

**CLEAN AIR ACT:  
SUMMARY OF CONTENT FOR  
APPLICABILITY FOR TAS  
FOR TITLES I, III, AND V**

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**CONTENTS**

INTRODUCTION ..... 1

TREATMENT IN THE SAME MANNER AS A STATE (TAS) ..... 2

    A. TAS ELIGIBILITY ALLOWS YOU TO SEEK APPROVAL OF CAA PROGRAMS FOR  
    MANY PURPOSES..... 2

    B. CRITERIA FOR TAS ELIGIBILITY ..... 3

    C. TAS REVIEW PROCESS FOR CAA REGULATORY PROGRAMS..... 4

    D. TAS CONSIDERATION..... 6

THE CLEAN AIR ACT: OUTLINE OF CONTENT ..... 6

TABLE 1. TITLE I - AIR POLLUTION PREVENTION AND CONTROL..... 7

TABLE 2. TITLE III - GENERAL PROVISIONS ..... 24

TABLE 3. TITLE V – PERMITS..... 29

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## INTRODUCTION

The Clean Air Act (CAA or the Act) is a United States law aimed at improving and protecting the nation’s air quality.<sup>1</sup> The last major update to the legislation was made with the Clean Air Act Amendments of 1990.<sup>2</sup> At that time, Congress added a provision authorizing the United States Environmental Protection Agency (EPA) to treat eligible Indian tribes in the same manner as states under the Act and directed the EPA to promulgate regulations specifying those provisions of the statute for which such treatment is appropriate.<sup>3</sup> The Act was codified in United States law as Title 42, Chapter 85.<sup>4</sup>

The EPA’s Tribal Authority Rule (TAR)<sup>5</sup> provides federally recognized tribes the opportunity to pursue tribal implementation of certain portions of the CAA<sup>6</sup>. The TAR also defines eligibility requirements for a tribe to manage its own air quality program. The tribes may opt to pursue implementation of specific CAA activities that protect the human health and welfare of their communities and citizens. The TAR establishes the mandate that tribes be treated in a similar manner as a state (TAS) by the EPA. Also outlined in the TAR, is the process the EPA will follow in reviewing tribal TAS eligibility applications. The TAS eligibility criteria directs that tribes be federally-recognized, have a tribal governing body that exercises functions pertaining to the management and protection of air resources within reservation boundaries or other areas under the tribe’s jurisdiction, and have the capability to implement the CAA program(s) for which they are seeking approval.<sup>7</sup> Throughout this document, “You” means a federally-recognized Indian tribe; “We” or “Us” means the EPA.

For an understanding of the statutory and regulatory requirements for TAS eligibility under the CAA, see the EPA document at: <http://www.epa.gov/tp/pdf/tas-strategy-attach-g.pdf>. The procedural steps that the EPA uses for reviewing a federally-recognized tribe’s application for TAS eligibility can be found at: <http://www.epa.gov/tp/pdf/tas-strategy-attach-f.pdf>.

The purpose of this document is two-fold: 1) provide a synopsis of the content of the CAA Titles I, III and V, key programs in the Act where tribes frequently express interest; and, 2) highlight individual sections of the Act commonly used for tribal management seeking TAS status. This document is based on federally recognized tribes’ Clean Air Act TAS applications. The information contained here is for illustrative purposes only, and the applicability of certain provisions is dependent on the needs of a particular tribe.

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<sup>1</sup> See Clean Air Act, Title I, Section 101 – Congressional findings and declaration of purpose. The full text is available at <http://epa.gov/air/caa>.

<sup>2</sup> US EPA; [http://epa.gov/oar/caa/caaa\\_overview.html](http://epa.gov/oar/caa/caaa_overview.html)

<sup>3</sup> See 42 U.S.C. § 7601(d). <http://epa.gov/oar/caa/title3.html>

<sup>4</sup> See Title 42, Chapter 85. <http://uscode.house.gov/download/pls/42C85.txt>

<sup>5</sup> US EPA Tribal Authority Rule - Fact Sheet: [http://www.epa.gov/oar/tribal/tas\\_indian\\_tribes.html](http://www.epa.gov/oar/tribal/tas_indian_tribes.html). Federal Register: <http://www.epa.gov/fedrgstr/EPA-AIR/1998/February/Day-12/a3451.pdf>

<sup>6</sup> See “Indian Tribes: Air Quality Planning and Management” 63 Fed. Reg. 7254 (February 12, 1998), available at: <http://www.gpo.gov/fdsys/pkg/FR-1998-02-12/html/98-3451.htm>.

<sup>7</sup> See 40 CFR § 49.6. <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=906fd655ca240d27e67b568ae4aa1bb7&rgn=div5&view=text&node=40:1.0.1.2.37&idno=40>

This document does not substitute for requirements in the CAA or the EPA’s implementing regulations, nor is it a requirement itself. It does not impose any legally binding requirements on the EPA and does not confer any legal rights or impose any legal obligations upon tribes or any member of the public. It is not intended to create any right or trust responsibility enforceable in any cause of action by any party against the United States, its agencies, or offices, or any person. This document is a living document and may be revised periodically without public notice. We welcome your comments on this document at any time and will consider these comments in any future revision.

## **TREATMENT IN THE SAME MANNER AS A STATE (TAS)**

The TAR authorizes us to treat an eligible federally-recognized Indian tribe in the same manner as a state for implementing and managing CAA programs. TAS, or program eligibility, is granted to a tribe when it can demonstrate that it meets the eligibility criteria at CAA section 301(d) and 40 CFR § 49.6.

### **A. TAS ELIGIBILITY ALLOWS YOU TO:**

- Develop solutions under the CAA for pollution problems that require special understanding of local industries, geography, housing, and travel patterns, as well as other factors.
- Develop Tribal Implementation Plans (TIPs) that outline how you will control air pollution under the CAA.
- Involve the public and industries through hearings and opportunities to comment on the development of each plan under the CAA.
- Enforce tribal law that is approved by the EPA under the CAA.
- Develop air quality management programs for approval by the EPA under the CAA.
- Write air quality management rules to reduce air pollution and submit to the EPA for review according to the CAA.
- Implement and enforce your rules as approved by the EPA under the CAA in Indian country.
- Develop and implement only those parts of the CAA that are appropriate for your lands.
- Monitor air quality, inspect facilities under your jurisdictions, and enforce tribal law that is the same or higher standard as CAA regulations and approved by the EPA under the Act.
- Qualify for an EPA air program grant (called a section 105 grant) that has a reduced “matching” requirement. For states, the match requirement is 40 percent. However, the TAR provides tribes a 5 percent match in the first two years; the match may increase to 10 percent in subsequent years. In rare instances, the EPA may waive the match requirement based on demonstrated financial hardship.
- Qualify to administer a CAA program that applies throughout the reservation, even to lands that are owned by non-Indians, as well as other areas under your jurisdiction. A tribal regulatory program approved by the EPA under the CAA program would also

be enforceable (against pollution sources) by the EPA and citizens, as well as by the tribe.

- Qualify to be treated as an “affected state “under the operating permits program (i.e., receive notice and an opportunity to comment when neighboring states issue permits to facilities having the potential to impact your lands). You can learn more about requesting “affected state” status in the Fact Sheet, “Requesting Treatment as an “Affected State” Under Title V of the CAA.”<sup>8</sup>

## B. CRITERIA FOR TAS ELIGIBILITY

To be eligible to be treated in the same manner as a state for CAA provisions, including financial assistance, you must meet certain criteria. The four requirements for TAS eligibility are as follows:

- **The tribe must be a federally recognized tribe.** You must demonstrate that you are a federally recognized tribe, which is generally established by reference to the list of such tribes maintained by the Department of the Interior and published periodically in the Federal Register. See 40 CFR §§ 49.6(a), 49.7(a)(1).
- **The tribe must have a governing body carrying out substantial duties and powers.** You must demonstrate that you have a governing body currently performing substantial duties and functions, such as functions to promote the public health, safety, and welfare of your population, or other relevant functions, within a defined area. Such examples should be included in a narrative statement, which describes the form of government, types of functions currently performed, and the source of governmental authority for performing those functions (e.g., tribal constitutions or codes). See 40 CFR §§ 49.6(b), 49.7(a)(2).
- **For TAS applications covering a tribe’s reservation, the tribe’s jurisdictional showing must identify, with clarity and precision, the exterior boundaries of the reservation.** Your submission will need to contain information adequate to demonstrate to us the reservation’s exterior boundaries, which should usually include a map and legal description of the area. Note that tribes may also apply for TAS over non-reservation areas over which they have jurisdiction. For such areas, tribes must demonstrate their authority, which is generally accomplished with a statement of legal counsel or equivalent official describing the basis for such authority. See 40 CFR §§ 49.6(c), 49.7(a)(3).
- **The tribe must be reasonably capable of carrying out the necessary functions in a manner consistent with the terms and purposes of the CAA and all applicable regulations.** In evaluating a tribe’s capability, we consider your tribe’s:
  - o Previous air quality management experience;
  - o Existing environmental or public health programs administered by the tribe;
  - o The mechanisms in place for carrying out the executive, legislative, and judicial functions of the tribal government;
  - o The tribal agency that will administer the CAA function, including its relationship to its regulated entities; and

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<sup>8</sup> [http://www.epa.gov/air/tribal/tas\\_treatment.html](http://www.epa.gov/air/tribal/tas_treatment.html)

- o The technical and administrative capabilities of the staff to administer and manage the program.

