

**Tribal Monthly Conference Call**

Thursday, April 10, 2008

1:00-2:00 EST

Call-in Number: (866) 299-3188

Access Code: (919) 541-5624

**Tribal Attendees**

Mel Joseph  
Justin Raglin  
Lynn Hall  
Bill Thompson  
Bill Campbell  
Steven Hartsfield  
Julie Simpson  
Evelyn Martinez  
Kevin Greenleaf  
Charlie Weaver  
Chaz Welock  
Carmen Billey  
James Tempte  
Charlie Liebert  
Chris Huron  
Gary Kelley  
Ray Mondalovado  
Calvin Pell  
Sam Kitto

**US EPA Attendees**

Katie Sibold  
Nancy Mayer  
Erica Sasser  
Tami Laplante

**Other Attendees**

Nanishka Albaladejo (EC/R)  
Beth Friedman (EC/R)

**Agenda**

1. ***GHG Registry*** (See the March 5, 2008 Power Point for more information)

Katie Sibold provided a brief overview of the Mandatory Greenhouse Gas (GHG) Reporting Rulemaking. The purpose of this rulemaking is to “provide data that will inform and support development of national climate policy” regarding GHGs (Erika Wilson, March 6, 2008). A draft of the rule is scheduled to be proposed September 2008. A public comment period will follow the publication of proposed rule, which is scheduled to be finalized by June 2009.

Katie emphasized that this rule will result in reporting requirements only. Six GHGs pollutants are covered under this rule. These pollutants, known as “the basket of six gases” include CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFC, PFC, SF<sub>6</sub>. Katie explained that these GHGs are not currently regulated under the Clean Air Act (CAA). She noted that the rule would likely not cover minor/small emitters of GHGs (e.g., farming operations), but instead focus on upstream and downstream monitoring of major emitters (e.g., large industrial facilities). Katie explained that the Agency is in the process of developing criteria for setting

thresholds for reporting targeted GHG emissions. Thresholds might be based on capacity of the units generating the emissions (e.g., megawatts) or emissions (tons of CO<sub>2</sub> equivalents).

Outreach efforts, like conference calls, have been used to dispense information regarding this rulemaking process. Through these calls, Katie noted that concerns have risen, such as frequency of reporting and the handling of confidential information. These concerns are being considered, and the Agency is requesting comments on how to address them. They are also hoping that the Tribes can help identify potentially affected facilities. Tribal leaders are encouraged to participate (formally and/or informally) in the rulemaking process (e.g., submit any comments, concerns, and/or questions).

Stephen Hartsfield explained that the Agency is only capable of accepting recommendations to the rulemaking process for another month, before they must begin drafting the proposed rule. However, stakeholders will be able to submit comments on the proposal once it has been drafted and made available for public comment.

Katie noted a website would be created in order to provide easily accessible rulemaking information (e.g., briefing packages, fact sheets, when the public comment period is scheduled). However, Tribal members are encouraged to notify the Agency (i.e., Katie Sibold) if they wish to have additional consultations.

One participant asked if agreement has been reached on what a full and proper consultation entails. Katie said that a formal definition of consultation has not been established, and EPA is still working out the details of the process. (See section 6.c. of this comment summary for more information on this topic.)

Charlie Weaver suggested that a table be created identifying GHGs that are being addressed (regulated) and not addressed (nonregulated) GHGs. Katie said that she would try to compile a table that highlighted these differences.

## ***2. Ozone National Ambient Air Quality Standards (NAAQS)***

On March 12, 2008, the EPA Administrator signed the Ozone NAAQS, which lowered the current ozone standard from 0.084 parts per million (ppm) to 0.075 ppm. Erica Sasser stated, “the primary public health standards and the secondary welfare standards are set at the same level, 0.075ppm.” Designation under the new standard will occur in March 2010, while State Implementation Plans (SIPs) will be due by March 2013.

