

From: [Thornton, Marisa](#) on behalf of [Collections.SubW](#)
To: [Thornton, Marisa](#)
Subject: Fw: EPA Response to High Levels of Radon from White Mesa Liquid Effluents
Date: Thursday, August 27, 2015 11:28:52 AM
Attachments: [UW_toEPA_RRosnick.SubpartWRulemaking.150601.pdf](#)

From: Stahle, Susan
Sent: Monday, July 27, 2015 10:05 AM
To: Collections.SubW
Subject: FW: EPA Response to High Levels of Radon from White Mesa Liquid Effluents

Susan Stahle
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From: sarah@uraniumwatch.org [mailto:sarah@uraniumwatch.org]
Sent: Monday, June 01, 2015 1:08 PM
To: Rosnick, Reid
Cc: Stahle, Susan; Peake, Tom; Schultheisz, Daniel; Jackson, Scott; Diaz, Angelique
Subject: RE: EPA Response to High Levels of Radon from White Mesa Liquid Effluents

Dear Mr. Rosnick,

Attached please find Uranium Watch's response to your e-mail below.

Sincerely,

Sarah Fields
Program Director
Uranium Watch
PO Box 344
Moab, Utah 84532
435-260-8384

----- Original Message -----

Subject: RE: EPA Response to High Levels of Radon from White Mesa Liquid Effluents

From: "Rosnick, Reid" <Rosnick.Reid@epa.gov>

Date: Fri, April 24, 2015 1:38 pm

To: "sarah@uraniumwatch.org" <sarah@uraniumwatch.org>
Cc: "Stahle, Susan" <Stahle.Susan@epa.gov>, "Peake, Tom" <Peake.Tom@epa.gov>, "Schultheisz, Daniel" <Schultheisz.Daniel@epa.gov>, "Jackson, Scott" <Jackson.Scott@epa.gov>, "Diaz, Angelique" <Diaz.Angelique@epa.gov>

Dear Sarah,

This is in response to your email of April 7, 2015. Your first question is about Energy Fuels' (then Denison Mines) lack of response to a request for information under the Clean Air Act (also known as a Section 114 request). You are correct that EPA has enforcement authority to act if a facility chooses not to respond to a section 114 request. That enforcement authority is discretionary, and EPA decided not to use enforcement authority in this particular instance to obtain this information.

Your next question states that you would like to know how the EPA is going to address your concerns at the White Mesa Mill that are caused by the potential radon emissions from the liquid impoundments. You referenced calculations that were provided to EPA by the Ute Mountain Ute Tribe. We received a number of comments during the comment period from several members of the public that are relevant to this discussion. The comments we received regarding the amount of emissions from these impoundments suggest significantly different emissions rates, from zero emissions to large amounts of radon emissions. EPA must consider all of the comments submitted to the Agency in order to make a determination that can then be incorporated into the final rule. Because of this process EPA will not be able to address this question until we publish the final rule and response to comments document.

The remainder of your email contains enforcement-related questions rather than rulemaking-related questions. As such, these questions should be answered by the respective enforcement offices within Utah and EPA Region 8. I cannot answer enforcement-related questions because these questions are outside of my rulemaking-related responsibilities. Other offices within EPA and in Utah are delegated the enforcement authorities and therefore are the appropriate parties to answer these questions. In the future I request that you please direct your enforcement-related questions to Utah and Region 8. Thanks

Reid

From: sarah@uraniumwatch.org [<mailto:sarah@uraniumwatch.org>]

Sent: Tuesday, April 07, 2015 1:55 PM

To: Rosnick, Reid

Cc: Diaz, Angelique; Stahle, Susan; Peake, Tom; Flynn, Mike; Muellerleile, Caryn; Edwards, Jonathan; Zenick, Elliott; Blake, Wendy; Cherepy, Andrea; Benner, Tim; Ferris, Lena; Garlow, Charlie; Walker, Stuart; Hoffman, Stephen; Ginsberg, Marilyn; Brozowski, George; Hooper, Charles A.; McCabe, Janet; Garbow, Avi; Giles-AA, Cynthia; Michael Goo; Stanislaus, Mathy; Bob Dye; Phil Goble; rlundberg@utah.gov; Bryce Bird; Amanda Smith;

Dan McNeil; Brown, Terry

Subject: EPA Response to High Levels of Radon from White Mesa Liquid Effluents

Dear Reid,

Sorry I missed the Subpart W quarterly call last week.

One question I had is why you and other Subpart W review staff have not contacted Energy Fuels Resources Inc. and again requested the information that the EPA requested in the May 2009. At that time the EPA informed Denison Mines that if they did not respond to the request for information, they would be subject to enforcement action. However, the EPA never followed through.

I understand that the EPA would not want information regarding the radium content of the liquid effluents at White Mesa as requested in 2009, but your failure to obtain that information is an egregious omission. Such egregious errors and omissions are adding up.

Also, I would like to know how the EPA is going to address the current health and safety concerns at the White Mesa Mill that are caused by the high levels of radon emissions from the liquid impoundments. The Ute Mt. Ute Tribe and Uranium Watch have brought these concerns to the EPA, yet the EPA has taken no action. The Ute Mt. Ute Tribe recently expressed those concerns in a February 10, 2015, Calculations Brief. See attached.

It appears that the EPA has no intention of taking any action, and would rather have the whole problem go away. One way to make the problem of radon emissions to go away is for you to claim that the gross radium alpha in the recent White Mesa Mill Annual Tailings Wastewater Reports represents other radionuclides besides radium. However, given the high gross alpha radium levels in 2014, there is no way that you can explain how those levels do not result in high levels of radon emissions: far beyond the 20 pico Curie per square meter per second standard and far beyond "zero."

The Division of Radiation Control staff informs me that the gross radium alpha in those reports accounts for radium and does not include uranium or radon. Putting the EPA formula for determining the radon emissions from White Mesa liquid effluents with the data for Cells 1, 4A, and 4B, you have an immediate health and safety concern that is not going to go away.

When I talk with staff at Region 8, I am referred to you. Therefore, I would like to know what, exactly, is the EPA response to the high levels of radon emissions from the White Mesa Mill liquid effluent impoundments.

The proposed Subpart W rule would, in fact, do nothing to correct the problem. The is because the EPA, contrary to the provisions of the CAA, has not proposed a radon emission limit for "new" or "existing" impoundments and continues to maintain that the emissions from liquid effluents are "zero," despite evidence to the contrary.

There must be a timely response to this new information regarding the radon emissions from 135 acres of White Mesa liquid effluents. The community in the

vicinity of the White Mesa Mill cannot wait until the completion of the Subpart W rulemaking for these radon emissions to be addressed, if they would be addressed at all.

Sincerely,

Sarah Fields
Program Director
Uranium Watch
PO Box 344
Moab, Utah 84532
435-260-8384

Uranium Watch

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435-260-8384

June 1, 2015

Mr. Reid Rosnick
Radiation Protection Division
U.S. Environmental Protection Agency Headquarters
Ariel Rios Building
Mail Code: 6608J
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460
rosnick.reid@epa.gov

Dear Mr. Rosnick:

This this letter in in response to your April 24, 2015, e-mail regarding the EPA response to the failure of Denison Mines to provide information to the EPA in response to a request for information, pursuant to Section 114 of the Clean Air Act. In your e-mail, you state (in part):

This is in response to your email of April 7, 2015. Your first question is about Energy Fuels' (then Denison Mines) lack of response to a request for information under the Clean Air Act (also known as a Section 114 request). You are correct that EPA has enforcement authority to act if a facility chooses not to respond to a section 114 request. That enforcement authority is discretionary, and EPA decided not to use enforcement authority in this particular instance to obtain this information.

This Subpart W Rulemaking Chronology:

1. On February 24, 2009, the Environmental Protection Agency (EPA) requested information from Denison Mines (USA) Corporation (Denison), the White Mesa Mill licensee, pursuant to Section 114 of the Clean Air Act (CAA).
2. Denison responded to the February 2009 EPA request for information on June 1, 2009.

3. Then, on May 9, 2009, the EPA requested additional information, pursuant to Section 114 of the CAA, regarding the tailings impoundments at the White Mesa Mill. The EPA requested that Denison conduct a program of testings to obtain certain data, including data on the radium content of the liquid effluents at White Mesa. The EPA informed Denison that that if they did not respond, the EPA could initiate enforcement action.

4. For whatever reason, Denison did not respond to the request. It does not appear that the EPA sent Denison a reminder or asked Denison why they had not replied.

5. Now you inform me that the EPA made a “discretionary decision” not to initiate enforcement action when Denison did not respond to the May 2009 Section 114 request for information. It is possible that no actual enforcement decision was made, it was just that the EPA forgot about the request and the fact that they did not receive a reply from Denison Mines.

6. Then in November 10, 2010, an EPA contractor finalized the *Risk Assessment Revision for 40 CFR Part 61 Subpart W – Radon Emissions from Operating Mill Tailings: Task 5 – Radon Emission from Evaporation Ponds*; S. Cohen and Associates. That Report included a formula, or equation, for determining the radon emissions from the White Mesa Mill liquid effluents, based on site-specific meteorological data and the radium content of the processing solutions. The formula, along with formulas for determining the radon emissions from liquid effluents at other uranium recovery sites, was set forth in Table 6, page 17. It is my understanding that the EPA did not make this Risk Assessment Report available on the Subpart W Review webpage until 2014.

7. As far as Uranium Watch is able to determine, the EPA has not questioned the validity of the February 2010 Risk Assessment with respect the methodology for determining radon emissions from the liquid effluents at the White Mesa Mill.

8. After the 2010 Risk Assessment Revision was developed for the EPA, the EPA did not seek data on the radium content of the solution impoundments in order to make use of the formula. Even if they did have earlier data, the EPA did not seek additional data during the years between 2010 and 2014, when the draft Subpart W Rulemaking was issued. Nor did the EPA request information when an additional tailings solution impoundment (Cell 4B) went online at the mill. In sum, the EPA did not request any data on the radium content of the White Mesa liquid effluents, so that they would have data to use in the equation that their contractor had developed. Nor, did the EPA seek already available information that was submitted to the Utah Division of Radiation Control regarding the radium content of the effluents in Cells 1, 3, 4A, and 4B. Therefore, the EPA did not have data on the radium content of the White Mesa liquid effluents over time and were unable to determine the radon emissions from those effluents over time, based on the EPA formula. Further, the EPA was unable to analyze the changing conditions that cause fluctuations in radium content and radon emissions or determine whether corrective actions were necessary to limit the radon emissions from these effluents.

9. The EPA formula had been specifically developed to determine the radon emissions from liquid effluents at White Mesa, but without data on the radium content of the White Mesa effluents, the equation was useless as a means to determine the radon emissions from the White Mesa Mill liquid effluents as part of the Subpart W Rulemaking. It was also a useless for purposes of determining Subpart W compliance for the “existing” Cell 1, pursuant to 40 C.F.R. § 61.252(a).