See 40 CFR §§ 49.6(d), 49.7(a)(4).

The EPA has made efforts to streamline the TAS process. For instance, you can submit documentation from prior TAS approvals, including from another media, to meet some of the CAA TAS requirements. See 40 CFR § 49.7(a)(8). The EPA has also issued a TAS Strategy to help streamline the TAS process.<sup>9</sup>

Not having technical capabilities to administer an air quality program is not necessarily a disqualifying factor in TAS eligibility. Instead, you may submit with your TAS application, a plan demonstrating how you will gain the technical expertise necessary to administer the relevant functions.

### C. TAS REVIEW PROCESS FOR CAA REGULATORY PROGRAMS<sup>10</sup>

The EPA has issued a TAS Strategy to help streamline the TAS process for regulatory programs under various EPA statutes including the CAA. The following steps are described in the TAS Strategy.

- Tribes submit a TAS application<sup>11</sup> to the EPA Region (there may be pre-submittal discussions with the Region as well) for each section of the CAA you wish to administer. The EPA Regional Administrator shall promptly notify the tribe of receipt of the application. *See* 40 CFR 49.9(a)<sup>12</sup>
- After the EPA Region determines the application is complete, we offer “appropriate governmental entities”, including the surrounding states, an opportunity to comment on the reservation boundaries and the tribe’s jurisdictional assertion for any non-reservation areas at issue; and the EPA Region publishes a newspaper notice notifying the public of the comment opportunity. Appropriate governmental entities and the public have 30 days to comment. *See* 40 CFR 49.9(b)<sup>13</sup>;
- The EPA Region reviews comments, with Headquarter review by the EPA TAS Team;
- The applicant tribe is provided an opportunity to respond to any comments; and
- Final decision is made by the Regional Administrator.

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<sup>9</sup> See EPA’s TAS Strategy, 1/23/08, Attachment F <http://www.epa.gov/tp/pdf/tas-strategy-attach-f.pdf>

<sup>10</sup> This document sets out the procedures the EPA intends to follow in processing TAS applications under the CAA. The EPA retains the discretion to deviate from this process when appropriate. This document imposes no binding legal requirements.

<sup>11</sup> See § 49.7 Request by an Indian tribe for eligibility determination and Clean Air Act program approval.

<sup>12</sup> See § 49.7(a)

<sup>13</sup> See § 49.9(b). <http://www.gpo.gov/fdsys/pkg/CFR-2003-title40-vol1/xml/CFR-2003-title40-vol1-sec49-9.xml>

**Step 1 – Tribe Submits Application**<sup>14</sup>

Step	Description	Responsibility
1A	Pre-application discussions and technical assistance if appropriate	Joint Tribe - EPA
1B	EPA review of pre-application materials (if requested)	
1C	Tribe submits application to EPA	
1D	EPA notifies the tribe of receipt of the application and, as needed, requests additional information from the tribe, within 30 days of receipt of the application	EPA (Region)
1E	Tribe submits additional information (if applicable)	Tribe

**Step 2 – EPA Review**

Step	Description	Responsibility
2A	EPA reviews application and determines if the application is complete	EPA (Region)
2B	EPA notifies all appropriate governmental entities of the application and how it identifies the reservation's boundaries, and of any assertions regarding tribal authority over non-reservation areas, within 30 days of receipt of initial, complete application	EPA (Region)
2C	EPA notifies the tribe, in writing, that the application is complete no later than when EPA provides the notification in Step 2B	EPA (Region)

**Step 3 – Comment Period (if needed)**

Step	Description	Responsibility
3A	Appropriate governmental entities and the public have the opportunity to comment regarding the reservation's boundaries or tribal authority over non-reservation areas; comments are generally due within 30 days	Commenters
3B	EPA provides the comments to the tribe within 30 days of the close of the comment period	EPA (Region)
3C	The tribe reviews the comments and may respond	Tribe

**Step 4 – Final TAS Eligibility Decision**<sup>15</sup>

Step	Description	Responsibility
4A	EPA prepares decision document and response to comments	EPA (Team)
4B	EPA regional official signs decision document	EPA (Region)
4C	EPA notifies tribe of decision within 30 days of signature	EPA (Region)

<sup>14</sup> Special provisions of law may apply to tribes in the State of Oklahoma. Tribes in Oklahoma should contact the EPA for more information on TAS eligibility for EPA regulatory programs.

<sup>15</sup> If the EPA Regional Administrator determines that a tribe meets the requirement of 40 CFR 49.6 for purposes of a CAA provision, the tribe is eligible to be treated in the same manner as a state with respect to that provision. The eligibility will extend to all areas within the exterior boundaries of the tribe's reservation, as determined by the EPA Regional Administrator, and any other areas the EPA Regional Administrator has determined to be within the tribe's jurisdiction. See 40 CFR 49.9(g).

#### D. TAS CONSIDERATION

As part of processing a tribe’s TAS application, the EPA will offer the state and any other appropriate governmental entities – *i.e.*, state, tribal, and federal entities located contiguous to the applicant tribe – an opportunity to comment on the assertion of authority contained in a tribe’s application. See 40 CFR § 49.9. EPA also publishes newspaper notices of the comment opportunity, which allows the public to comment on the tribe’s assertion of authority as well. Where an application covers reservation areas, this opportunity to comment focuses on the reservation boundaries. Ultimately, the EPA determines the jurisdictional scope of the TAS application, including making a determination of reservation boundaries for applications covering the tribe’s reservation.

The TAR is written so that tribes may implement none, one, or several sections of the CAA. Depending on their priorities, population, geographic size, and resources, tribes may choose how many sections of the Act they wish to apply to implement, and which sections would be most effective for their areas. Smaller tribes may choose to focus on sections that would have the most immediate impact – such as controlling smoke due to waste burning, agricultural burning, or wildfires. Larger tribes may choose to implement a variety of sections of the Act that cover a range of activities, pollutants, and sources – such as boilers, fuels, moving vehicles, and construction. These are just some examples of the flexibility of the TAR and the CAA. It is the hope of the EPA that tribes will choose to develop and manage CAA programs.<sup>16</sup>

### THE CLEAN AIR ACT: OUTLINE OF CONTENT

The CAA contains six major sections or Titles. The Titles that tribes have generally expressed interest in are I, III and V shown in bold text below:

**Title I – Air Pollution Prevention and Control**

Title II – Emission Standards for Moving Sources

**Title III – General**

Title IV – Acid Deposition Control

**Title V – Permits**

Title VI – Stratospheric Ozone Protection.

Tables 1-3 of this document include the summary of content of CAA Titles I, III and V, and corresponding applications for tribes with TAS.

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<sup>16</sup> “Explanation of Tribal Authority to Develop Tribal Implementation Plans (TIPs),” accessible from Northern Arizona University, Institute for Tribal Environmental Professionals, [http://itep68.itep.nau.edu/itep\\_downloads/TIP\\_Resources/TIPSummary.doc.%20%20%20%20http://itep68.itep.nau.edu/itep\\_downloads/TIP\\_Resources/TIPSummary.doc](http://itep68.itep.nau.edu/itep_downloads/TIP_Resources/TIPSummary.doc.%20%20%20%20http://itep68.itep.nau.edu/itep_downloads/TIP_Resources/TIPSummary.doc).

**TABLE 1. TITLE I - AIR POLLUTION PREVENTION AND CONTROL**  
**Synopsis of Content**

*Section headings that are highlighted in blue indicate CAA sections which may be of special interest to you and for which tribes frequently apply for TAS.*

<b>Part A - Air Quality and Emission Limitations</b>	
<b>Section</b>	<b>Title</b>
101 <sup>17</sup>	Congressional Findings and Declaration of Purpose
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Congress finds that air pollution is a growing hazard to health and public welfare.</li> <li>• The purpose of Title I is to protect and enhance air quality, and to assist in the implementation of pollution prevention and controls, both through research and financial assistance.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• We have no experience with TAS for this section.</li> </ul>	
102	Cooperative Activities
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Cooperative activities (including laws, agreements, and compacts) by states and local governments for the prevention and control of air pollution are encouraged.</li> <li>• The EPA will cooperate with and encourage cooperative activities of all federal departments and agencies related to air pollution.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Contains general language that may allow eligible tribes to enter into compacts with states and other TAS-eligible tribes.</li> </ul>	
103	Research, Investigation, Training, and Other Activities
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• A national research and development program is established as well as technical advisory committees.</li> <li>• The EPA is authorized to make grants to air pollution control agencies to carry out the purposes of this section and to train individuals.</li> <li>• Research and development programs are authorized such as monitoring, modeling, and inventories; health effects research; and ecosystem research.</li> <li>• Development of nonregulatory strategies and technologies for air pollution prevention are authorized.</li> <li>• The NIEHS Director has authority to conduct human health research.</li> <li>• The EPA will conduct research in conjunction with other research efforts.</li> <li>• The national acid precipitation program is continued.</li> <li>• Air pollution conferences related to significant air pollution releases are authorized.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• CAA section 103(b)(3) authorizes EPA to “make grants to air pollution control agencies, to other public or nonprofit private agencies, institutions, and organizations, and to individuals for [these] purposes.” This broad authority is used by many tribes to begin air quality related activities.</li> <li>• Tribes may apply for funding to develop an understanding of air pollution issues and control.</li> <li>• CAA section 103 grants are project grants, and this funding is generally not used for program implementation. (See Section 105 below for grants related to implementing air quality programs.)</li> <li>• CAA section 103 grants typically have a one year project period.</li> </ul>	

<sup>17</sup> The Clean Air Act is known as Chapter 85 in the U.S. Code. For example, Section 101 of Title I in the Clean Air Act is also known as Section 7401 of Subchapter I, Chapter 85 in the U.S. Code. The full text of the Clean Air Act may be found on the EPA website at <http://www.epa.gov/air/caal/>.