A draft proposal for a monitoring network rule is expected by June 2008. The changes to the monitoring network include a slight expansion of the network into smaller urban areas and into areas that are more rural. The rule will be finalized in 6-9 months following the publication of proposed rule.

Erika added that new implementation regulations will be issued in the Fall 2008 (October). This rule will address a number of issues that were subject to litigation in 1997 and have not been resolved.

General information, regarding the decisions and changes to Ozone NAAQS can be found online (<http://www.epa.gov/groundlevelozone>).

### **3. *Lead NAAQS***

The Agency is under court order to submit changes to the lead NAAQS by May 1, 2008. A 60-day public comment period (May 15, 2008 to July 15, 2008) will follow the publication of proposed rule, which must be finalized September 1, 2008. The timeframe allowed for the rulemaking process is limited. As a result, the Agency plans on requesting an extension to the court-ordered deadline, but a lengthy extension is unlikely. EPA strongly encourages participants to submit their comments, concerns, and/or questions early, so that the Agency has ample time to review and respond to them. EPA will provide a more complete briefing of the revised standards once they are proposed.

Two public hearings on the proposed rule are scheduled for June 2008. These hearings will take place in Baltimore, Maryland and St. Louis, Missouri. Additional meetings can be scheduled at the request of Tribal leaders, but please let EPA know as soon as possible so that meetings can be scheduled.

### **4. *National Tribal Forum Conference***

The 2008 Joint National Tribal Forum/National Tribal Air Conference on Air Quality is scheduled for June 3-5, 2008 in Las Vegas, Nevada. This conference is sponsored by the US EPA and co-hosted by the Institute for Tribal Environmental Professionals (ITEP) and the National Tribal Air Association (NTAA) executive committee.

The deadline to register for the conference is April 25, 2008, if travel assistance is not needed. Attendees requiring travel assistance must register by April 11, 2008. Attendees can register online at ITEP's website and a room is reserved for anyone who registers online. Attendees should not contact the hotel to secure a room. All participants that are registered should receive a confirmation, via email. However, contacting ITEP to ensure your online registration was successful may be useful.

The conference's agenda is summarized below. A detailed agenda will be available online (<http://www4.nau.edu/itep>).

#### **Agenda**

Day 1: General discussion on national policy and budget issues.

Day 2: Consists of 4 separate sessions.

Day 3: Concludes with a plenary session on climate change issues with respect to Tribal Air Programs.

## **5. 2008 National Tribal Conference on Environmental Management (NTCEM)**

One group member reminded participants that the National Tribal Conference on Environmental Management is scheduled for June 24-26, 2008, in Billings, Montana. Hotel is the Holiday Inn Grand Montana. The agenda for the conference has been created, but a draft is still pending. Registration and additional information regarding this conference is available online (<http://www.NTCEM8.org>).

## **6. Miscellaneous**

### **a. NTAA News**

The National Tribal Caucus (NTC) and National Tribal Operation Committee (NTOC), are currently compiling their FY2010 budget. This budget will be discussed with the Office of Management and Budget (OMB).

### **b. Public Comments**

One group member announced that the comment period closed on the PSD Modeling Rule for the NSR on April 4, 2008. He noted that several comments were received.

### **c. Consultations**

One group member inquired on the definition of full and proper consultation and requested any information that would be helpful in critiquing it and making it more efficient.

One group member noted there is a new consultation policy that has been confirmed, however, concerns arose during the drafting process and it appears that the policy is in the process of being redrafted. This draft policy is from EPA's American Indian Environmental Office ([www.epa.gov/indian](http://www.epa.gov/indian)). The commenter added that Darryl Harmon (US EPA) would be more capable of answering questions regarding this new policy. OAQPS has a draft consultation policy document that has been posted on the OAR Tribal website ([www.epa.gov/air/tribal/airprogs.html](http://www.epa.gov/air/tribal/airprogs.html)) under the Policy and Grants section.

## **7. Next Call**

The next call will be scheduled for May 15<sup>th</sup>, 2008. Please let Laura McKelvey or Stephen Hartsfield know of any agenda items of interest.