10. In sum, it appears that the EPA went out of its way not to have any data on the radium content of the White Mesa Mill liquid effluents, so that there would be no data to use in a formula developed by an EPA contractor, at taxpayer expense, for purposes of determining the radon emissions from the liquid effluents at the White Mesa Mill. As a result, the EPA avoided having any substantive data and conclusions that would call into question the long-held EPA assumption that the radon emissions from radium-laden liquid effluents at conventional uranium mills were “zero.”¹

11. The EPA cannot establish requirements that will optimize protection of the public from the radon emissions from liquid effluents at conventional mills, if the EPA makes no effort to determine those discharges at the only operating mill. As discussed above, the EPA made no effort to apply science to the question of the radon emissions from the liquid effluents at the White Mesa Mill as part of the Subpart W Rulemaking. The EPA made no effort to analyze possible changes in conditions, such as changes in the radium content of liquid effluents, that could affect exposure of members of the public.

The EPA, therefore, did not have the data necessary to develop a rule that would control radon exposures to the public from discharges from these liquid impoundments. There will be no EPA operational limit on emissions from liquid impoundments at conventional mills, because there was no analysis of the emissions by the EPA.

12. There is clearly something very wrong with how the EPA has conducted the Subpart W Review, which was mandated by the CAA. There is clearly something very wrong with how the EPA has developed the proposed Subpart W rule. This is particularly true in light of the fundamental factual, technical, and legal inadequacies and errors in the proposed Subpart W rule.

Sincerely,

/s/

Sarah Field
Program Director
sarah@uraniumwatch.org

¹ Appendix B to Part 61; Method 115, Monitoring for Radon-222 Emissions; 2. Radon-222 Emissions from Uranium Mill Tailings Piles; Section 2.3(a); 54 Fed. Reg. 51654, 51709; December 15, 1989.

May 26, 2015

Gina McCarthy
Administrator
United States Environmental Protection Agency
Air and Radiation Docket
EPA Docket Center
Docket ID No. EPA-HQ-OAR-2012-0788
1200 Pennsylvania Ave NW
Washington, CD 20460
a-and-r-docket@epa.gov

COMMENTS SUBMITTED VIA EMAIL AND/OR UPLOAD TO REGULATIONS.GOV

Re: Comments on Docket ID No. EPA-HQ-OAR-2012-0788, Environmental Protection Agency, 40 C.F.R. Part 192, Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings; Proposed Rule

Dear Administrator McCarthy:

The Ute Mountain Ute Tribe (Tribe) submits the following public comments regarding the above-noted Environmental Protection Agency (EPA) docket on the EPA's 40 C.F.R. Part 192, Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings, Proposed Rule (Proposed Part 192 Rule).

The Tribe has organized this document into three sections. Section I provides the EPA with a summary overview of the Tribe's background and connection with one of the conventional uranium mills (and the only operational conventional uranium mill) regulated under the 40 C.F.R. Part 192, the White Mesa Mill (WMM), and the Tribe's October 29, 2014 comments on the EPA's 40 C.F.R. Part 61, Subpart W rulemaking (Subpart W Comments). Section II contains the Tribe's public comments on this 40 C.F.R. Part 192 rulemaking and is organized into three major sections: (A) the EPA violated its trust responsibility to the Tribe and failed to properly consult with the Tribe in the Proposed Rulemaking process; (B) the Uranium Mill Tailings Radiation Control Act (UMTRCA) requires the EPA to expeditiously address threats to public health from radon emissions, and UMTRCA supports EPA action now regarding conventional uranium mills; and (C) EPA should revise 40 C.F.R. Part 192 to fix two significant gaps identified in the Tribe's Subpart W Comments. Section III provides a short summary and conclusion to these comments.

I. INTRODUCTION--SUMMARY OF TRIBAL BACKGROUND AND SUBPART W COMMENTS

A. INTRODUCTION TO TRIBAL COMMENTS, 40 C.F.R. PART 61, SUBPART W RULEMAKING AND THIS PROPOSED 40 C.F.R. PART 192 RULE

On May 2, 2014, the EPA published a proposed rule revising 40 C.F.R. Part 61, Subpart W NESHAPS (Proposed Subpart W Rule). 79 FR 25,388 (May 2, 2014). In the Proposed Subpart W Rule, the EPA used authority under Section 112 of the Clean Air Act to revise regulations controlling emissions of radon (a hazardous air pollutant) from uranium recovery facilities. Although a significant portion of the proposed changes in the Proposed Subpart W Rule addressed how Subpart W applies to in-situ leachate facilities and to liquid-covered impoundments at those facilities, the rule also proposed making significant changes in how radon is measured and regulated at conventional mills like the WMM. *See generally* Subpart W Comments.

The Tribe requested government-to-government consultation from the EPA on the Proposed Subpart W Rule to discuss the Tribe's concerns about how the proposed rule might affect regulation of the WMM. Because the EPA could not provide the Tribe answers to many questions posed in an initial consultation meeting, and because the EPA requested that the Tribe provide its concerns during the public comment period for the Proposed Subpart W Rule, the Tribe provided extensive comments on the Proposed Subpart W Rule on October 29, 2014. The Tribe's Subpart W Comments focused on the regulation of radon under Section 112 of the Clean Air Act, but also contained some analysis of problems created by the EPA's use of cross-referencing to 40 C.F.R. Part 192 (which included identification of two regulatory gaps created by language adopted under the UMTRCA in 40 C.F.R. Part 192).

During discussions with EPA staff and the EPA Office of General Counsel about the Subpart W Rulemaking, Tribal staff and leadership expressed concern that the EPA's then-ongoing work revising 40 C.F.R. Part 192 would not take into account the Tribe's concerns about gaps in the interpretation and implementation of 40 C.F.R. Part 192 (and 10 C.F.R. Part 40, Appendix A) at conventional uranium mills like the WMM. On January 26, 2015, without consulting the Tribe or providing any information about the key aspects of revising 40 C.F.R. Part 192, the EPA published the Proposed Part 192 Rule. 80 FR 4,156 (Jan. 26, 2015). The Proposed Part 192 Rule contains significant revisions related to in-situ recovery facilities, but does nothing to address the ongoing issues with conventional mills (and particularly with the WMM) that the Tribe has identified to the EPA for many years.

The Tribe takes no issue with the EPA's revision of 40 C.F.R. Part 192 relative to the regulation of in-situ recovery facilities. However, for reasons described in detail in Section II, *infra*, the Tribe asserts that it was improper for the EPA to move forward with revisions to 40 C.F.R. Part 192 without addressing significant human health and environmental hazards created by the interpretation and implementation of 40 C.F.R. Part 192 at conventional uranium mills.¹

¹At the March 10, 2015 public hearing on the Proposed Part 192 Rule, Anthony Thompson (representing the National Mining Association) made the following statement confirming the Tribe's assertion that, while it is

Congress has clearly indicated to the EPA and other implementing agencies (such as the Nuclear Regulatory Commission (NRC) and Agreement States) that the overarching purpose of UMTRCA is to provide expeditious public health protection from radon emissions, and the current gaps in the interpretation and implementation of 40 C.F.R. Part 192 are not providing that protection for UMU Tribal members or for the public health of others who live close to conventional uranium mills.

B. INCORPORATION AND SUMMARY OF THE SUBPART W COMMENTS

The Tribe incorporates the Subpart W Comments, attached as Exhibit A, by reference. In the Subpart W Comments, the Tribe provided the EPA with a Background on the Tribal White Mesa Community, Section I(A), and a Relevant Factual History and Overview of the WMM Facility, Section I(B). The Tribe provides a summary here of those sections and of relevant information contained in the Subpart W Comments.

The Tribe's White Mesa community is located approximately three miles south of the WMM, and contamination from WMM facility operations generally flows through ground and surface water towards the Tribal community. The White Mesa community depends on groundwater for drinking and domestic water and on land, plants, wildlife, and other natural resources located on and near Tribal lands. For years, the Tribe has attempted to engage the EPA and the appropriate State of Utah environmental regulatory agencies to address the Tribe's expressed concerns that violations of Subpart W's phased disposal standards and radon flux standard at the WMM have exposed (directly and indirectly) Ute Mountain Ute Tribal members (UMU Tribal Members) to dangerously high levels of radon and other hazardous air pollutants. The proximity of the WMM to the Tribe's White Mesa community must be recognized and addressed to protect UMU Tribal Members and their lands and resources. Contrary to NRC mill siting criteria, the WMM is not remote from the Tribe's White Mesa's community and the mill contaminants are not isolated from groundwater.²

In the Subpart W Comments, the Tribe provided a brief description of the WMM's tailings management system and about the regulatory status of each impoundment. Subpart W Comments § I(B). The Tribe provided specific details about the WMM's past and ongoing violations of Subpart W's phased disposal standards and radon flux standard. Subpart W Comments § I(B). Through its evaluation of the proposed revisions to Subpart W, the Tribe also identified a new and alarming concern that, in addition to the radon emissions measured from

important to control radon emissions from in situ recovery facilities, it is of equal or greater importance to control radon emissions from conventional uranium mills:

"There are several statements that ISR operations are very different from conventional mills, and that is true, except that you have it backwards. You suggest that the ISR operations are more complicated and potentially more hazardous [than conventional uranium mills], and that anybody involved with the uranium industry knows that's simply silly. There is a huge source of radon in the [conventional uranium mill] tailings. They can be put on top, on the ground above a pristine aquifer. They involve the use of large amounts of acid and huge amounts of water. And then there's the possibility of wind-blown tailings."

(March 10, 2015 Transcript at 98).

²In the preamble to the Proposed Part 192 Rule, EPA refers to the hazards of conventional mills and states: "Remoteness from populated areas' and 'isolation of contaminants from groundwater' are key considerations in selecting mill locations under current siting criteria found in NRC regulations." 80 FR 4,161 (Jan. 26, 2015). Unfortunately, neither remoteness nor such isolation is present at White Mesa.

two of the large “conventional” legacy tailings impoundments, calculated radon emissions from liquid-covered impoundments at the WMM far exceed the 20 pCi/(m²s) limit. Subpart W Comments § II(E)(2). The Tribe provided specific concerns about groundwater contamination from tailings impoundments at the WMM, Section I(B)(3), and about problems with internal cross-references between Subpart W, 40 C.F.R. Part 192, and 40 C.F.R. § 264.221, Section II(E)(4), and requested that EPA revise the Subpart W rule on tailings impoundment liner requirements to clarify that the more rigorous liner requirements of 40 C.F.R. § 264.221(c) are required under Subpart W.

The Tribe also detailed concerns that the WMM has no tailings closure plan, has an outdated reclamation plan, and that the State of Utah appears to be comfortable allowing the WMM to transition large, legacy impoundments out of Subpart W jurisdiction and into final closure with no concrete plans or milestones to place the final radon barrier over the impoundments until the entire facility is closed at some undetermined point in the future. Subpart W Comments § II(E)(5). The Tribe requested that the EPA completely redo the rulemaking because of deficiencies under Section 112 of the Clean Air Act, or that, in the alternative, EPA make several revisions to the Proposed Subpart W Rule to address the issues noted above.