<b>Part A - Air Quality and Emission Limitations</b>	
<b>Section</b>	<b>Title</b>
<ul style="list-style-type: none"> <li>• Tribes do not need TAS status to obtain these grants.</li> </ul>	
104	Research Relating to Fuels and Vehicles
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• This section directs the EPA to give special emphasis to the research and development of new methods for the control of air pollution from the combustion of fuels, including research into clean alternative fuels.</li> <li>• The EPA will provide grants for research and development into pollution mitigation, the cost of purchasing vehicles for research and testing purposes, and carrying out other provisions of this section.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may apply for funding for research grants, TAS is not required.</li> </ul>	
105	Grants for Support of Air Pollution Planning and Control Programs
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• This section makes grants available to air pollution control agencies to implement activities related to developing and maintaining air pollution programs.</li> <li>• This section also describes the criteria for the grant program, including amounts, limitations, terms, conditions, maintenance of effort, reduction of payments, and opportunity for hearing.</li> <li>• Also see 40 CFR Parts 35.570-35.578 which governs air pollution control grants to tribes (as defined in section 302(r) of the CAA) authorized under sections 105 and 301(d) of the Act.</li> <li>• Air pollution control grants are awarded to develop and administer programs that prevent and control air pollution on the reservation or other areas within the tribe's jurisdiction.</li> <li>• The CFR contains definitions of expenditures and describes eligibility and financial assistance.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Since the CAA Amendments of 1990, Section 105 provides grants to tribes to continue implementing programs for the control of air pollution or implementation of air quality standards, subject to certain limitations.</li> <li>• The CAA defines implementation as “any activity related to the planning, developing, establishing, carrying-out, improving, or maintaining of such programs.”</li> <li>• Tribes must have a TAS eligibility determination to receive a 95% match for a CAA 105 grant.</li> <li>• If the tribe does not have TAS, they are still eligible for a CAA 105 grant but must provide a 50% match for the first 2 years moving to a 40% tribal match; waivers are available for hardship.</li> <li>• An intertribal consortium consisting of tribes that have demonstrated eligibility is also eligible for financial assistance.</li> </ul>	
106	Interstate Air Quality Agencies; Program Cost Limitations
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA will pay air quality program costs for two years for interstate air and ozone pollution.</li> <li>• After the two-year period, the EPA can make grants covering up to 60% of air quality program costs.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• We have no experience with TAS for this section.</li> </ul>	
107	Air Quality Control Regions
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Each state is responsible for achieving and maintaining air quality standards within the state.</li> <li>• Each state will submit an implementation plan that delineates how air quality standards will be achieved and maintained.</li> </ul>	

<b>Part A - Air Quality and Emission Limitations</b>	
<b>Section</b>	<b>Title</b>
	<ul style="list-style-type: none"> <li>States will divide up the geographic area into air quality control regions.</li> <li>Whenever the EPA establishes a new or revised national ambient air quality standard (NAAQS), the EPA designates areas in a state as attainment, nonattainment, or unclassifiable (not able to be classified on the basis of available information as meeting or not meeting the air quality standard).</li> <li>States submit recommendations to the EPA on designation and boundary for each area.</li> <li>Areas can be redesignated as air quality conditions change.</li> <li>States will submit plans to meet regional haze requirements.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Although CAA section 107(d) does not explicitly reference Indian tribes or Indian country, tribes are able to participate in the designation process.</li> <li>Tribes do not need TAS to participate in the designation process.</li> <li>Tribes may submit designation recommendations and requests for redesignation.</li> <li>Tribes may submit a plan that delineates how air quality standards will be achieved and maintained.</li> <li>Tribes may divide up their geographic area into air quality regions.</li> </ul>
108	Air Quality Criteria and Control Techniques
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will publish air quality criteria, air pollution control techniques, and transportation planning guidelines.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes may use these guidelines to develop air quality plans.</li> </ul>
109	National Primary and Secondary Ambient Air Quality Standards
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will set national air quality standards.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>
110	State Implementation Plans for National Primary and Secondary Ambient Air Quality Standards
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>(a) Adoption of plan by state; submission to Administrator; content of plan; revision; new sources; indirect source review program; supplemental or intermittent control systems -             <ul style="list-style-type: none"> <li>States are required to submit plans within three years of the EPA setting or revising air quality standards.</li> <li>Each plan will include: enforceable emission limitations and control measures; establishment of air monitoring; program to prevent significant deterioration of the air quality of other states; adequate state funding, personnel, and authority to carry out plan; air quality modeling; plan revisions; and require major stationary sources to pay for permits.</li> </ul> </li> <li>(b) Extension of period for submission of plans             <ul style="list-style-type: none"> <li>The EPA may grant an extension of 18 months for submission of a plan.</li> </ul> </li> <li>(c) Preparation and publication by Administrator of proposed regulations setting forth implementation plan; transportation regulations study and report; parking surcharge; suspension authority; plan implementation             <ul style="list-style-type: none"> <li>The EPA will create a federal plan for states that fail to submit an approved plan.</li> <li>The EPA cannot require a parking surcharge or certain bridge tolls as part of a state's plan.</li> </ul> </li> </ul>

<b>Part A - Air Quality and Emission Limitations</b>	
<b>Section</b>	<b>Title</b>
	<ul style="list-style-type: none"> <li>• (d), (e) Repealed. Pub. L. 101-549, title I, 101(d)(4), (5), Nov. 15, 1990, 104 Stat. 2409</li> <li>• (f) National or regional energy emergencies, determination by President               <ul style="list-style-type: none"> <li>○ The President may suspend any part of an implementation plan to respond to national or regional energy emergencies. States may petition for this.</li> </ul> </li> <li>• (g) Governor’s authority to issue temporary emergency suspensions               <ul style="list-style-type: none"> <li>○ State governors have the authority to issue temporary emergency suspensions of plans.</li> </ul> </li> <li>• (h) Publication of comprehensive document for each state setting forth requirements of applicable implementation plan               <ul style="list-style-type: none"> <li>○ The EPA will publish implementation plan requirements</li> </ul> </li> <li>• (i) Modification of requirements prohibited               <ul style="list-style-type: none"> <li>○ Implementation plan requirements for stationary sources may not be changed unless exceptional or emergency situations exist.</li> </ul> </li> <li>• (j) Technological systems of continuous emission reduction on new or modified stationary sources; compliance with performance standards               <ul style="list-style-type: none"> <li>○ Owners or operators of stationary sources must use continuous emission reductions techniques and demonstrate compliance with the Clean Air Act.</li> </ul> </li> <li>• (k) Environmental Protection Agency action on plan submissions               <ul style="list-style-type: none"> <li>○ (1)-(6) Covers Implementation plan completeness criteria, completeness finding, finding of incompleteness, timeline for the EPA action on a plan submission, approval, disapproval, and conditional approval, plan revisions, and corrections.</li> </ul> </li> <li>• (l) Plan revisions               <ul style="list-style-type: none"> <li>○ Plan revisions must be adopted by the state after reasonable notice and public hearing.</li> </ul> </li> <li>• (m) Sanctions               <ul style="list-style-type: none"> <li>○ The EPA may apply sanctions or prohibit construction of major stationary sources to ensure plan requirements are met.</li> </ul> </li> <li>• (n) Savings clauses               <ul style="list-style-type: none"> <li>○ (1)-(3) Covers existing plan provisions, attainment dates, and retention of construction moratorium which were in place prior to November 15, 1990.</li> </ul> </li> <li>• (o) Indian tribes               <ul style="list-style-type: none"> <li>○ If a tribe submits an implementation plan, it shall be reviewed the same way state plans are.</li> <li>○ If a tribe’s plan is approved, the plan will apply to all areas located within the exterior boundaries of the reservation, including rights-of-way running through the reservation.</li> </ul> </li> <li>• (p) Reports               <ul style="list-style-type: none"> <li>○ States must submit reports, such as relating to emission reduction, vehicle miles traveled, congestion levels, etc., that the EPA deems necessary to assess implementation plan effectiveness.</li> </ul> </li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• CAA Section 110 lays out the basic requirements for tribal implementation plans (TIP).</li> <li>• CAA section 110(a)(2)(D) requires that state implementation plans contain provisions to “prevent significant deterioration of the air quality of other states” by complying with CAA section 126, which covers interstate transport of pollution. This is potentially important to tribes whose air quality is impacted by pollution transported from a source(s) in a neighboring state(s).</li> </ul>

