



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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DALLAS, TX 75202-2733

APR 23 2007

Mr. Kenneth Clark
Federal Emergency Management Agency
Federal Coordinating Officer
P.O. Box 50309
Midwest City, OK 73140

RE: Wyandotte Nation and Cheyenne Arapaho Nation
Requests for Emergency Disaster Funding
Tribal Trusts Lands in Oklahoma

Dear Mr. Clark:

This letter is in response to your request dated April 4, 2007, for Environmental Protection Agency (EPA) approval of the disposal of large amounts of vegetative material located on Wyandotte Nation and Cheyenne-Arapaho Tribes tribal trust lands in various counties in Oklahoma. This vegetative material is the result of a severe winter storm which occurred in January 2007. After this storm, President Bush declared 45 of the 77 counties in the State as disaster areas. The two tribes desire to dispose of this material by burning it openly on their respective lands using emergency disaster funds obtained from the Federal Emergency Management Agency.

The EPA has broad authority under the Clean Air Act to protect air resources throughout the Nation, including air resources in Indian country. See Section 101 (b)(1) of the Clean Air Act. An air permit from EPA is not currently required to conduct open burning on any tribal trust lands in Oklahoma. However, we have enclosed a list of best management practices for open burning of vegetative debris, and we encourage you to utilize these practices should you decide to conduct the open burning.

In addition, please refer to EPA's Interim Air Quality Policy on Wildland and Prescribed Fires, a copy of which can be found here: <http://www.epa.gov/ttncaaa1/t1/memoranda/firefnl.pdf> This document will provide information on how to manage the smoke from burning the debris, should the tribes decide to dispose of the debris in that manner.

In light of the proximity of these tribal trust lands to lands within State jurisdiction and because at least one of the applicants' trust lands (the Wyandotte Tribal Nation) are located near the States of Kansas, Missouri, and Arkansas, we recommend that these States' environmental regulatory agencies be notified well before commencing the burning activity.

Lastly, EPA recommends that alternatives to the proposed open burning be considered. This could include chipping and dispersing the material on tribal land, chipping and selling the material for other uses, shallow pit burial, burning with the use of an air curtain, or other methods.

We hope that this response to your request is helpful. Should you have any questions or require further assistance on this matter, please contact me at (214) 665-7250 or Rick Barrett of my staff at (214) 665-7227.

Sincerely yours,



Jeff Robinson
Chief
Air Permits Section

cc: Ms. Laurie Lemieux
Environmental Team Lead
Federal Emergency Management Agency
Leaford Bearskin
Chief
Wyandotte Nation
Mr. Darrell Flyingman
Governor
Cheyenne-Arapaho Tribes
Mr. Eddie Terrill
Director
Air Quality Division
Oklahoma Department of Environmental Quality

Enclosure

Open Burning Best Management Practices of Vegetative Debris

4/13/07

The following best management practices are provided to help minimize the health, safety, and environmental risks associated with burning vegetative debris from ice storms impacting Tribal Nations in Oklahoma.

- The following types of materials should not be burned:
 - Automotive/marine batteries; pesticide cans; explosives; automotive oils; fuels and fluids; solvents; paint thinners and stripper; compressed gas containers; household white goods (refrigerators, washer/dryers and stoves); asbestos containing materials (asbestos shingles, siding and insulation); Polychlorinated Biphenyls (electrical equipment such as distribution transformers and capacitors); electronics (televisions, radios, stereos, cameras, Video Cassette Recorders, computers, microwaves); tires; plastics; shingles; domestic garbage; and preserved/treated woods.
- Ensure there are no petroleum pipelines on or near the burn site to avoid explosion hazards.
- Burns should not take place where there is an opportunity for runoff from the residue to contaminate a waterway.
- Burning should be conducted by or under the supervision of trained individuals at specifically designated sites.
- Emergency officials, including the local fire department, should be notified of the location of burn sites at least seven days in advance.
- Fire fighting equipment should be available on very short notice.
- Nearby populations should be notified in advance of the burn.
- Burns should only occur during times when the ventilation is sufficient to prevent an accumulation of smoke in order to minimize the impact of the smoke emissions on nearby populations.
- Contingency actions should be identified that will be taken if necessary to (1) notify nearby populations if the burning becomes uncontrolled, and (2) reduce the exposure of people to emissions from the smoke should ventilation conditions change.

- The burning should be conducted so that the emissions do not adversely affect the ambient air quality of a city, town, neighboring State or park area. Portable air quality monitors should be considered to ensure this does not occur.
- Prevailing winds should be monitored, and burning conducted so that smoke does not create a traffic hazard on roadways, railroads, or airports.
- Piles to be burned should be at least 1000 feet from the nearest residence or roadway.
- Piles should be located in a manner to prevent spread of fires to areas outside the controlled burn area. Piles should be kept to a manageable size and separated from each other and additional potential fuel sources (e.g., vegetation, structures, surrounding brush, etc.) by at least 1000 feet.
- Minimize the amount of dirt and other non-combustible materials to achieve the most efficient burn.
- Protective clothing and equipment (e.g., respirators, safety glasses, etc.) should be worn.
- Burn only during the hours from one hour after sunrise until three hours before sunset. Additional fuel should not be intentionally added to the fire at times outside these limits.
- During a declared burn ban, open burning is not allowed. When a burn ban is declared, the open burn must be put out immediately or allowed to burn down.
- Material that is burned during open burning must be kept as dry as possible.