II. COMMENTS

A. THE EPA VIOLATED ITS TRUST RESPONSIBILITY TO THE TRIBE AND FAILED TO PROPERLY CONSULT WITH THE TRIBE IN THE PROPOSED RULEMAKING PROCESS

The EPA, like all agencies of the United States government, has a trust responsibility to Indian Tribes. *See, e.g., EPA Policy for the Administration of Environmental Programs on Indian Reservations*, 3 (1984) (“1984 Policy”) (recognizing that this trust responsibility derives from the historical relationship between the federal government and Indian Tribes as expressed in certain treaties and Federal Indian law). In carrying out that trust responsibility, the EPA plays an important role in protecting the health of Tribal members and communities and in protecting the Indian Trust Assets and the environment on and near Indian reservations. *See id.*; *EPA Policy on Consultation and Coordination with Indian Tribes*, 3 (2011) (“Consultation Policy”). The EPA’s trust responsibility is not limited to the EPA’s work to protect human health and the environment by regulating Tribal or on-reservation activities. Instead, the EPA has consistently acknowledged that its trust responsibility applies whenever the EPA’s actions in carrying out its responsibilities may affect reservations and in situations where state and local governments and other federal agencies are involved in resolving issues of environmental concern. 1984 Policy at 3; Consultation Policy at 1. The EPA has acknowledged that it has a role to protect tribal communities that potentially experience disproportionate environmental harms and risks as a result of greater vulnerability to environmental hazards. *EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples*, 5 (2014). The EPA has also acknowledged that this trust responsibility applies to rulemaking activities. Consultation Policy at 5 (acknowledging that activities involving regulations or rules are normally appropriate for consultation).

In the 40 C.F.R. Part 192 rule revision process, the EPA has failed to properly exercise its trust responsibility to the Tribe. The Tribe has engaged the EPA (at both the Region 8 level and at the National EPA office level) for many years about the Tribe's concerns with the operation and regulation of the WMM facility. The Tribe has exhaustively documented its concerns to the EPA. In particular, the Tribe has exhaustively documented its concern that the WMM has been allowed to operate in violation of the Subpart W rule, that the State of Utah has not required the WMM to comply with the liner requirements of 40 C.F.R. §§ 264.221(a) or (c), that contamination of the groundwater has been documented at the WMM, that the legacy tailings impoundments at the WMM may be contaminating the groundwater underneath the facility, and that the management of the legacy impoundments has resulted (and may continue to result) in radon emissions above 20 pCi/(m²s) indefinitely, and that there is no plan for the placement of final radon barriers on these impoundments as they enter "closure" under Subpart W and 40 C.F.R. Part 192.

Despite the Tribe's significant effort to engage the EPA during the 40 C.F.R. Part 192 rule revision process, and despite the fact that the Tribe's White Mesa community is located less than three miles from the only operational conventional uranium mill regulated under 40 C.F.R. Part 192, the EPA made no effort to seek Tribal input during the rulemaking. The EPA did not inform the Tribe at any point during the rulemaking process of how the EPA was approaching the rule revision, which parts of the rule the EPA was considering revising, or how the EPA was treating the disproportionate impact that the WMM places on the White Mesa community. The EPA refused to consult with the Tribe regarding the rulemaking before the proposed rule was released for public comment.

While the Tribe understands that EPA must follow its rulemaking procedures in undertaking a rulemaking like the revision to 40 C.F.R. Part 192, those rulemaking procedures do not obviate the need for the EPA to properly exercise its trust responsibility to protect human health and the environment in White Mesa or for the EPA to consult with the Tribe about the Proposed Part 192 Rule in a manner that allows the Tribe to give meaningful input into the EPA's rulemaking process. It is a violation of the EPA's trust responsibility and the EPA's duty to consult with the tribes to, as the EPA has done to the Tribe in this rulemaking, refuse to meaningfully consult or answer questions about the rulemaking after repeated consultation requests, and to force the Tribe to give input during a public comment process.

B. UMTRCA REQUIRES THE EPA TO EXPEDITIOUSLY ADDRESS THREATS TO PUBLIC HEALTH FROM RADON EMISSIONS, AND UMTRCA SUPPORTS EPA ACTION NOW REGARDING CONVENTIONAL URANIUM MILLS

When Congress enacted UMTRCA in 1978, it found that:

“ . . . uranium mill tailings located at active and inactive mill operations may pose a potential and significant radiation health hazard to the public, and that the protection of the public health, safety, and welfare and the regulation of interstate commerce require that every reasonable effort be made to provide for the stabilization, disposal, and control in a safe and environmentally sound manner of such tailings in order to prevent or minimize radon diffusion into the

environment and to prevent or minimize other environmental hazards from such tailings.” 42 U.S.C. § 7901(a) (emphasis added).

Accordingly, Congress enacted UMTRCA with a primary purpose to provide a program to regulate uranium mill tailings, “in order to stabilize and control such tailings in a safe and environmentally sound manner and to minimize or eliminate radiation health hazards to the public.” 42 U.S.C. § 7901(b)(2). In 1983, Congress emphasized the importance of the EPA’s prompt implementation of the UMTRCA program by setting deadlines on the EPA’s implementation work. 42 U.S.C. § 2022(b)(1); Health and Environmental Standards for Uranium and Thorium Mill Tailings, 58 Fed. Reg. 60,340, 60,342 (Nov. 15, 1993) (providing the EPA’s interpretation of the Congressional emphasis on expeditious radon control).

The EPA recognizes, and has relied upon, the Congressional direction for urgency in implementing UMTRCA at active uranium mill sites. *See, e.g.*, Health and Environmental Standards for Uranium and Thorium Mill Tailings, 58 Fed. Reg. 60,340, 60,343 (Nov. 15, 1993) (stating: “Thus, the legislative scheme is one of urgency. EPA is to promptly promulgate regulations that will promptly be implemented at each site through licensing by NRC. Radon emissions are identified as the primary threat to public health, and all tailings are to be controlled without exception.”). In particular, the EPA has relied upon UMTRCA’s Congressional direction for urgency when undertaking regulatory actions “intended to fill gaps and otherwise clarify EPA’s existing regulations in order to ensure the expeditious, effective, and permanent control of radon emissions.” *Id.* at 60,344. Importantly, courts have confirmed the urgency of UMTRCA and the EPA’s authority to complete its implementation as quickly as possible. *American Mining Congress v. Thomas*, 772 F.2d 617 (10th Cir. 1985); *American Mining Congress v. Thomas*, 772 F.2d 640 (10th Cir. 1985).

In its prior communications with the EPA and in its Subpart W Comments, the Tribe has raised legitimate concerns about how the EPA, the NRC, and the State of Utah’s environmental regulatory agencies are interpreting and implementing Subpart W, 40 C.F.R. Part 192, and 10 C.F.R. Part 40, Appendix A, at conventional uranium mills. In particular, the Tribe has raised concerns that the NRC, and now the State of Utah as an Agreement State, is implementing these regulations to allow the WMM to operate as many as six tailings impoundments (including three large, legacy impoundments) without having a reclamation plan or a tailings closure plan with milestones and deadlines for the placement of a final radon barrier. Subpart W Comments §§ I(B)(3); II(E)(5). The Tribe has also raised concerns that the State of Utah does not intend to require the WMM to have an adequate tailings closure plan in place or conduct *any* work on the placement of a final barrier until the final closure of the entire WMM facility (which is at an undefined date, likely many years or decades in the future). Subpart W Comments § II(E)(5).

UMTRCA, as enacted and revised by Congress, and as implemented by the EPA, is designed to allow the EPA to expeditiously address exactly the type of issues and regulatory gaps that the Tribe has presented to the EPA. Given the weight of UMTRCA’s legislative history, the EPA’s history of implementing UMTRCA, and court

approval of the urgency in addressing risks associated with radon emissions from tailings piles, the EPA should consider the concerns raised and revisions requested by the Tribe regarding gaps in the regulation of conventional uranium mills under 40 C.F.R. Part 192.

C. EPA SHOULD REVISE 40 C.F.R. PART 192 TO FIX TWO SIGNIFICANT GAPS IDENTIFIED IN THE TRIBE'S SUBPART W COMMENTS

The Tribe's Subpart W Comments identify two important gaps in the implementation and interpretation of 40 C.F.R. Part 192 for conventional uranium mills. As the EPA addresses these gaps in the rulemaking process for the Proposed Subpart W Rule, the EPA should also revise 40 C.F.R. Part 192 to fix these gaps.

1. EPA SHOULD ENSURE THAT THE TAILINGS IMPOUNDMENT LINER STANDARDS IN 40 C.F.R. PART 192 ADEQUATELY PROTECT GROUNDWATER

In the Subpart W Comments, the Tribe provided background on existing groundwater contamination at the WMM, Section I(B)(3), and raised concerns about whether the revised Subpart W rule matched the EPA's analysis of how the revised Subpart W rule would protect groundwater, Section II(E)(4). In those comments, the Tribe explained that the EPA's entire analysis on groundwater protection for the Proposed Subpart W Rule relied on the assumption that the robust, double-liner requirements of 40 C.F.R. § 264.221(c) would apply to all tailings impoundments. Subpart W Comments § II(E)(4). The Tribe then explained that the problem with the Proposed Subpart W Rule was that 40 C.F.R. § 192.32(a)(1) contains a cross reference to 40 C.F.R. § 264.221 generally (and not a specific cross-reference to 40 C.F.R. § 264.221(c)), and that 40 C.F.R. § 264.221 contains *several* sets of design requirements for surface impoundments, which include a much less robust set of requirements for impoundments constructed before 1990, 40 C.F.R. § 264.221(a). Subpart W Comments § II(E)(4).

For the WMM, the difference between a general cross-reference to 40 C.F.R. § 264.221 and a more specific cross-reference to the double-liner requirements of 40 C.F.R. §264.221(c) makes a significant difference in whether the implementation of Subpart W actually protects groundwater. Subpart W Comments § II(E)(4). Accordingly, the Tribe urged the EPA to revise the cross reference in the Subpart W Rule to require all tailings impoundments to meet the liner requirements of 40 C.F.R. § 264.221(c), as well as other relevant portions of 40 C.F.R. § 221 (such as subsections g, h). Subpart W Comments § II(E)(4).

On October 29, 2014, the Utah Division of Radiation Control submitted comments to the EPA on the Proposed Subpart W Rule that have caused additional concern for the Tribe regarding the language in 40 C.F.R. Part 192 addressing liner requirements for tailings impoundments. DRC Comments, attached as Exhibit B. In those comments, the Director of the Utah Division of Radiation Control stated that one of the legacy tailings impoundments at the WMM (Tailings Cell 1) was not constructed in accordance with 40 C.F.R. § 192.32(a), and then indicated that the State of Utah was not requiring the WMM to update the liners on the cell because of the "existing portion" language in 40 C.F.R. § 192.32(a)(1) ["Surface impoundments (except for an existing portion) subject to this subpart must be designed...."] *Id.*

The State of Utah’s response demonstrates that the State of Utah environmental regulatory agencies are not properly implementing or enforcing Subpart W at the WMM and are not properly reading 40 C.F.R. § 192.32(a)(1) in conjunction with the Subpart W standard in 40 C.F.R. § 61.252(c) adopted in 1989. Subpart W expressly ended and removed any exemption for existing piles:

“All mill owners or operators shall comply with the provisions of 40 CFR 192.32(a) in the operation of tailings piles, *the exemption for existing piles in 40 CFR 192.32(a) notwithstanding.*” 40 C.F.R. § 61.252(c) (emphasis added).

When the EPA adopted 40 C.F.R. Part 61 in 1989, EPA explained that the rule ended any exemption in 40 C.F.R. § 192.32(a) for “existing piles”:

“EPA cannot allow a situation where the reduction of radon emissions comes at the expense of increased pollution of the ground or surface water. Therefore, all piles will be required to meet the requirements of 40 CFR 192.32(a) which protects water supplies from contamination. Under the current rules, existing piles are exempt from these provisions, this rule will end that exemption.” 54 FR 51,652, 51,680 (Dec. 15, 1989).