<b>Part A - Air Quality and Emission Limitations</b>	
<b>Section</b>	<b>Title</b>
	<ul style="list-style-type: none"> <li>• Tribal implementation plans are optional and may include only those elements that address the tribe's specific air quality needs.</li> <li>• Tribal implementation plans have flexible submission schedules.</li> <li>• Where tribes elect not to develop a plan, the EPA will adopt such federal implementation plan provisions as are necessary or appropriate to protect air quality in Indian country.</li> </ul>
111	Standards of Performance for New Stationary Sources
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA will create a list of categories of stationary sources and set standards for their performance and emissions.</li> <li>• Each state may submit their plan for standards of emissions and enforcement for new stationary sources.</li> <li>• Governors can ask for regulation of stationary sources that aren't already on federal lists of regulated sources.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes with an EPA approved plan can take delegation to administer the program, or develop tribal standards that replace federal standards. TAS is needed for the latter, but may be obtained for delegation.</li> </ul>
112	Hazardous Air Pollutants
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA will regulate the emission of hazardous chemicals that represent public health risks.</li> <li>• Each state can submit their own plan of regulation and enforcement of hazardous chemical emissions if the standards are at least as stringent as the federal standard.</li> <li>• The EPA will monitor atmospheric depositions of major lakes and waterways.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may submit plans for regulation and enforcement of hazardous chemical emissions if the standards are at least as stringent as the federal standard.</li> <li>• Tribes may take administrative delegation for implementing hazardous chemical regulation and enforcement plans.</li> </ul>
113	Federal Enforcement
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA may enforce state implementation plans and emissions limits through administrative orders, civil action, and in select cases, criminal penalties.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes can enter into memoranda of agreement with EPA regarding enforcement of TIPs and other approved tribal programs.</li> <li>• Tribal plans must be fully enforceable by the EPA and where appropriate by the tribe.</li> </ul>
114	Recordkeeping, Inspections, Monitoring, and Entry
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA may require owners/operators of emissions sources to keep records, reports, and samples of emissions and controls.</li> <li>• The EPA may inspect emissions sites, control equipment, or records.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes with an EPA approved plan can take over the administration of the program.</li> </ul>

<b>Part A - Air Quality and Emission Limitations</b>	
<b>Section</b>	<b>Title</b>
115	International Air Pollution
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• If the EPA has reason to believe that any air pollutant emitted in the United States would endanger the public health or welfare of a foreign country, it will notify the state where the pollution originates.</li> <li>• Such notifications would require a state plan revision.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• This section may affect tribal areas located near international borders.</li> <li>• We have no experience with TAS for this section.</li> </ul>	
116	Retention of State Authority
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• States are allowed to adopt or enforce standards that are more stringent than federal standards.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may adopt more stringent standards for areas under their EPA-approved programs.</li> </ul>	
117	Advisory Committees
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA may convene advisory committees to assist with development of standards and techniques, and to encourage technology improvements and emissions abatement.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may participate.</li> </ul>	
118	Control of Pollution from Federal Facilities
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Federal facilities are subject to emissions standards and requirements and are required to comply with federal, state, or local authorities.</li> <li>• The President may exempt federal sources from compliance if it is in the paramount interest of the United States to do so.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• We have no experience with TAS for this section.</li> </ul>	
119	Primary Nonferrous Smelter Orders
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• This section outlines the regulations regarding primary nonferrous smelter orders.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• We have no experience with TAS for this section.</li> </ul>	
120	Noncompliance Penalty
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA shall assess noncompliance penalties to owner/operators or sources not meeting emissions standards.</li> <li>• The EPA may delegate this responsibility to states if the states submit a plan for carrying out this responsibility.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes with an EPA approved plan may carry out this responsibility.</li> </ul>	

<b>Part A - Air Quality and Emission Limitations</b>	
<b>Section</b>	<b>Title</b>
121	Consultation
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The state shall consult with local governments and any affected federal land managers in implementing state plans.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes should include state and local governments in implementation planning. TAS may encourage state consultation with tribes on SIP development.</li> </ul>	
122	Listing of Certain Unregulated Pollutants
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA shall review relevant information on certain unregulated pollutants to determine if they endanger public health.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section</li> </ul>	
123	Stack Heights
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>This section outlines the regulations regarding stack heights.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section</li> </ul>	
124	Assurance of Adequacy of State Plans
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Each state shall review the provisions of its plan to determine the extent to which the state's major fuel-burning sources are dependent on various fuel types.</li> <li>The EPA shall review state plans to ensure they are sufficient to ensure compliance with emissions limits.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes should work with the EPA to ensure that their implementation plans are adequate.</li> </ul>	
125	Measures to Prevent Economic Disruption or Unemployment
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>This section outlines conditions in which locally derived coal shall be used as a fuel source.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
126	Interstate Pollution Abatement
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>(a) Written notice to all nearby states <ul style="list-style-type: none"> <li>States must provide notice to neighboring states of new major emissions sources that may negatively affect the air quality of neighboring states.</li> </ul> </li> <li>(b) Petition for finding that major sources emit or would emit prohibited air pollutants <ul style="list-style-type: none"> <li>Any state or political subdivision may petition EPA for a finding that a major source or group of stationary sources emits or would emit any air pollutant in violation of CAA section 110(a)(2)(D)(I).</li> </ul> </li> </ul>	

<b>Part A - Air Quality and Emission Limitations</b>	
<b>Section</b>	<b>Title</b>
	<ul style="list-style-type: none"> <li>• (c) Violations; allowable continued operation               <ul style="list-style-type: none"> <li>◦ Major new or modified sources, notwithstanding any permit, is in violation with this section and the state implementation plan if a finding is made (see 126(b) above). Major existing sources may not operate more than three months after a finding has been made with respect to it. The source may continue operation if it complies with emissions limits and schedules provided by the EPA to meet the section 110(a)(2)(D)(I) requirements.</li> </ul> </li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• In many cases pollution within Indian country is caused by transport from upwind state-located sources. TAS for this CAA section allows tribes to be treated as a neighboring state and to submit a petition (commonly known as a “section 126 petition”) to the EPA to review the upwind state implementation plans, as specified under section 110 of the CAA.</li> <li>• A section 126 petition that is submitted by a tribe and approved by the EPA may result in a federal rulemaking which places specific emission limits on the sources(s) addressed in the petition.</li> <li>• Tribes should provide notice to the state in which they are located and any neighboring states of new major emissions sources in their jurisdiction that may negatively affect the state’s air quality.</li> </ul>
127	Public Notification
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• States shall notify the public of times when air quality standards are not met, of health hazards associated with such pollution, and enhance public awareness of measures that the public may take to improve air quality.</li> <li>• The EPA may provide grants to assist in carrying out these requirements.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Notify the public of the health hazards related to pollution when air quality standards are not met. Enhance awareness of the measures tribal members can take to improve air quality.</li> <li>• Tribes may apply for funding to carry out public notification regarding air quality.</li> </ul>
128	State Boards
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Any state boards or bodies that approve permits or enforcement orders shall include a majority of member that represent the public interest and do not derive income from persons subject to permits or enforcement orders.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may establish boards.</li> </ul>
129	Solid Waste Combustion
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA will set standards for solid waste incinerators.</li> <li>• The states will implement and enforce the federal standards.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may take delegation of the federal standards (<i>do not have to have TAS</i>) or develop approved tribal requirements, that are at least as stringent as the federal regulation, to implement and enforce the federal standards (<i>must have TAS</i>).</li> </ul>

<b>Part A - Air Quality and Emission Limitations</b>	
<b>Section</b>	<b>Title</b>
130	Emission Factors
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will publish, review, and revise emission factors for air pollutants.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
131	Land Use Authority
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Nothing in the code constitutes an infringement on the existing authority of localities to plan or control land use.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes retain authority to plan and control land use for their areas.</li> </ul>	
<b>Part B - Ozone Protection</b>	
The 1990 Amendments of the Clean Air Act repealed Part B and replaced it with Title VI - Stratospheric Ozone Protection.	
<b>Part C - Prevention of Significant Deterioration of Air Quality</b>	
<b>Section</b>	<b>Title</b>
<b>Subpart 1 - Clean Air</b>	
160	Purposes
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Declares the purpose of this part: to protect public health and air quality.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
161	Plan Requirements
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Each state implementation plan will contain emissions limits to protect air quality.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribal plans should contain emission limits to protect air quality.</li> </ul>	
162	Initial Classifications – This section establishes the mandatory designations for Class I and Class II areas.
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>This section establishes Class I and Class II designations.</li> <li>Class I federal lands include areas such as national parks, national wilderness areas, and national monuments. These areas are granted special air quality protections.</li> <li>Class II areas are attainment or unclassifiable not already established as Class I.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes may apply to the EPA for a Class I designation for their lands. (See Section 164 below.)</li> </ul>	
163	Increments and Ceilings
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Sulfur oxide and particulate matter cannot exceed the maximum allowable increases or concentrations listed in this section.</li> <li>Exceptions can be made for certain types of sources.</li> </ul>	

