailto:bray.dave@epa.gov)"

**All comments must be received by October 10, 2002**