Since 1989, all tailings impoundments subject to Subpart W have been required to meet the provisions of 40 C.F.R. § 192.32(a), including the cross-referenced design and liner requirements of 40 C.F.R. § 264.221.

The confusion created by the State of Utah’s incorrect interpretation of 40 C.F.R. § 192.32(a)(1) and 41 C.F.R. § 61.252(c) does raise a question about whether the EPA should consider eliminating the parenthetical phrase “(except for an existing portion)” from 40 C.F.R. § 192.32(a) in the current rulemaking. If the EPA determined in 1989, and again in the proposed rulemaking for Subpart W in 2014, that the EPA cannot allow a reduction of radon emissions to come at the expense of increased pollution of groundwater, then the EPA should re-evaluate and remove the “existing portion” language in 40 C.F.R. § 192.32(a). This is particularly important for controlling groundwater contamination at the WMM, where the owners have already used the pre-1983 tailings impoundments for more than 34 years, and where the owner contemplates using at least one of the pre-1983 impoundments for the entire life of the facility (which may include operating the tailings impoundment for a period of time not yet contemplated by the EPA, and in a manner that may significantly increase the likelihood of liner failure before final closure of the tailings impoundment). *See* Subpart W Comments; *see also*, Health and Environmental Standards for Uranium and Thorium Mill Tailings, 58 FR 60,340, 60,343 (Nov. 15, 1993) (noting that the EPA had assumed a 15 year operation period during the development of the 1983 UMTRCA regulations).

Accordingly, the Tribe requests that the EPA revise the Proposed Part 192 Rule as follows:

- Remove the parenthetical phrase “(except for an existing portion)” from 40 C.F.R. § 192.32(a)(1) to clarify that there is no such exception or exemption for “existing piles” and ensure that the operation of pre-1983 tailings impoundments at uranium mills does not cause groundwater or surface water contamination at facilities regulated under Subpart W, 40 C.F.R. Part 192, and 10 C.F.R. Part 40, Appendix A;
- Revise 40 C.F.R. § 192.32(a)(1) to clarify that all tailings impoundments must meet the liner requirements of 40 C.F.R. § 264.221(c), as well as other relevant portions of 40 C.F.R. § 264.221 (such as subsections g, h).
- Develop additional provisions to ensure compliance with the requirement to meet the relevant portions of 40 C.F.R. § 264.221 (including 40 C.F.R. § 264.221(c)), with strict timelines for periodic inspections of all tailings impoundments for compliance with the liner requirement provisions, including the portion of 40 C.F.R. § 264.221(c) that requires the liner to prevent the migration of hazardous constituents into the liner during the active life and the post-closure care period.

2. EPA SHOULD REVISE 40 C.F.R. PART 192 TO NARROW THE GAP BETWEEN THE END OF REGULATION UNDER SUBPART W AND THE PLACEMENT OF A FINAL RADON BARRIER

In the Subpart W Comments, the Tribe provided background information about the inadequacy of the WMM’s approved Reclamation Plan under 40 C.F.R. § 192.32(a) or 10 C.F.R. Part 40 Appendix A, Criterion 6A, Section I(B)(4), and expressed concern that the Proposed Subpart W Rule was likely to result in a regulatory void for reducing radon emissions at uranium recovery facilities between the end of the application of Subpart W and the placement of the final radon barrier, Section II(E)(5). The Tribe explained that, particularly for facilities like the WMM, where the State of Utah has not ensured that the closure requirements contained in 40 C.F.R. § 192.32(a) are in place when a tailings impoundment is put into final closure under Subpart W, there is a significant risk that there will be radon flux exceeding the 20 pCi/(m²s) limit during an undefined closure period that could last for decades. Subpart W Comments § II(E)(5). The Tribe requested that the EPA continue to include a requirement in Subpart W that all uranium recovery facilities comply with 40 C.F.R. § 192.32(a) (including, for example, the requirement to put a tailings closure plan in place), and the Tribe requested that the EPA develop additional language for 40 C.F.R. § 192.32(a) that sets forth a pre-closure process where the EPA can verify that a tailings closure plan meeting the requirements of 40 C.F.R. § 192.32(a) is in place, and that the EPA then re-define “closure” under Subpart W to occur after that pre-closure verification process.

The Tribe reiterates these concerns to the EPA in these public comments. The Tribe recognizes that, in 1993, the EPA identified a regulatory gap during the tailings impoundment closure process and the placement of the final radon barrier and that the EPA revised 40 C.F.R. Part 192 to include closure requirements. *See* Health and Environmental Standards for Uranium and Thorium Mill Tailings, 58 FR 60,340, 60,346 (Nov. 15, 1993). However, the 1993 amendments to 40 C.F.R. Part 192 have failed to close the gap identified by the EPA in 1993 and have failed to result in the EPA’s 1993 goal of having new sites achieve compliance no later than

seven years after becoming non-operational. *Id.* at 60,347. Some Agreement States, such as the State of Utah, have failed to require licensed uranium recovery facilities to have an adequate tailings closure plan in place as part of the license approval process. Because of this, there are no milestones for the placement of the permanent radon barrier, and the Agreement State does not have to review requests for extensions for failing to meet deadlines. This allows some facilities, such as the WMM, to leave large, legacy impoundments without permanent radon barriers for decades and to completely circumvent Congressional intent in passing UMTRCA and the EPA's 1993 intent to place timelines and other parameters around the process to place final radon barriers on tailings impoundments.

Accordingly, the Tribe reiterates its request that (in this rulemaking and in the Subpart W rulemaking) the EPA:

- Develop additional language for the 40 C.F.R. § 192.32(a) compliance requirement that sets forth a pre-closure process in which the EPA verifies that a tailings closure plan meeting the requirements of 40 C.F.R. § 192.32(a) is in place. Redefine “closure” under 40 C.F.R. Part 192 to begin after that pre-closure verification process.
- Conduct analysis to address instances like Tailings Cell 2 at the WMM where the Agreement State is unwilling to ensure (or incapable of ensuring) compliance with both 40 C.F.R. § 192.32(a) and 10 C.F.R. Part 40, Appendix A, Criterion 6A.

III. SUMMARY AND CONCLUSION

As described in detail in these comments, the legislative history and prior EPA interpretation of UMTRCA support the EPA undertaking additional rulemaking work on 40 C.F.R. Part 192 to address concerns raised by the Tribe regarding the operation and regulation of conventional mills like the WMMM. The EPA should consider revising 40 C.F.R. § 192.32(a)(1) to remove the “existing portion” exemption and to replace the general cross-reference to 40 C.F.R. § 264.221 with a more specific cross reference to the liner design standards at 40 C.F.R. § 264.221(c) and other applicable sections of 40 C.F.R. § 221 (such as g, h). The EPA should also evaluate whether the 1993 revisions to 40 C.F.R. Part 192 have resulted in the NRC and Agreement States meeting the EPA's goal of placement of final radon barriers and achieving compliance with 40 C.F.R. Part 192 within seven years of the impoundments becoming non-operational. As part of that evaluation, the EPA should consider developing additional provisions in 40 C.F.R. § 192.32(a) to require a pre-closure process to verify that a tailings closure plan meeting the requirements of 40 C.F.R. § 192.32(a) is in place (and re-defining “closure” to begin after that verification process). The EPA should also conduct site-specific analysis in cases, such as the case with the WMM, where the Agreement State is not ensuring compliance with 40 C.F.R. § 192.32(a) and 10 C.F.R. Part 40, Appendix A, Criterion 6 A.

The Tribe appreciates your time and attention to these comments. If you have any questions, please do not hesitate to contact Special Counsel H. Michael Keller at (801) 237-0287, Associate General Counsel Celene Hawkins at (970) 564-5642, or Environmental Programs Director Scott Clow at (970) 564-5432.

Sincerely

/s/ Celene Hawkins

Celene Hawkins
Associate General Counsel
Ute Mountain Ute Tribe



H. Michael Keller
Special Counsel
Ute Mountain Ute Tribe
Utah Bar # 1784

Attachments: Exhibits A-B.

From: [Thornton, Marisa](#) on behalf of [Collections.SubW](#)
To: [Thornton, Marisa](#)
Subject: Fw: tribal consultation and comment - 40 CFR 192 and Subpart W
Date: Thursday, August 27, 2015 11:29:02 AM
Attachments: [EPA-HQ-OAR-2012-0788-0132-A1.pdf](#)

From: Rosnick, Reid
Sent: Tuesday, August 11, 2015 6:48 AM
To: Collections.SubW
Subject: FW: tribal consultation and comment - 40 CFR 192 and Subpart W

From: Rosencrantz, Ingrid
Sent: Thursday, July 30, 2015 11:52 AM
To: Rosnick, Reid
Cc: Peake, Tom; Schultheisz, Daniel
Subject: tribal consultation and comment - 40 CFR 192 and Subpart W

Reid, thought you should take a look at this comment received in response to 40 CFR 192 proposal.

Thanks.

Ingrid

Thornton, Marisa

From: Thornton, Marisa on behalf of Collections.SubW
Sent: Thursday, August 27, 2015 11:30 AM
To: Thornton, Marisa
Subject: Fw: input needed: Tribal Air Agenda

From: Rosnick, Reid
Sent: Tuesday, August 11, 2015 6:49 AM
To: Collections.SubW
Subject: FW: input needed: Tribal Air Agenda

From: Rosencrantz, Ingrid
Sent: Thursday, July 09, 2015 2:14 PM
To: Rosnick, Reid; Littleton, Brian
Cc: Peake, Tom; Schultheisz, Daniel
Subject: RE: input needed: Tribal Air Agenda

Perfect! Thanks. Any future planned activities?

From: Rosnick, Reid
Sent: Thursday, July 09, 2015 2:11 PM
To: Rosencrantz, Ingrid; Littleton, Brian
Cc: Peake, Tom; Schultheisz, Daniel
Subject: RE: input needed: Tribal Air Agenda

Ingrid,

Is this close to what you need?

- EPA sent letters to approximately 50 Tribes announcing the proposed rule, and requested the Tribes to seek consultation with EPA.
 - These Tribes were in the uranium producing areas.
 - EPA held a tribal consultation with the Ute Mountain Ute Tribe in July 2014.
 - There was significant communication between EPA and the Tribe prior to the consultation itself, and the communication with the Tribe continued throughout the comment period for the proposed rule.
- Staff also presented on a National Tribal Air Association conference call with numerous Tribes in attendance.
- EPA staff held public meetings that included Tribal members or representatives in White Mesa Utah, Gallup New Mexico, Tuba City Arizona and Rapid City South Dakota.
- EPA also presented a national webinar for interested parties.

From: Rosencrantz, Ingrid
Sent: Thursday, July 09, 2015 9:21 AM
To: Rosnick, Reid; Littleton, Brian
Subject: FW: input needed: Tribal Air Agenda
Importance: High

We have a quick response request to add summaries of our regulatory tribal consultation work to the attachment. Could you all provide me a short summary of what you have done in terms of tribal consultation and tribal communication?

Here's an example from the attached document to show the kind of information we are looking for:

- a. Invited federally recognized tribes to consult with the EPA on upcoming regulatory actions and/or decisions that may affect them.
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Sorry for the quick turnaround but I'd like to get this by COB Friday July 10 so I can compile and get to Alan by Tuesday, July 14.