<b>TAS Applications:</b>	
<ul style="list-style-type: none"> <li>For tribes with a Class I designation, the amount that pollution levels can increase is small. This ensures that good air quality stays good.</li> </ul>	
164	Area Redesignation
<b>Contents:</b>	
<ul style="list-style-type: none"> <li>States may redesignate areas as Class I or II.</li> <li>Lands within the boundaries of Indian reservations may only be redesignated by the appropriate Indian governing body.</li> <li>If there are designation disagreements between states and Indian tribes, the parties may appeal to the EPA to resolve the dispute.</li> </ul>	
<b>TAS Applications:</b>	
<ul style="list-style-type: none"> <li>Tribes may redesignate their lands as Class I areas.</li> <li>Designation as a Class I area may provide increased protection for air quality in and around tribal lands because of the smaller increments (PSD increments) of allowable increases in pollution concentrations.</li> <li>With a Class I designation, a tribe is notified when a permit application is submitted for review by the state. The permit will provide valuable information to determine any potential impacts from the permittee.</li> <li>Comments from a tribe with a Class I designation may carry greater authority than comments from a tribe without a Class I designation.</li> <li>Outlines rules regarding area redesignation disputes between Indian tribes and states.</li> </ul>	
165	Preconstruction Requirements
<b>Contents:</b>	
<ul style="list-style-type: none"> <li>This section outlines requirements for constructing major emitting facilities (PSD, Nonattainment NSR). (TAS is not required, but tribes may get TAS)</li> </ul>	
<b>TAS Applications:</b>	
<ul style="list-style-type: none"> <li>Tribes may take delegation (<i>TAS not required</i>) or develop a TIP to implement these requirements. (<i>TAS is required for a TIP</i>). Tribes cannot take delegation of PSD prior to finalizing rule.</li> </ul>	
166	Other Pollutants
<b>Contents:</b>	
<ul style="list-style-type: none"> <li>The EPA will create regulations governing the emissions of hydrocarbons, carbon monoxide, petrochemical oxidants, and nitrogen oxides.</li> <li>States will not be required to create a specific area classification plan for other pollutants other than sulfur oxides or particulate matter if the EPA finds the plan already adopted by the state is sufficient.</li> </ul>	
<b>TAS Applications:</b>	
<ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
167	Enforcement
<b>Contents:</b>	
<ul style="list-style-type: none"> <li>The EPA and states can enforce requirements of construction or modification of major emitting facilities.</li> </ul>	
<b>TAS Applications:</b>	
<ul style="list-style-type: none"> <li>Tribes with enforcement provisions in their plan can address civil enforcement requirements of major emitting facilities (<i>TAS required</i>).</li> <li>To address criminal enforcement, tribes will need a memorandum of agreement with the EPA.</li> </ul>	

168	Period Before Plan Approval
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Previous to adoption of implementation plans, regulations in this section apply to prevent significant air quality deterioration.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• We have no experience with TAS for this section.</li> </ul>	
169	Definitions
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The section provides definitions of terms used in this part.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• We have no experience with TAS for this section.</li> </ul>	
<b>Subpart 2 - Visibility Protection</b>	
169A	Visibility Protection for Federal Class I Areas
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• This section states the goal of protecting visibility in Class I areas.</li> <li>• State implementation plans must address this goal.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may choose to develop plans to address regional haze.</li> </ul>	
169B	Visibility
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA will conduct an assessment of visibility in Class I areas every five years.</li> <li>• The EPA will establish visibility transport regions made up of states who contribute visibility pollution to Class I areas.</li> <li>• The visibility transport commissions shall prepare reports concerning visibility challenges and remedies in their region.</li> <li>• The Grand Canyon visibility transport commission is established.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may choose to be involved in their regional visibility transport commissions (<i>TAS not required</i>) and develop TIPs (<i>TAS required</i>).</li> </ul>	
<b>Part D - Plan Requirements for Nonattainment Areas</b>	
<b>Section</b>	<b>Title</b>
<b>Subpart 1 - Nonattainment Areas in General</b>	
171	Definitions
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• This section defines the terms to be used in this part.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• We have no experience with TAS for this section.</li> </ul>	
172	Nonattainment Plan Provisions
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Nonattainment areas have five years to become attainment. The EPA can extend that up to ten years.</li> <li>• The EPA can provide up to two one-year extensions if the state is meeting all the requirements of its implementation plan.</li> </ul>	

Part D - Plan Requirements for Nonattainment Areas	
Section	Title
	<ul style="list-style-type: none"> <li>Nonattainment plans shall include implementation of control measures, emissions inventory, and issuing of permits.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>TIPs are not required, but if the tribe develops a TIP, then TAS is required.</li> <li>Tribal nonattainment plans are not required to meet the same attainment dates as states.</li> <li>Tribes can establish their own schedules.</li> <li>The EPA will expect tribes to diligently implement their plans.</li> </ul>
173	Permit Requirements (Nonattainment NSR)
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>This section lists requirements of permit programs.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes may take delegation of the federal implementation plan (<i>no TAS required</i>) or develop TIPs (<i>TAS required</i>) to implement permit requirements.</li> </ul>
174	Planning Procedures
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Nonattainment plans will be prepared by joint cooperation of state and local governments.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes may work with the state in which they are located and/or adjoining local governments in developing nonattainment plans. TAS may raise tribe's status in participating in the SIP development.</li> </ul>
175	Environmental Protection Agency Grants
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will provide grants to local authorities charged with transportation or air quality maintenance responsibilities to develop plan revisions under this part.</li> <li>The EPA will pay 100% of plan revision costs for the first two years, and afterwards will supplement any available funds for transportation or air quality maintenance planning.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes may request transportation and air quality funding for the first two years of plan revisions for nonattainment areas, and supplemental funding thereafter.</li> </ul>
175A	Maintenance Plans
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Once nonattainment areas achieve attainment, state implementation plans will be updated to maintain air quality in those areas for at least ten years.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes may develop maintenance TIPs (<i>TAS is required</i>).</li> </ul>
176	Limitation on Certain Federal Assistance
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>No federal or local authority will approve or support activities that do not conform to the nonattainment implementation plan. This includes transportation projects.</li> <li>Transportation control measures specified in an implementation plan may be replaced with substitute measure if they will achieve an equivalent or greater emissions reduction and are agreed upon by affected jurisdictions.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes should ensure that their activities conform to their EPA approved plans.</li> </ul>

<b>Part D - Plan Requirements for Nonattainment Areas</b>	
<b>Section</b>	<b>Title</b>
176A	Interstate Transport Commissions
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA may form interstate transport regions and commissions to address the interstate transport or air pollutants.</li> <li>• The commission will assess the pollution level and make recommendations for mitigation.</li> <li>• The commission can request that the EPA issue a finding that the implementation plan of any states in the transport region is inadequate to address the problem.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may choose to participate in interstate transport commissions.</li> </ul>	
177	New Motor Vehicle Emission Standards in Nonattainment Areas
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• States may adopt and enforce emissions control standards for new motor vehicles.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may adopt and enforce emissions control standards for new motor vehicles.</li> </ul>	
178	Guidance Documents
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• EPA will issue guidance documents to aid states in implementing requirements of this part (Part D).</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes can use the guidance in implementing requirements of this part (Part D).</li> </ul>	
179	Sanctions and Consequences of Failure to Attain
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• EPA may issue sanctions to states who fail to submit an acceptable plan for nonattainment areas.</li> <li>• Sanctions may include a prohibition on some highway transportation projects.</li> <li>• The EPA will publish notice of those areas that fail to attain the air quality standards.</li> <li>• States who fail to attain will submit a revised implementation plan.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes are not subject to sanctions for failing to submit a plan; the EPA may develop a FIP to address air quality as necessary or appropriate.</li> </ul>	
179B	International Border Areas
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• If a state can demonstrate that its implementation plan is adequate to attain and maintain an air quality standard but for emissions coming from outside the US borders, the state will not be subjected to penalties for failure to attain.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• TIPs may point to this provision.</li> </ul>	
<b>Subpart 2 - Additional Provisions for Ozone Nonattainment Areas</b>	
181	Classifications and Attainment Dates
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Each ozone nonattainment area will be designated as marginal, moderate, serious, severe, or extreme with respective deadlines for attainment.</li> <li>• Severe areas that fail to attain the standard in the allotted amount of time will be subject to sanctions.</li> </ul>	

<b>Part D - Plan Requirements for Nonattainment Areas</b>	
<b>Section</b>	<b>Title</b>
<p><b>TAS Applications: TAS is not required but may support tribes</b></p> <ul style="list-style-type: none"> <li>• Tribes may submit designation recommendations.</li> <li>• Tribes are not required to meet the same attainment deadlines as states and are not subject to sanctions.</li> </ul>	
182	Plan Submissions and Requirements
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• This section delineates ozone nonattainment plan requirements.</li> <li>• Marginal area plans require:                             <ul style="list-style-type: none"> <li>○ An inventory;</li> <li>○ Use of reasonably available control technology;</li> <li>○ A vehicle inspection and maintenance plan;</li> <li>○ A permit program.</li> </ul> </li> <li>• Moderate area plans require:                             <ul style="list-style-type: none"> <li>○ The Marginal requirements listed above and;</li> <li>○ Annual reduction of volatile organic compounds;</li> <li>○ Gasoline vapor recovery.</li> </ul> </li> <li>• Serious area plans require:                             <ul style="list-style-type: none"> <li>○ The Moderate requirements listed above and;</li> <li>○ Enhanced monitoring of ozone, nitrogen oxides, and volatile organic compounds;</li> <li>○ A demonstration of attainment if plan is followed;</li> <li>○ A demonstration of reduction of volatile organic compound emission or NO<sub>x</sub> control;</li> <li>○ State vehicle programs;</li> <li>○ Clean-fuel vehicle programs;</li> <li>○ Transportation control.</li> </ul> </li> <li>• Severe area plans require:                             <ul style="list-style-type: none"> <li>○ The Serious requirements listed above and;</li> <li>○ Transportation control strategies based on vehicle miles traveled.</li> </ul> </li> <li>• Extreme area plans require:                             <ul style="list-style-type: none"> <li>○ The Severe requirements listed above and;</li> <li>○ Use of clean fuels or advanced control technology;</li> <li>○ Traffic control measures during heavy traffic hours;</li> <li>○ Use of new technologies.</li> </ul> </li> <li>• Milestones for nonattainment areas are reductions in emissions and compliance demonstration.</li> <li>• Nonattainment areas not adjacent to urban centers can be treated as rural transport areas and subject only to marginal area requirements if they do not significantly contribute to ozone levels in the area or other areas.</li> <li>• States should coordinate plans for multi-state ozone nonattainment areas.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may choose to submit nonattainment plans for one or more of the items listed above, but are not required to do so. Tribes can take a modular approach to developing TIPs.</li> </ul>	

<b>Part D - Plan Requirements for Nonattainment Areas</b>	
<b>Section</b>	<b>Title</b>
183	Federal Ozone Measures
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA will issue control techniques guidelines for volatile organic compounds.</li> <li>• The EPA will list categories of consumer and commercial products that account for the majority of volatile organic compound emissions.</li> <li>• The EPA will issue emissions standards for maritime tank vessels.</li> <li>• Foreign motor vehicles cannot enter ozone nonattainment areas more than twice a month if the state requires inspection and maintenance of vehicles under penalty of a fine.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes can apply the information provided by EPA to control and reduce volatile organic compound emissions from stationary sources and maritime tank vessels.</li> </ul>	
184	Control of Interstate Ozone Air Pollution
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Multi-state ozone transport region is established from Virginia to Maine.</li> <li>• Ozone transport region subject to additional region-wide VOC and NOx control requirements.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes located within an ozone transport region may choose to participate.</li> </ul>	
185	Enforcement for Severe and Extreme Ozone Nonattainment Areas for Failure to Attain
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Each state implementation plan (relating to the attainment plan for severe and extreme ozone nonattainment areas) must require that each major stationary source in areas that fail to meet attainment standards in the allotted time will be subject to a fine.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribal implementation plans for severe and extreme ozone nonattainment areas may contain similar provisions as appropriate.</li> </ul>	
<b>Subpart 3 - Additional Provisions for Carbon Monoxide Nonattainment Areas</b>	
186	Classification and Attainment Dates
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Carbon monoxide nonattainment areas will be designated as moderate or serious and will be required to attain air quality standards according to a given timeline.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may submit designation recommendations.</li> <li>• Tribes are not required to meet the same attainment deadlines as states.</li> </ul>	
187	Plan Submissions and Requirements
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• This section delineates carbon monoxide nonattainment plan requirements.</li> <li>• Moderate area plans require: <ul style="list-style-type: none"> <li>○ An inventory;</li> <li>○ A forecast of vehicle miles traveled;</li> <li>○ A vehicle inspection and maintenance plan;</li> <li>○ Attainment demonstration and specific annual emission reductions.</li> </ul> </li> </ul>	

<b>Part D - Plan Requirements for Nonattainment Areas</b>	
<b>Section</b>	<b>Title</b>
	<ul style="list-style-type: none"> <li>• Serious area plans require:                             <ul style="list-style-type: none"> <li>○ The Moderate requirements listed above and;</li> <li>○ Transportation control strategies based on vehicle miles traveled.</li> <li>○ Use of oxygenated gasoline.</li> </ul> </li> <li>• States will meet milestones for carbon monoxide emissions or submit a plan revision to implement economic incentives and transportation control programs.</li> <li>• States should coordinate plans for multi-state carbon monoxide nonattainment areas.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may choose to submit nonattainment plans, but are not required to do so. <i>(TAS is required to submit a TIP)</i></li> </ul>
<b>Subpart 4 -Additional Provisions for Particulate Matter Nonattainment</b>	
188	Classification and Attainment Dates
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Particulate matter (PM-10) nonattainment areas will be designated as moderate or serious.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may submit designation recommendations.</li> </ul>
189	Plan Provisions and Schedules for Plan Submissions
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• This section delineates PM-10 nonattainment plan requirements and schedules.</li> <li>• Moderate area plans require:                             <ul style="list-style-type: none"> <li>○ A permit program;</li> <li>○ A demonstration of attainment;</li> <li>○ Use of reasonably available control measures.</li> </ul> </li> <li>• Serious area plans require:                             <ul style="list-style-type: none"> <li>○ A demonstration of attainment or demonstration that attainment by the date set forth is impracticable and instead provide for attainment by the most expeditious alternative date practicable.</li> <li>○ Use of reasonably available control measures within four years.</li> </ul> </li> <li>• Plan revision will contain quantitative milestones every three years.</li> <li>• For Serious PM-10 nonattainment areas that do not attain within the attainment date, plan revisions will be submitted within 12 months of the applicable attainment date.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may choose to submit nonattainment plans, but are not required to do so. <i>(TAS is required to submit a TIP)</i></li> <li>• Tribes are not required to meet the same nonattainment plan requirements as states.</li> </ul>
190	Issuance of RACM and BACM Guidance
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• The EPA will issue technical guidance of both reasonably available and best available control measures for PM-10.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• The EPA guidance may be used by tribes to develop nonattainment plans.</li> </ul>

<b>Part D - Plan Requirements for Nonattainment Areas</b>	
<b>Section</b>	<b>Title</b>
<b>Subpart 5 - Additional Provisions for Designated Nonattainment for Sulfur Oxides, Nitrogen Dioxide, or Lead</b>	
191	Plan Submission Deadlines
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>States containing areas that are nonattainment with respect to sulfur oxides, nitrogen dioxide, or lead will submit implementation plans.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes may choose to submit nonattainment plans, but are not required to do so. <i>(TAS is required to submit a TIP)</i></li> </ul>	
192	Attainment Dates
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Plans should provide for attainment within five years.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes are not required to meet the same attainment dates as states.</li> </ul>	
<b>Subpart 6 - Savings Provisions</b>	
193	General Savings Clause
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Provisions in effect before 1990 will remain in effect unless otherwise noted in this chapter.</li> <li>No control requirement in nonattainment areas can be modified after 1990 unless the modification ensures equal or greater emission reduction.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	

**TABLE 2. TITLE III - GENERAL PROVISIONS**  
**Synopsis of Content**

*Section headings that are highlighted in blue indicate CAA sections which may be of special interest to you and for which tribes frequently apply for TAS.*

Section	Title
301	Administration
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Delineates the responsibilities of the EPA to create general procedures and regulations for the Clean Air Act.</li> <li>• 301(d) authorizes the EPA to treat Indian tribes in the same manner as states. (TAS)</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• The EPA is authorized to treat Indian tribes in the same manner as states and may provide grant and contract assistance to carry out functions of this chapter.</li> <li>• Federally recognized Indian tribes may be treated in the same manner as states if: <ul style="list-style-type: none"> <li>○ They have a governing body that carries out substantial governmental duties;</li> <li>○ The functions carried out by the Indian tribe pertain to managing air quality within the exterior boundaries of its reservation or other areas under its jurisdiction;</li> <li>○ The Indian tribe is able to carry out the functions consistent with CAA and regulatory requirements.</li> </ul> </li> <li>• In cases where treatment of Indian tribes identically to states is inappropriate or administratively infeasible, the EPA may provide by regulation other means to achieve the appropriate purpose.</li> </ul>	
302	Definitions
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• This section defines terms used in this chapter, including the definition of “Indian tribe.”</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• The term “Indian tribe” refers to any Indian tribe, band, nation, or other organized group or community, including any Alaska Native Village, which is federally recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.</li> </ul>	
303	Emergency Powers
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• In case of pollution sources that are presenting an imminent and substantial endangerment to public health or welfare, the EPA may bring suit on behalf of the United States or take action to restrain the cause of the pollution.</li> <li>• The EPA will first consult with appropriate state and local authorities before taking any such action.</li> <li>• Any orders issued by the EPA will remain in effect for 60 days unless EPA brings a suit.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• We have no experience with TAS for this section.</li> </ul>	
304	Citizen Suits
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• Any person may bring suit against the United States or any agency including the EPA if it fails to perform any duty under this chapter; or against any person who proposes construction of an emitting facility without obtaining proper permits.</li> </ul>	