Thanks!!

From: Perrin, Alan
Sent: Wednesday, July 08, 2015 3:21 PM
To: Rosencrantz, Ingrid; Shogren, Angela
Cc: Edwards, Jonathan; Peake, Tom; White, Rick
Subject: FW: input needed: Tribal Air Agenda
Importance: High

Ingrid, Angela,

Can the two of you work together, and with whoever you need, to address the RPD questions below within the clean file (also check attached file for actual AA comments). Can I get a mark-up by 7/14? Thanks, Alan

~~~~~  
Alan Perrin, Deputy Director  
Radiation Protection Division, USEPA  
ofc (202) 343-9775 | mbl (202) 279-0376

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**From:** Cherepy, Andrea  
**Sent:** Wednesday, July 08, 2015 3:04 PM  
**To:** Stafford, Andrea; Smith, Alisa; Perrin, Alan  
**Cc:** Fraass, Ron  
**Subject:** input needed: Tribal Air Agenda  
**Importance:** High

All,

Here is the assignment that I mentioned yesterday. We are being asked to respond to some questions/comments that Janet had on OAR's 2015 Tribal Agenda. Janet plans to share this document with NTAA before an upcoming meeting.

I've gone through and pulled out the relevant comments/questions for each Division. Please address the following:

NCRFO/TAMS

- Question (p. 12): Any informational meetings, webinars, listening sessions, or public hearings to add under "Training and Capacity Building"?
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- Question (p. 16): When was the RFP for commercial laboratories finalized?
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IED

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I will combine all responses and provide one package back to Pat. It would be great to get your input by the end of next Wednesday, July 15.

Let me know if you have any questions.

Thank you,  
Andrea

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**From:** Childers, Pat

**Sent:** Monday, July 06, 2015 1:01 PM

**To:** Farsi, Farshid; Colon, Toni; Mckelvey, Laura; Jantarasami, Lesley; Wilson, Erika; Ruth, Connie

**Cc:** Anderson, Kelly; Childers, Pat

**Subject:** lets finisht the Tribal Air Agenda/Janets comments

**Importance:** High

I received Janet's comments after a long delay in getting her the document, She always amazes me with her accuracy on issues. Attached is the agenda and a list of her comments and who should address them. Short turn around so we can get this out to the NTAA before their face to face meeting with us.

Comments (simply added to the response section of the attachment to me and Kelly Anderson by July 20<sup>th</sup>). We will paste them into the document.

We will discuss on our next OAR TACs call as well especially the assignments to all.

Connie let me know if I should send this to someone else in OTAQ. Farshid, please share this with Ron and see who should be doing it for ORIA.

Let me know if you have questions.

Pat

## Thornton, Marisa

---

**From:** Thornton, Marisa on behalf of Collections.SubW  
**Sent:** Thursday, August 27, 2015 11:30 AM  
**To:** Thornton, Marisa  
**Subject:** Fw: update on Subpart W

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**From:** Rosnick, Reid  
**Sent:** Tuesday, August 11, 2015 6:48 AM  
**To:** Collections.SubW  
**Subject:** FW: update on Subpart W

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**From:** Scott Clow [mailto:sclow@utemountain.org]  
**Sent:** Friday, July 24, 2015 1:06 PM  
**To:** Rosnick, Reid  
**Subject:** update on Subpart W

Hi Reid,

Can you provide me an update on the status of the Subpart W rulemaking process?

In particular:

- Has EPA engaged scientific staff or consultants to address the Tribe's unanswered technical questions (June of 2014?)
- Is the rule poised to be published in the near future? (This affects the Tribe's ability to clearly engage with the state of Utah's Division of Air Quality and their implementation of the existing and future rules, they are also waiting)
- How has the radon flux from liquid impoundments been addressed, and how does this affect the legacy cells at White Mesa?
  - The EPA told the Tribal Chairman 19 times during "consultation" that the legacy cells would be closed with the rule as written in draft- where are we on that front with any changes to the rule since then?
- Here's a new twist for you: How does EPA address the reality that an impoundment exists that has never been tested for radon flux because the facility owners have never told EPA it functions as an impoundment?

Thanks,

Scott T. Clow  
Environmental Programs Director  
Ute Mountain Ute Tribe  
PO Box 448  
Towoac, CO 81323  
(970) 564-5432 office  
(970) 570-3546 mobile  
(970) 565-2651 fax



## Thornton, Marisa

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**From:** Thornton, Marisa on behalf of Collections.SubW  
**Sent:** Thursday, August 27, 2015 11:29 AM  
**To:** Thornton, Marisa  
**Subject:** Fw: any recent discussions with the Southern Utes

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**From:** Rosnick, Reid  
**Sent:** Tuesday, August 11, 2015 6:48 AM  
**To:** Collections.SubW  
**Subject:** FW: any recent discussions with the Southern Utes

---

**From:** Childers, Pat  
**Sent:** Thursday, July 30, 2015 9:04 AM  
**To:** Rosnick, Reid  
**Subject:** any recent discussions with the Southern Utes

Just checking in. they mentioned their dissatisfaction to OITA again about the consultation process.

Hope you are well.

Pat

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: input needed: Tribal Air Agenda  
**Date:** Thursday, August 27, 2015 11:29:54 AM  
**Attachments:** [OAR No Markup CleanTC\(2\).docx](#)  
[Janetcimments.docx](#)  
**Importance:** High

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**From:** Rosnick, Reid  
**Sent:** Tuesday, August 11, 2015 6:49 AM  
**To:** Collections.SubW  
**Subject:** FW: input needed: Tribal Air Agenda

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**Sent:** Thursday, July 09, 2015 9:21 AM  
**To:** Rosnick, Reid; Littleton, Brian  
**Subject:** FW: input needed: Tribal Air Agenda  
**Importance:** High

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Alan Perrin, Deputy Director
Radiation Protection Division, USEPA
ofc (202) 343-9775 | mbl (202) 279-0376

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Cc: Anderson, Kelly; Childers, Pat

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Let me know if you have questions.

Pat

Janet's comments on 1015 Tribal Agenda:

Question comment number	Location in document	comment	Assigned too	response
1	cover	This is calender year 2015 right	pat	yes
2	Page 2 top section (A-F)	Does OTAQ do this for its rules	Pat/OTAQ	Some
3	Page 2, top section item f- woodstoves	Good but why in capacity building	OAQPS	
4	P2 climate change item a	Can we be more specific about what the activities are these are general goals	OAP	
5	P3 ambient air quality and toxics (a)	Should be in all categories	pat	ok
6	P3 (g) support tribesw	How, this is a perennial issue for the tribes	oaqps	
7	P4 Climate change bottom of page item 3	How about something specific related to CPP	OAPS,/OAQPS	
8	P5 – specific activities for 2015	do we help ITEP with their rule bridging papers	pat	yes
9	P5 – comment box we1	Suggest this as an oar wide list	All offices other than OAQPS	
10	P5 b1	Is this still true (pat comment not janet)	otaq	
11	P6- item 2 top of page	Attend to staffing with Jeds retirement	oria	
12	P6 middle of page	Can 1 goal tbe to have the oar tribal plan out before the beginning of 2016	all	
13	P9 – 4 th little arrow	This should be indictated (?) as it relates to cpp and fp (?)	Oap/oaqps	

**OFFICE OF AIR & RADIATION (OAR)
2015 TRIBAL AGENDA**

The Office of Air and Radiation (OAR) recognizes the important role that tribes have historically played in environmental issues including air quality. Tribal citizens are often disproportionately affected by air pollution, while their governments play an increasingly valuable role in controlling and reducing pollution and its adverse health effects. OAR's national programs provide important air quality and health benefits to tribal communities while assisting the efforts of tribal governments. However, our obligations to support tribes in addressing air quality goals extend beyond these national efforts to include tribal specific priorities. OAR's annual tribal agenda reflects the specific actions we intend to take in 2015 to directly support tribes in our joint efforts to reduce the health impacts of air pollution and address the environmental challenges posed by climate change.

This document discusses planned activities by OAR headquarters offices — Office of Radiation and Indoor Air (ORIA); Office of Air Quality Planning and Standards (OAQPS); Office of Transportation and Air Quality (OTAQ) and Office of Atmospheric Programs (OAP) to support, expand and assist tribal implementation of air quality management and climate change activities nationwide in fiscal year (FY) 2015. Note that much of EPA's support for improved air quality and increased capacity for air quality protection on tribal lands comes through activities led by EPA's regional offices. OAR headquarters offices and the regions work together on many tribal issues, and the headquarters activities described below supplement, complement and support the regional efforts. OAR also includes an appendix to our annual Tribal Agenda to highlight the previous year's achievements (*see A-2 in the Appendix for the OAR 2014 Tribal Agenda*).

In 2015, OAR will continue to support development of tribal capacity to improve outdoor and indoor air quality, to address climate change and energy issues, and to implement the Clean Air Act (CAA) in Indian country. OAR will minimize budgetary impacts on this capacity building as much as possible. Tribes have made tremendous progress with air quality management, but there is still significant need for tribal air quality management programs and climate change plans to be developed, refined, and supported. OAR has a robust set of activities underway for 2015 to support tribal activities. These actions include four priority areas: 1) Training and Capacity Building; 2) Technical Support; 3) Rules and Policies; 4) Internal EPA Activities and Additional Programmatic Efforts.

1. TRAINING AND TRIBAL CAPACITY BUILDING

OAR recognizes the need for ongoing training and capacity building with our tribal partners. These opportunities are currently conveyed through our direct interactions with tribes and through the implementation of key grants, such as a cooperative agreement with Northern Arizona University's Institute for Tribal Environmental Professionals (ITEP) and ongoing efforts with the National Tribal Air Association (NTAA). The following are OAR's specific training and capacity building activities for 2015:

Ambient Air Quality and Toxics

- a. Provide informational webinars and conference calls on program and regulatory development and implementation to allow tribes the opportunity to participate in the rulemaking process.
- b. Provide tribal designations support through training, technical tools and air quality analyses to allow tribes to participate in the designations process. [OAQPS]
- c. Expand the areas of training and general permitting to assist tribes with implementation of the Tribal New Source Review (NSR) rule. [OAQPS]
- d. Provide guidance and trainings for program development (i.e., Tribal Implementation Plan (TIP) Guidance and specific training on NSR). [OAQPS]
- e. TAMS Center Trainings: the TAMS Center will conduct 5-6 classroom courses including:
 - GIS application in Air Quality
 - Air Pollution Technology
 - Management of Air Quality Grants
- f. Wood Stove Change out Campaign: Identify and reach out to key federal partners (e.g., HUD, HHS, HIS) and other organizations to determine level of interest and type of support they can provide in Indian country. [OAQPS]

Indoor Air and Radiation

- a. The TAMS Center will conduct a classroom/field hands-on IAQ Diagnostic Equipment training for tribal professionals.

Climate Change

- a. Strengthen technical capacity of tribal environmental professionals to address climate change and energy issues by providing data, information, and resources on sources of greenhouse gas emissions (GHG); opportunities for GHG emissions reductions, including through renewable energy, energy efficiency, and related clean technologies; climate change indicators and impacts; climate change health impacts assessment via the U.S. Global Change Research Program; and climate change adaptation planning. [OAP]
- b. As part of the last year of a cooperative agreement with ITEP, continue to support tribal climate change adaptation planning training and capacity building through an Alaska Tribal Climate Change webinar, continued updates to online resources (including a tribal climate change adaptation planning toolkit), dissemination of a monthly newsletter, and outreach and communications efforts at venues including the National Adaptation Forum and the Pacific Northwest Tribal Climate Change Network. [OAP]
- c. Begin scoping to incorporate information on climate change impacts on tribal communities into the *Climate Change Indicators in the United States*, a project to track and communicate information about long-term trends in observed climate change in the United States. [OAP]
- d. Develop a modular online training curriculum and webcast series for tribes on climate change adaptation. This curriculum will provide step-by-step guidance on conducting risk and vulnerability assessments, selecting priority actions, and developing funding and implementation strategies to help tribes build their resiliency to the impacts of climate change. [OAP]

2. TECHNICAL SUPPORT

OAR recognizes the need to provide direct technical support to our tribal partners to assist them in implementing effective air quality programs and projects through the following activities:

Ambient Air Quality and Toxics

- a. Support technical capacity building with tribes through technical support for training activities with ITEP, NTAA, policy calls, Tribal Air Newsletters and websites.
- b. Provide technical monitoring and inventory support with a focus on analyzing data, modeling and implementing existing information and technical tools.[OAQPS]
- c. Finalize and release resource documents for open burning programs, and agricultural, forestry, and silvicultural burning programs in Indian country. [OAQPS]
- d. Finalize and release the following resource documents: 1) Tribal Implementation Plan resource guide and the *Clean Air Act: Summary of Content for Applicability for TAS for Titles I, III, and V*. [OAQPS]
- e. Develop guidance on using modeling to support tribal air programs. [OAQPS]
- f. Provide guidance to support tribes understanding of common air pollution control strategies – equipment, measures and methods. [OAQPS]
- g. Support tribes in participating in the development of Regional Haze SIPs. [OAQPS]
- h. Continue discussion and outreach on the use of ambient air monitoring sensor applications. [OAQPS]
- i. Continue development and maintenance of the OAR Tribal System (OTS) database to track tribal program progress across the country. [OAQPS]
- j. Submit 2014 facility, point, nonpoint, onroad/nonroad and event emissions data. The submission window opens June 1, 2015 and closes January 15, 2016. [OAQPS]
- k. Assist tribes in submitting emissions data to develop 2014 National Emissions Inventory (NEI). The data is used for regulatory analysis, regulation input, NAAQS decision making, and TIP development, etc. [OAQPS]
- l. Electronic reporting: make the electronic state implementation plan (eSIP) system in CDX available to tribes that are submitting Tribal Implementation Plans (TIPs). [OAQPS]
- m. Expand technical support for the Diesel Emissions Reduction Act (DERA) program. DERA tribal staff will host a total of three tribal teleconferences on the availability of DERA FY 2015 National Funding Assistance Program Tribal Request for Proposals (RFP) grant opportunities. [OTAQ]
- n. Provide technical visits to at least two DERA tribal award projects. [OTAQ]
- o. Continue to develop its standalone DERA Tribal RFP to streamline the competition process and address the unique tribal parameters that challenge DERA eligible diesel reduction projects in Indian country. [OTAQ]
- p. Participate and present on mobile sources issues and rules, as well as the FY 2015 DERA Tribal RFP at the 2014 National Tribal Forum in Battle Creek, Michigan in May 2015. [OTAQ]
- q. Continue to support the operation of two CASTNET small-footprint tribal monitoring sites in partnership with the Kickapoo Tribe (KS) and the Red Lake Band of Chippewa (MN), and the installation and operation of a third site in partnership with the Confederated Tribes of the Umatilla Indian Reservation (OR)(scheduled for installation in spring 2015). These small-footprint monitoring sites provide a low cost, low maintenance method for tribes to become involved with the CASTNET monitoring program. [OAP]

Indoor Air and Radiation

- a. The TAMS Technology Specialist responds to technical requests varying from providing assistance in setting up an ambient air quality monitoring instrument to troubleshooting of instruments. All the responses are one on one based training at the tribal site. It is projected that between five to seven projects will be completed in FY 2015.
- b. TAM continues to provide gravimetric analysis service to six tribes in support of ambient particulate monitoring programs. In spring of 2014. The TAMS Center's in-house laboratory closed as part of an EPA facility downsizing effort. Analytical support is now provided through a contracted laboratory, with TAMS staff providing data validation and technical support. TAMS' commitment is to assure these six tribes are able to obtain three years of complete monitoring results.
- c. The TAMS Center equipment manager oversees and manages the diverse inventory of ambient/indoor air monitoring equipment available for loan to tribes upon request. The equipment manager's responsibilities include maintaining an inventory of ready to use instruments/equipment that can be deployed to tribal sites as needed and coordinate development of Standard Operating Guidance (SOG) for various air monitoring instruments that are set aside exclusively to be loaned to the tribes. The equipment loan program assures that the instruments shipped to the tribes are in best working conditions, are calibrated and produce validated data in the field. Procedures have also been developed for tribal operators in the field to assure quality data collection/management.
- d. Through a cooperative agreement with the American Lung Association of the Upper Midwest, partner with at least 18 tribes in 12 states to build the capacity of 270 tribal home visitors, health, housing, and environmental professionals to assess and remediate asthma triggers.
- e. ORIA will continue to support tribes in addressing unique radiation problems, concerns and issues, as appropriate. ORIA will provide technical assistance, training, guidance, and/or presentations to tribal governments and communities. For example, in FY 14, ORIA helped to coordinate federal monitoring and reporting efforts (EPA, FDA, and NOAA) to help Alaska natives better understand potential Fukushima-related exposure and risk associated with traditional seafood based diet.

Climate Change

- a. Provide technical support for climate change mitigation-related activities. [OAP]
 - 1) Continue to support six tribal Climate Showcase Community (CSC) grant recipients through administration of the CSC Program. One tribe (Santa Ynez Band of Chumash Indians) continues to have an active grant. All six tribes will continue to receive access to CSC training opportunities and technical assistance as needed. [OAP]
 - 2) Promote use of the Tribal Greenhouse Gas Inventory Tool, a free resource developed to help tribes estimate greenhouse gas emissions on tribal lands and from tribal activities. [OAP]
 - 3) Engage with tribes on the Green Power Partnership (GPP) and Combined Heat and Power (CHP) Partnership and continue to provide technical assistance to three tribal partners - one for GPP and two for the CHP Partnership. [OAP]

3. RULES AND POLICIES

OAR recognizes the need to increase the opportunities for tribes to fully participate in the OAR rule and policy development process. This will help ensure that OAR rules address tribal concerns and will strengthen the tribal programs and the implementation of policy making efforts.

Specific Activities for 2015

- a. Present at tribal conference calls (including monthly NTAA air policy calls, National Tribal Caucus meetings, etc.), participate at tribal conferences (National Tribal Forum on Air Quality, Alaska Native Tribal Conference on Environmental Management, etc.) and hold informational meetings and conduct webinars on key rules to provide support for tribal participation for rulemaking actions. Presentations and webinars will be conducted as part of the rule development process to increase awareness and understanding; during the public comment period to enhance tribe's ability to provide meaningful input; and post proposal, to aid in implementation of final rules.
- b. Conduct outreach and offer, facilitate, and follow-up on government-to-government tribal consultations for OAR rulemakings, guidance documents and other actions.
- c. Reflect lessons learned when conducting outreach and consultation with tribal governments.

(See A-1 in the Appendix for a list of projected OAR outreach and consultation activities.)

4. INTERNAL EPA ACTIVITIES AND ADDITIONAL PROGRAMMATIC ACTIVITIES

OAR acknowledges that in order to strengthen our collaboration with tribal communities, every employee of OAR needs to have a working knowledge of how their work may impact tribal communities. Additionally, OAR managed grants will continue to help tribes strengthen their efforts to address air pollution. Finally, OAR will participate in various internal and external activities to expand overall communication and collaboration with tribal nations.

Specific Activities for 2015

- a. Increase OAR knowledge of tribal air quality programs and requirements through training efforts and internal teambuilding.
 - 1) Provide training opportunity for all OAR management and staff on "Working Effectively with Tribal Governments" using the online training located at <http://tribal.golearnportal.org/> or <http://intranet.epa.gov/aieo/training/tribal/EPA/mainmenu/launchPage.htm>.
 - 2) Provide additional training opportunities for OAR management and staff to enhance their ability to work effectively with tribes and on tribal issues.
 - 3) Strengthen OAR's internal tribal team with cross office representation.
 - 4) Continue to coordinate with EPA offices outside of OAR to fully implement the 2011 Consultation Policy.
- b. Create OAR policies to ensure integration of tribal programs in OAR activities and specifically tribal consultation efforts under EO 13175 and EPA's developing implementation plan and policy.
 - 1) OTAQ will develop an OTAQ Tribal Plan which will outline the strategy and goals to improve communication efforts and strengthen working relationships between OTAQ and tribal communities. OTAQ will also host training sessions for its staff to help

Commented [WE1]: Suggest recasting this as an OAR-wide list as it contains info on cross-office efforts like CPP and transport, and could include OTAQ and ORIA actions

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Commented [WE3]: This is not really us doing this. It's an EPA-wide mandatory training.

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- identify any potential tribal impacts OTAQ's work may have on tribal governments and/or communities.
- 2) Continue to implement the ORIA Tribal Strategy and Plan. In FY 2015, effort will be made to improve communication, participation in tribal meetings and events, and collaboration with NTAA through formation of an "Indoor Air Quality Working Group." ORIA has initiated Collaboration with HUD, IHS, and other Federal Agencies focused on Healthy Tribal Homes. Goals of the collaboration are to improve the effectiveness of federal efforts and tribal access to resources for addressing healthy homes activities in tribal communities.
 - 3) Continue implementation of the OAQPS Tribal Air Strategy. This strategy continues to strengthen OAQPS's engagement with tribes on various air quality issues and will ensure that tribal perspectives continue to be considered when proposing regulatory and other programmatic issues.
 - 4) Continue to develop an OAP Tribal Plan which will help guide and inform OAP's work with tribes. In 2015, as part of the plan development process, OAP will continue to host listening sessions with tribes and conduct interviews with EPA staff in order to ensure that the final plan reflects tribal input and staff experience.
- c. Continue and expand, if possible, the use of Agency grant programs to increase tribal air quality and climate change efforts.
- 1) OAR will manage national grants that ensure effective implementation of grants to support training and technical support, encourage tribal students to pursue careers in air quality management and, develop and enhance tribal participation in policy and regulatory development with the NTAA.
 - 2) Consult with tribes on modifying allocation factors for state and tribal air grant funds.
 - 3) [PLACEHOLDER] OAP will compete a new cooperative agreement in FY2015 to provide training and information resources to assist tribes in their efforts to address and communicate climate change risks to their lands, health, culture, and communities.
- d. Additional collaborations.
- 1) Coordinate with NTAA and ITEP to support and assist with the annual National Tribal Forum (NTF) jointly.