Section	Title
	<ul style="list-style-type: none"> <li>Courts have authority to enforce emission standards and to compel the EPA to action.</li> <li>This section summarizes the conditions for taking civil action in court regarding the Clean Air Act.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>The citizen suit provisions of CAA section 304 are among those CAA provisions for which tribes are not treated in the same manner as states for purposes of the EPA’s TAS rulemaking under section 301(d). The EPA has clarified that its section 301(d) TAS rulemaking neither enhanced nor limited the immunity from suit traditionally enjoyed by Indian tribes.</li> </ul>
305	Representation in Litigation
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA may request to be represented by the US Attorney General or other attorneys.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>
306	Federal Procurement
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Federal agencies may not enter into any contracts with persons or facilities who are convicted of criminal violation of the provisions of the Clean Air Act.</li> <li>Federal agencies are authorized to carry out the provisions of the Clean Air Act.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>
307	Administrative Proceedings and Judicial Review
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA may issue subpoenas for documents or relevant testimony to meet monitoring or reporting requirements of the Act.</li> <li>Except for emissions data, the EPA will keep such information confidential if requested by the owner.</li> <li>This section also outlines the standards for judicial review of the Act and rulemaking by the EPA.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes may petition for review of the EPA action.</li> </ul>
308	Mandatory Licensing
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA and U.S. Attorney General may require certain patents to be publicly or commercially licensed if they are necessary for anyone to comply with requirements of the Act.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>
309	Policy Review
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will review environmental impact of new federal legislation or agency action; unsatisfactory reviews will be referred to the Council on Environmental Quality.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>

Section	Title
310	Other Authority
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>This Title (Title III) does not supersede or limit the responsibilities of the EPA or any other federal office.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
311	Records and Audit
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Recipients of federal financial assistance under Title III will keep full records of expenditures and make them available for audit.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes that receive federal funding under this Chapter will need to keep full records of expenditures and make them available for audit, if requested.</li> </ul>	
312	Economic Impact Analyses
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will carry out a comprehensive analysis of the costs and benefits of the Clean Air Act standards, including impact on public health, the environment, employment, productivity, and other economic indicators.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
313	[Repealed] Additional Reports to Congress
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>[Repealed]</li> </ul>	
314	Labor Standards
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will ensure that laborers employed to enact the Clean Air Act are paid a fair wage.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
315	Separability
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>If any provisions are held to be invalid to one person or circumstance, it does not mean they are invalid for other persons or circumstances.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
316	Sewage Treatment Grants
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA grants for sewage treatment plants may be withheld if the treatment plants do not comply with the Clean Air Act, if the state does not have an implementation plan which allows for sewage treatment plants, or if the emissions from the plant would be too high.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	

Section	Title
317	Economic Impact Assessment
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will prepare an economic impact assessment for any proposed rules or regulations.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
318	[Repealed] Financial Disclosure; Conflicts of Interest
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>[Repealed]</li> </ul>	
319	Air Quality Monitoring
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will establish a national air quality monitoring system for collecting air quality data throughout the United States.</li> <li>Defines “exception events” and exclusions.”</li> <li>The air quality monitoring database is made available to the public.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes may establish air quality monitoring systems on their lands.</li> <li>Tribes can access the monitoring data collected by the EPA.</li> <li>TAS is not required.</li> </ul>	
320	Standardized Air Quality Modeling
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will hold an air quality modeling conference at least every three years for attendees from every level of government, from local to national.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribal representatives may participate in the air quality modeling conference.</li> </ul>	
321	Employment Effects
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will monitor effects on employment of any provisions of the Act.</li> <li>Employees who claim to lose their employment because of any provision of the Act may appeal to the EPA for a hearing.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
322	Employee Protection
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>No employer may fire or discriminate against an employee because the employee is carrying out any requirement of the Act.</li> <li>Any such employees may appeal to the Secretary of Labor and the US Courts, if necessary.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
323	Cost of Vapor Recovery Equipment
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Retail outlets where fuel is sold must pay for the cost of vapor recovery equipment.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Retail outlets in Indian country where fuel is sold must pay for the cost of vapor recovery equipment.</li> </ul>	

Section	Title
324	Vapor recovery for small business marketers of petroleum products [No longer required]
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA has determined that Onboard Refueling Vapor Recovery has supplanted State II and it is no longer required for ozone nonattainment areas. [No longer required]</li> </ul>	
325	Exemptions for Certain Territories
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>Certain territories including Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands may be exempt from most requirements of the Act if the EPA finds that it is not feasible.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
326	Statutory Construction
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>This section explains that certain words used in the Act are for convenience and have no legal effect.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>We have no experience with TAS for this section.</li> </ul>	
327	Authorization of Appropriations
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>This section appropriates the money necessary to carry out the Act and provide state grants.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes are eligible for grants to carry out all or certain provision of the Act under sections 103 and 105 of the CAA.</li> </ul>	
328	Air Pollution from Outer Continental Shelf Activities
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will establish requirements to control air pollution along the seashore, including oil drilling.</li> <li>States adjacent to the seashore may propose regulations for controlling pollution along the shore.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes adjacent to the seashore may establish regulations to control air pollution from Outer Continental Shelf sources located offshore.</li> </ul>	
329	Demonstration Grant Program for Local Governments
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>The EPA will provide competitive grants to local governments to cover 40% of the cost of improving local government buildings, through fiscal year 2012.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>Tribes may be eligible for grants through fiscal year 2012.</li> </ul>	

**TABLE 3. TITLE V – PERMITS**  
**Synopsis of Content**

*Section headings that are highlighted in blue indicate CAA sections which may be of special interest to you and for which tribes frequently apply for TAS.*

Section	Title
501	Definitions
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• This section defines the terms that are used in Title V.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• We have no experience with TAS for this section.</li> </ul>	
502	Permit Programs
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• (a) Violations                             <ul style="list-style-type: none"> <li>○ Explains the parameters of the permit program and what constitutes a violation by a source.</li> </ul> </li> <li>• (b) Regulations                             <ul style="list-style-type: none"> <li>○ Establishes the minimum elements of a permit program, including permit applications, monitoring and reporting, program fees to be paid by the source owner or operator, program personnel, authority to administer a permit program, permit review, public comment on and availability of permit documents, and permit revisions.</li> </ul> </li> <li>• (c) Single permit                             <ul style="list-style-type: none"> <li>○ Single permits may be issued for a facility with multiple sources.</li> </ul> </li> <li>• (d) Submission and approval                             <ul style="list-style-type: none"> <li>○ Establishes timing for states to develop permit programs under state or local law and for the EPA Administrator to approve/disapprove the program. States may face sanctions for not submitting approvable permit programs.</li> </ul> </li> <li>• (e) Suspension                             <ul style="list-style-type: none"> <li>○ Approved state permit programs will replace federal permit programs; however, the EPA Administrator retains the ability to enforce permits issued by a state.</li> </ul> </li> <li>• (f) Prohibition                             <ul style="list-style-type: none"> <li>○ Establishes the requirements of a partial permit program.</li> </ul> </li> <li>• (g) Interim approval                             <ul style="list-style-type: none"> <li>○ Interim permit program approval may be granted under certain conditions.</li> </ul> </li> <li>• (h) Effective date                             <ul style="list-style-type: none"> <li>○ The effective date of the permit programs is the date of approval by the EPA Administrator.</li> </ul> </li> <li>• (i) Administration and enforcement                             <ul style="list-style-type: none"> <li>○ If a permitting authority is not adequately administering and enforcing a program EPA will provide notice and enforce sanctions. If a state does not correct program deficiencies, the EPA will promulgate, administer and enforce a permit program.</li> </ul> </li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes can administer their own EPA-approved permit programs. Tribes can decide how much of the permitting program they are willing and/or able to implement. The EPA's federal implementation plan (FIP) will administer the permit program in Indian country until tribes take on all or portions of the program.</li> </ul>	