 - 2) ORIA will continue to develop a collaborative Tribal Healthy Homes partnership with other Federal Agencies (HUD - Office of Native American Programs and Office of Healthy Homes and Lead Control, HHS - Indian Health Service, DOI - Bureau of Indian Affairs Home Improvement Program). Goal of the partnership is to improve effectiveness of federal healthy homes support to tribes.
 - 3) ORIA, in partnership with NTAA will form an "Indoor Air Quality Working Group" to help shape EPA's Tribal Indoor Environments program and policies.
 - 4) ORIA will support the TAMS Center's base operations to ensure the provision of top quality training and technical support. The TAMS Center will also upgrade IT capabilities to improve the capabilities of the Virgil Masayesva Tribal Training Center and ensure provision of top quality training.
 - 5) Pursue additional opportunities through Indian General Assistance Programs Funding.
 - 6) Collaborate and form partnerships with federal and private entities involved in tribal building projects. These collaborative partnerships will help develop clear and

Commented [JL4]: Depending on the timeframe for making this document public, we may want to take this out if it is released before our RFP goes out.

3/24/2015

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OAR Tribal Agenda

- consistent policy and guidance on construction of buildings integrating features to promote good indoor air quality.
- e. Maintain the OAR Tribal Air Website (www.epa.gov/oar/tribal) and the Tribal Air Newsletter to disseminate information to the tribes. [OAQPS]
 - f. Foster strong communications with tribes and assist them with building relationships with other federal, state and local agencies.

APPENDIX

- 1. 2015 Projected Tribal Outreach & Consultation Activities**
- 2. OAR Tribal Highlights for 2014**
- 3. 2014 Tribal Outreach & Consultation Activities**

A-1. 2015 Projected Tribal Outreach & Consultation Activities

Projected Outreach and Potential Consultation for Regulatory Actions and Policies

(Outreach activities include: webinars, informational meetings, tribal policy calls, teleconferences, policy and guidance documents.)

- ⇒ Addressing greenhouse gas emissions from aircraft under the Clean Air Act.
- ⇒ Proposed Clean Power Plan (www.epa.gov/cleanpowerplan). (Covers 111d/b and CSAPR/transport).
- ⇒ Proposed Clean Power Federal Plan.
- ⇒ The EPA will work with tribal governments and interested stakeholders and will conduct consultation to identify potential energy efficiency and renewable energy data sources in order to determine whether CO2 goals can be established for the four tribes with affected sources in the final Clean Power Plan.
- ⇒ Petroleum RTR and NSPS.
- ⇒ Regional Haze Regulations and Guidelines.
- ⇒ Emission Guidelines for Municipal Solid Waste Landfills.
- ⇒ Review of the NAAQS for Ozone.
- ⇒ Final Rule: Implementation of the 2008 NAAQS for Ozone State Implementation Plan Requirements (3/6/15).
- ⇒ PM 2.5 NAAQS SIP Requirements.
- ⇒ Major source boilers and area source boilers.
- ⇒ Standards of Performance for New Residential Wood Heaters and New Residential Hydronic Heaters and Forced-Air Furnaces (outreach only).
- ⇒ Tailoring Rule 4.
- ⇒ PVC NESHAP.
- ⇒ Exceptional Events Guidance and Notice of Proposed Rulemaking (NPRM).
- ⇒ Managing Oil and Gas Emissions from Minor Sources in Indian country. Develop approach (i.e., general permit, federal implementation plan, permit by rule, other).
- ⇒ Tribal Minor New Source Review Rule– Final. Bundle #1 and Bundle #2
 - a) Implementation of Tribal New Source Review Rules, includes:
 - Training, outreach, capacity building, planning and development for implementation by tribes and regional offices and meeting data and recordkeeping requirements,
 - Develop general permits and/or permits by rule and other rules to streamline implementation for 11 source categories: gas dispensing facilities; auto body repair and miscellaneous surface coating operations; petroleum dry cleaners; stone quarrying, crushing and screening facilities; hot mix asphalt plants; boilers; spark-ignition engines; compression-ignition engines; graphic arts and printing operations; concrete batch plants; sawmills.
- ⇒ Finalize Revision to National Emission Standard for Hazardous Air Pollutants (NESHAP) for radon emissions for operating mill tailings (40 CFR 61, subpart W). EPA consulted with the Ute Mountain Ute Tribe in FY 2014. We will hold follow up meetings with Ute Mountain Ute and other interested tribes, as requested, following publication of the final rule in 2015.
- ⇒ “Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings,” (40 Code of Federal Regulations Part 192 or 40 CFR 192). Informational webinars and presentations

Commented [JL5]: The organization of this list is a little confusing. Is it listing all the rules/policies for which we conducted webinars/informational meetings for tribes? Does this include the NTAA policy calls? What about consultation? It's not clear from this list which actions went to the consultation stage. OAP recommends that a distinction be drawn that clearly explains how far we're going with each action.

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OAR Tribal Agenda

will be made in 2015. A letter was sent to tribes in January 2015 explaining the proposed rulemaking and inviting tribes to consult on the proposal.

- ⇒ Environmental Radiation Protection Standards for Nuclear Power Operations 40 CFR 190. An Advance Notice of Proposed Rulemaking outlining the Agency's rationale was published in the Federal Register on Feb 4, 2014. The comment period closed August 3, 2014. To date, the Agency has not made a decision to move forward, but we are interested in getting input from tribal nations prior to moving forward.

A-2. OAR Tribal Highlights for 2014

The year 2014 was one of sustainable growth for the OAR Tribal Air Program. Working with our tribal partners, we continued our progress forward even with no growth in program funds and resources and continued furloughs to start the year. OAR grew our partnerships with other EPA headquarters offices and EPA regions. Staff working on tribal air issues continued to strengthen the bonds of our relationship and worked to ensure we speak with one voice to the Tribes. This was particularly important as we began to address the issues such as treatment in a manner similar to a state (TAS) and other sovereignty related air issues. We also strengthened our partnership with the National Tribal Air Association (NTAA) Executive Committee and the Institute for Tribal Environmental Professionals (ITEP). The partnerships also together helped to deliver one of the most widely attended and highly praised National Tribal Forum (NTF) on Air Quality in Anacortes, Washington from May 13 – 15, 2014. We also assisted the NTAA in releasing the *Status of Tribal Air Report (STAR)*.

INTERNAL CHANGES, EVENT AND IMPACTS

TAS and Sovereignty - In 2014, two key legal issues related to the implementation of the Clean Air Act (CAA) in Indian country were identified. In Oklahoma, there was a DC circuit court decision pertaining to whether states, EPA or tribes had authority to implement the CAA in non-reservation areas of Indian country and a TAS decision in Wyoming that is currently in a stay while the state appeals EPA's decision to grant the TAS. EPA is still addressing both of these issues which specifically raise policy concerns about tribes and EPA implementing CAA programs in Indian country.

Funding – OAR administers over 12 million dollars in state and tribal assistance grants to provide to tribal governments and institutions to administer tribal air and related training programs. In 2014, this funding slightly increased from the 2013 amount but is still below 2012 and previous years. Tribes have continued to report out to OAR on the effect this lack of adequate funding has on them. OAR was not immune to reductions as well. OAR staff, including all members of the OAR Tribal Team, were required to take furlough days in 2014, making them unavailable to our tribal partners during this time.

NTAA Executive Committee, TAMS Steering Committee and NTF – OAR's primary partners in implementing the tribal air program are the tribes themselves, the NTAA Executive Committee and TAMS Steering Committee. The NTAA and TAMS committees act as a conduit to the tribes and jointly sponsor the annual National Tribal Forum on Air Quality (NTF). OAR partnered with ITEP and the NTAA Executive Committee to support the NTF in 2014. In 2014, OAR continued to support development of tribal capacity to improve outdoor and indoor air quality and implement the Clean Air Act (CAA) in Indian country.

TRIBAL AIR MONITORING SUPPORT (TAMS) CENTER STRATEGIC PLANNING

The successful OAR/ITEP/Tribal TAMS Center collaboration is now in its 14th year – providing technical support to environmental professionals in Indian country. In 2014, the TAMS Center finalized their needs assessment among tribal environmental professionals to help determine ambient/indoor air quality needs and the direction and focus of the TAMS Center in future years. The assessment had various categories asking the participant to prioritize projects based on their needs. A total of 49 tribes participated in the survey. The top three priorities were: 1) continuous ambient air monitoring, 2) indoor air quality, and 3) emission inventory.

The TAMS Steering Committee focused on recommendations based upon the needs assessment survey including monitoring equipment (renewal, new monitoring technology and the equipment loan program), developing an indoor air quality strategy and developing “concept papers” that characterize technical support needs for gravimetric filter weighing and radon. The TAMS Steering Committee met with senior OAQPS and ORIA management at the 2014 NTF and reached mutual understanding on equipment needs and gravimetric filter weighing support. In 2014, the TAMS Center’s equipment specialist has helped to reinvigorate the equipment loan program by repairing and calibrating existing equipment, prioritizing and procuring new equipment and developing “quick start” guides for much of the TAMS Center’s equipment inventory.

COMMUNICATION AND CAPACITY DEVELOPMENT

Ongoing Success With Our Partners - At the end of 2014, EPA regions reported to OAR that seven additional tribes had been found eligible to implement one or more of the CAA programs in Indian country. Five tribes have submitted implementation plans for CAA programs for their reservations. Three tribes are implementing CAA §110, two tribes are implementing Title V permitting programs, and one is developing a minor new source permitting program. Many other tribes are conducting assessments, monitoring their air quality, both indoors and out, and undertaking activities typical of any air quality management program; including conducting outreach and education efforts for their communities; participating in local, regional and national planning efforts and in organizations including NTAA; and working with neighboring jurisdictions and EPA to develop effective programs and policies. OAR implemented a set of activities in 2013 to support these widespread and diverse tribal air quality programs.

The selections below highlight some of OAR’s achievements from our 2014 Tribal Air Agenda.

1. TRAINING AND CAPACITY BUILDING

In 2014, OAR provided numerous training opportunities including:

Ambient Air Quality and Toxics

- a. Held over 38 informational meetings, webinars, listening sessions, and public hearings on topics such as: Carbon Pollution Emissions Guidelines for New and Existing EGUs; Oil and Gas Emissions in Indian Country; General Permits and Permits by Rule for the Tribal Minor

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NSR; Proposed Petroleum Refinery Sector Risk and Technology Review and NSPS; NSPS for Wood Heaters; DC Circuit Court Oklahoma Decision; Class I Redesignation and the proposed Data Requirements Rule for the 1-hour Sulfur Dioxide Primary NAAQS. (See Appendix A-3 for an overview of actions/topics discussed in the webinars and informational meetings.)

- b.** Supported ITEP trainings, which included SIP training for tribes (training pertains to how tribes can engage on SIP development with the surrounding states), Tribal NSR & CAA Permitting Training, AQS, and emissions inventory trainings.
- c.** The TAMS Center Training and Technical Support:
 - 1) Training:
 - o Delivered four classroom air quality technical courses:
 - Air Pollution Technology,
 - Application of GIS in Air Quality,
 - Management of Air Quality grants, and
 - Indoor Air Quality Diagnostic Tools for Tribal Professionals
 - o Delivered four on-line trainings:
 - Emissions Inventory,
 - Toolbox for tribal professionals,
 - QA 101, and
 - Data loggers use for air quality report.
 - 2) Professional Assistance:
 - o Development of a Taos Pueblo Radon Mitigation plan.
 - o Providing the Spokane Indian Tribe assistance with their Superfund Cleanup plan.