Section	Title
<ul style="list-style-type: none"> <li>• Tribes are not subject to the same timeline as states for developing an approvable permit program. Tribes are not subject to sanctions for not developing an approvable permit program.</li> <li>• Tribes can also take delegation of the EPA’s federal permitting program. With delegation, the EPA remains responsible for enforcement.</li> </ul>	
503	Permit Applications
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• (a) Applicable date               <ul style="list-style-type: none"> <li>○ Specifies the date that sources must have a permit in place.</li> </ul> </li> <li>• (b) Compliance plan               <ul style="list-style-type: none"> <li>○ The source’s permit application must be submitted with a plan that specifies how the source will comply with all the requirements. The source must also certify, at least annually, that the facility is in compliance with the permit requirements and promptly report any deviations from the requirements.</li> </ul> </li> <li>• (c) Deadline               <ul style="list-style-type: none"> <li>○ Establishes deadlines for the permitting authority to approve/disapprove a completed permit application.</li> </ul> </li> <li>• (d) Timely and complete applications               <ul style="list-style-type: none"> <li>○ If the permitting authority does not take timely final action on a permit application, the source’s failure to have a permit is not a violation.</li> </ul> </li> <li>• (e) Copies; availability               <ul style="list-style-type: none"> <li>○ Copies of each permit application and accompanying information must be available to the public.</li> </ul> </li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• The tribal permitting authority should issue or deny a permit within 18 months after the receipt of a completed permit application.</li> <li>• The tribal permitting authority may establish a phased schedule for acting on permit applications within the first full year of their permit program.</li> <li>• The tribal permitting authority must make copies of the permit application and all accompanying information available to the public.</li> </ul>	
504	Permit Requirements and Conditions
<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• (a) Conditions               <ul style="list-style-type: none"> <li>○ Establishes requirements that each permit issued include: enforceable emission limits and standards, schedule of compliance, a requirement that the permittee submit, at least every 6 months, monitoring results and other conditions to assure compliance.</li> </ul> </li> <li>• (b) Monitoring and analysis               <ul style="list-style-type: none"> <li>○ The EPA Administrator may establish procedures for determining compliance and for the monitoring and analysis of pollutants.</li> </ul> </li> <li>• (c) Inspection, entry, monitoring, certification, and reporting               <ul style="list-style-type: none"> <li>○ Each permit issued must include requirements for inspection, entry, monitoring, compliance certification, and reporting to ensure compliance with the permit.</li> </ul> </li> <li>• (d) General permits               <ul style="list-style-type: none"> <li>○ The permitting authority may issue a general permit covering numerous similar sources. The general permit must comply with all requirements and the source must still file an application.</li> </ul> </li> </ul>	

Section	Title
	<ul style="list-style-type: none"> <li>• (e) Temporary sources                             <ul style="list-style-type: none"> <li>○ The permitting authority can issue a single permit authorizing emissions from similar operations at multiple temporary locations. The permit must include conditions that will assure compliance with all requirements at all authorized locations. The owner/operator must notify the permitting authority of each change in location. The permitting authority may require a separate permit fee for operations at each location.</li> </ul> </li> <li>• (f) Permit shield                             <ul style="list-style-type: none"> <li>○ Deems when an issued permit is in compliance with the applicable provisions of Title V.</li> <li>○ Can protect a source from enforcement of an applicable requirement under two circumstances: 1) where that applicable requirement has been included in the permit (and is therefore enforced through the permit); or 2) where it has been determined that the requirement does not apply to the source.</li> <li>○ Under no circumstances should a permit shield be used to exempt a source from a requirement to which it is subject.</li> </ul> </li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• The tribal permitting authority should ensure that each permit they issue includes the enforceable emission limits, schedule of compliance, monitoring results, and any other requirements of CAA 504(a) as needed.</li> <li>• The tribal permitting authority must ensure that each permit includes the inspection, entry, monitoring certification, and reporting requirements of CAA 504(c) as needed.</li> <li>• The tribal permitting authority may issue general permits that cover numerous similar sources.</li> <li>• The tribal permitting authority may issue a single permit authorizing emissions from similar operations at multiple temporary locations.</li> </ul>
505	Notification to Administrator and Contiguous States
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• (a) Transmission and notice - The permitting authority must submit to the EPA a copy of the permit application with the compliance plan and a copy of each proposed and final permit. The permitting authority must also notify states, whose air quality may be affected by the source and which are contiguous to the state in which the emissions originate or within 50 miles of the source, of each permit application. The permitting authority must also provide an opportunity for the affected states to submit written recommendations on the permit issuance and notify the state why it is not accepting the recommendations.</li> <li>• (b) Objection by the EPA – EPA can object to any permit that is determined as not in compliance with the requirements. Also provides the parameters that allow anyone to petition EPA to object to the issuance of a permit.</li> <li>• (c) Issuance or denial – The permitting authority must submit for the EPA review a revised permit within 90 after the date of an objection.</li> <li>• (d) Waiver of notification requirements – the EPA may waive the requirements of (a) and (b) of this section for any category of sources other than major sources. EPA may also establish categories of sources (except for major sources) to which the requirements of (a) and (b) of this section do not apply. In addition, the EPA may waive the state notification requirements of (a) of this section.</li> <li>• (e) Refusal of permitting authority to terminate, modify, or revoke and reissue – the EPA will notify the permitting authority if the EPA finds cause to terminate, modify or revoke and reissue a permit. If the permitting authority fails to take action within the prescribed timeframe, the EPA</li> </ul>

Section	Title
	<p>may, after notice and in accordance with fair and reasonable procedures, terminate, modify, or revoke and reissue the permit.</p> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• The tribal permitting authority must submit a copy of the proposed and final permit to the EPA for review. The tribal permitting authority must also notify states/tribes whose air quality may be affected by the source of each permit application and proposed permit and allow the state/tribe the opportunity to submit recommendations on the permit. If the recommendations are not accepted by the tribal permitting authority, the authority must explain why in writing.</li> <li>• The EPA may object to any permit that is determined as not in compliance with the requirements. Any person can petition the EPA to object to a permit—the petition must identify all the reasons for the objection.</li> <li>• If the EPA finds that a permit is not in compliance with the requirements, the tribal permitting authority must submit a revised permit to the EPA.</li> <li>• With appropriate cause, the EPA may terminate, modify, or revoke and reissue a permit. The EPA will notify the tribal permitting authority and provide the authority the opportunity to take action.</li> <li>• Tribes have the opportunity (even without their own permitting program) to get TAS for 505(a)(2). This means, that state and local permitting authorities need to treat the tribe as an affected state and follow the notice requirements in 505(a) “The permitting authority shall notify all States -- whose air quality may be affected and that are contiguous to the State in which the emission originates, or (b) that are within 50 miles of the source.”</li> </ul>
506	Other Authorities
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• (a) In general – Nothing prevents a state or interstate permitting authority from establishing additional permitting requirements that are consistent with CAA Title V.</li> <li>• (b) Permits implementing acid rain provisions – The provisions of CAA Title V apply to permits implementing the requirements of subchapter IV-A, except as modified by that subchapter.</li> </ul> <p><b>TAS Applications:</b></p> <ul style="list-style-type: none"> <li>• Tribes may establish additional permitting requirements consistent with CAA Title V.</li> <li>• The requirements of CAA Title V apply to tribes that issue permits to implement acid rain provisions (CAA subchapter IV-A).</li> </ul>
507	Small Business Stationary Source Technical and Environmental Compliance Assistance Program
	<p><b>Contents:</b></p> <ul style="list-style-type: none"> <li>• (a) Plan revisions – This section outline the requirements for establishing a small business stationary source technical and environmental compliance assistance program, which each state must adopt in their state implementation plan.</li> <li>• (b) Program – the EPA will establish a small business stationary source technical and environmental compliance assistance program that will assist the states with development of their small business assistance programs, issue guidance to states on implementing their programs, and implement a program if a state fails to do so.</li> <li>• (c) Eligibility – Defines the meaning of a “small business stationary source”: employs 100 or fewer individuals, is a small business as defined in the Small Business Act, is not a major stationary source, does not emit 50 tons or more per year of any regulated pollutant, and emits less than 75 tons per year of all regulated pollutants. Outlines possible categories or</li> </ul>

Section	Title
	<p>subcategories of sources that may be excluded (by EPA or the state) from the small business stationary source definition, which are determined to have sufficient technical and financial capabilities to meet the requirements of CAA Title V without the application of the small business assistance program.</p> <ul style="list-style-type: none"> <li>• (d) Monitoring – The Small Business Ombudsman will monitor the small business stationary source technical and environmental compliance assistance program for effectiveness.</li> <li>• (e) Compliance Advisory Panel – A state level Compliance Advisory Panel will be formed to monitor the small business stationary source technical and environmental compliance assistance program.</li> <li>• (f) Fees – In consideration of financial resources, fees for small business stationary sources may be reduced by the EPA or the state.</li> <li>• (g) Continuous emission monitors – the EPA will consider the necessity and appropriateness of continuous emission monitoring requirements to small business stationary sources.</li> <li>• (h) The EPA will consider the size, type, and technical capabilities of small business stationary sources in developing CTGs.</li> </ul>
<p><b>TAS Applications:</b></p>	<ul style="list-style-type: none"> <li>• The tribe must include a small business stationary source technical and environmental compliance assistance program in their tribal implementation plan (TIP) and implement the program. The EPA will implement the program if a tribe chooses not to.</li> <li>• The tribe may form a Compliance Advisory Panel to monitor the small business stationary source technical and environmental compliance assistance program.</li> <li>• The tribe may reduce the permitting fees for small business stationary sources.</li> </ul>