 - o Provided assistance to Shoshone-Bannock Tribes on FMC's Superfund Cleanup.
 - o On three occasions provided Moapa tribe on site assistance for their School Air Toxics Monitoring project.
 - o Provided Morongo Band of Mission Indians onsite training for repair and calibration of their SO₂ analyzer.
 - o Assisted Hopi Tribe to set up Ozone monitoring.
 - o Assisted Pala tribe with Ozone and PM monitoring setup/calibration.
 - o Provided Shoshone-Bannock tribes hands on training at the TAMS Center on 2000i FRMs.
 - o Gravimetric laboratory support was provided to ^ tribes including filter weighing, data validation and reports.
 - o Equipment Loan Program:
 - Shoshone-Bannock tribes received two mini-vols for PM sampling at FMC's Superfund site.
 - Ute Mountain Ute received two TEOM's (continuous PM monitors).
 - Tohono O'odham tribe received two mini-vols for PM sampling.
 - Morongo Band of Mission Indians received a set of School Air Toxic Monitors.
 - Navajo Nation Churchrock Chapter received a set of School Air Toxic Monitoring equipment.
- d.** ORIA Staff presented "Radiation Impacts on Alaska Native Populations," regarding risk from Fukushima related environmental radiation exposures through traditional diet.

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3/24/2015

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- e. Headquarters and regional Indoor Air staff held a listening session on indoor air and radiation topics.

Indoor Air and Radiation

Partnership and Collaboration for Tribal Housing

- a. (40) - New and remodeled tribal homes were built with improved IAQ building standards upon the Spokane Tribal Nation. EPA's Tribal IAQ Healthy Housing Team collaborated with the Spokane Tribe at its housing authority to assist in the adoption WA states - Evergreen building codes and provide technical assistance to properly apply radon resistant new construction standards; and improved IAQ guidance.
- b. Tribal IAQ Healthy Housing Federal Collaboration Workgroup: EPA has initiated meetings with several federal agencies (HUD, IHS, USDA, BIA, VA, etc.) toward discreet activities that would lead to potentially working together based on the following tenets:
 - 1) Raise Indoor Air Quality (IAQ) awareness and making sure it is a critical factor related toward safer and healthier tribal housing, and
 - 2) To eventually garner collaborative federal support toward the adoption of more improved energy efficient, sustainable building practices; leverage current federal tribal housing grant resources; and enhance grant funding criteria for the overall benefit of making current and future Native American homes and communities safer.

Technical Assistance to Tribes: Indoor Air Quality in Tribal Communities (IAQTC)

- a. (57) ~ Tribal professionals were provided IAQ technical assistance by NAU/ITEP staff directly related to several discreet ongoing IAQ efforts. Tribal community collaborative efforts were established and fostered. (*Below, see a glimpse of the technical assistance provided by NAU*)
- b. 10/01/13 - Hopi Housing Fair, Second Mesa, AZ– Set up an information table for the Hopi Housing Fair, which was open to the public. Focused on wood stove issues and provided information on a variety of IAQ issues. Met with over 100 community members during the day.
- c. 10/02/13 - Hopi Housing Healthy Homes Training, Kykotsmovi, AZ – Provided a session on IAQ during training on healthy homes conducted by Red Feather Development Group. About 25 tribal staff and community members participated.
- d. 10/14/13 – Indian Education After School Program, Lone Pine, CA – Provided sessions for K-12 students from the After School Program on IAQ issues. Conducted an IAQ assessment of the education center with the help of the students. About 30 students participated.
- e. 10/17/13 – Big Pine Tribal Office, Big Pine, CA – Conducted an IAQ building assessment for the Big Pine Tribal Office with the building manager and the tribal environmental staff.
- f. 10/13/13 to 10/15/13 – San Carlos Schools, San Carlos, AZ – Conducted school building assessments in five San Carlos School district buildings and five tribal head start buildings. Two San Carlos environmental staff and one Inter-Tribal Council air quality staff participated in the building assessments as well as staff from the school district. Met with the principal and the school nurse following the assessments to discuss the results and to plan for improvements.
- g. 10/15/13 – San Carlos Education Department after School Program, San Carlos, AZ – Provided a presentation for K-12 students from the After School Program on IAQ issues. About 10 students participated.

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- h. 02/12/14. School Health and Indoor Environments Leadership Development (SHIELD) – The IAQTC staff worked with the SHIELD group to conduct a webinar on best practices for conducting a webinar pacing event for IAQ in schools.
- i. 02/13/14. USEPA Region 9 –The IAQTC staff worked with USEPA Region 9 IAQ staff to conduct a webinar on mold and moisture issues to assist tribal professionals who were interested in preparing to submit a proposal for the HUD/ONAP –Mold (NOFA).
- j. Alaska Marine Sampling: ORIA helped to coordinate Federal (EPA, FDA, NOAA) and State (AK, CA WA, OR) fish sampling, water sampling, and debris monitoring and reporting efforts to help Alaska Natives better understand potential Fukushima-related exposure and risk, especially associated with a traditional seafood based diet.
- k. Ute Mountain Ute Tribe, Towaoc, CO
 - 1) Provided information on IAQ issues to response to concerns about the tribal education department building.
 - 2) Three tribal webinars on radon, schools, and asthma were completed and presented to 100 plus attendees online/conference call.
- l. Pilot tribal radiation education materials designed for middle school students in American Indian and Alaskan Native communities. These classroom activities are intended to increase awareness and greater understanding of radiation health risks; the materials focus on the real-life public health and environmental issues (e.g., uranium mining) encountered on tribal lands. Initial pilot testing occurred in Anchorage, Alaska at the 39th Bilingual Multicultural Education/Equity Conference. Roll out of the educational materials, alongside ORIA's RadTown, is expected to take place in the latter part of the fiscal year.
- m. In an effort to provide more training to government and tribal governmental personnel, ORIA will offer Multi Agency Site Survey and Investigation Manual (MARSSIM) training this fall via webinar. The training will be free to tribal government personnel. Additionally, ORIA has plans to offer the MARSSIM and Multi Agency Radiation Survey and Assessment of Materials and Equipment (MARSAME) manual training courses as a DVD-based self-study course. This training will be available to government personnel, including those of tribes.

Climate Change

- a. Through an ongoing cooperative agreement with ITEP, OAP has supported development of a national climate change adaptation planning training program and online resources for tribes. [OAP]
 - 1) Over the past three years, under the ITEP training cooperative agreement, 286 people from 120 tribes or tribal organizations have been trained in developing adaptation plans to prepare for the expected impacts of climate change.
 - 2) The ITEP cooperative agreement also provides information and training with a special focus on Alaska Natives. In 2014, ITEP, in collaboration with EPA Region 10, hosted three Alaska webinars. ITEP's tribes and climate change website also features a case study of a native village and climate science/black carbon fact sheets designed for Alaska natives.

2. TECHNICAL SUPPORT

OAR recognizes the need to provide direct technical support to our tribal partners to assist them in implementing effective air quality programs and projects through the following activities:

Ambient Air Quality and Toxics

- a. Completed and released the *Guidance for Indian Tribes Seeking Class I Redesignation*.
- b. Held monthly tribal New Source Review (NSR) and tribal designation calls with tribal environmental professionals – these calls served as a discussion/informational forum regarding upcoming actions/activities in these areas. [OAQPS]
- c. Worked with Navajo Nation EPA and Region 9 to develop culturally relevant outreach materials and tools to help reduce residential wood and coal smoke from home heating appliances (e.g., coal stoves). [OAQPS]
- d. Developed home heating survey with Navajo Nation EPA and Region 9. <http://www.epa.gov/burwise/pdfs/homeheatingsurveytemplate.pdf>. [OAQPS]
- e. Developed guidance document to provide available “funding ideas” for state, tribal and local areas to replace or install cleaner home heating. <http://www.epa.gov/burwise/pdfs/financing.pdf>. [OAQPS]
- f. Revised guidance document to provide a “how to implement a wood-burning change out program” for state, tribal and local areas. <http://www.epa.gov/burwise/how-to-guide.html>. [OAQPS]
- g. Supported the installation and operation of three CASTNET small-footprint tribal monitoring sites in partnership with the Kickapoo Tribe (KS) (installed Feb 2014), the Red Lake Band of Chippewa (MN) (installed August 2014), and the Confederated Tribes of the Umatilla Indian Reservation (OR) (scheduled for installation in spring 2015). These small-footprint monitoring sites provide a low cost, low maintenance method for tribes to become involved with the CASTNET monitoring program. [OAP]

Indoor Air and Radiation

- a. Indoor Air Quality Tribal Communities/NAU (IAQTC) Website Activity
 - 1) 6500 total visits to the IAQTC website approximately 541 visits per month have connected to the IAQTC. As a complement to our IED web presence,
 - 2) NAU/ITEP developed a website to track their technical assistance and training efforts regarding their cooperative agreement deliverables.
- b. TAMS Center Technical Support
 - 1) Completed the Wet Deposition Mercury monitoring for two tribes for period of one year (Makah Nation, EPA Region 10, and Hualapai Nation, EPA Region 9).
 - 2) Five sets of monitoring equipment was sent to tribes for their use in the field, the equipment included, two mini vols for PM 2.5 measurement, 2 Ozone Analyzers with their accessories and one set of school air toxic monitoring equipment.
 - 3) Drafted a Statement of Work (SOW) for the Request for Proposal (RFP) for commercial laboratories to bid for PM 2.5 filter weighing service for tribes. The RFP itself is being worked on by the TAMS staff. It will be finalized in early 2014
- c. Eight tribes received \$280K of funding through SIRG grants.
- d. Radiation Support
 - 1) In October 2013, ORIA offered a three-day technical Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) Training Class to Navajo Nation EPA and Bureau of Mines personnel. The training was held in Gallup, New Mexico and

was intended to assist the Navajo Nation in conducting and reviewing radiation surveys of sites, including former uranium mining sites. Approximately 15 individuals were trained at this event.

- 2) Funding support was provided to Region 9 and the Navajo Nation EPA to help sponsor the annual Uranium Contamination Stakeholder Workshop in Gallup, New Mexico; ORIA covered the total cost of the hotel meeting space and supplies (\$2,753.30). ORIA staff also participated in the April 2013 working meeting, which addressed legacy uranium issues on tribal lands. The workshop focused on the Five Year Plan and included sessions on contaminated water sources, contaminated structures, health, and a community discussion on abandoned uranium mines. Approximately 170 people participated in the two-day workshop.
- 3) ORIA engaged tribes in the discussion of a newly revised Protective Action Guides (PAGs) Manual, which was issued for public review and comment. In August 2013, two webinars were offered specifically for our tribal partners. The webinars, which allotted time for questions and answers, provided background information on the PAGs and covered key changes in the Manual from the 1992 version. Approximately 10 individuals associated with our tribal partners participated in the webinars.

5. RULES AND POLICIES

OAR recognized the need to increase the opportunities for tribes to fully participate in the OAR rule and policy development process to ensure that OAR rules addressed tribal concerns and strengthened tribal programs and the implementation of policy making efforts.

Significant Accomplishments for 2014

- a. Presented on tribal conference calls (including monthly NTAA air policy calls, National Tribal Caucus meetings, etc.) and participated at tribal conferences (National Tribal Forum on Air Quality and held informational meetings, listening sessions, public hearings, and webinars on key actions to provide support for tribal participation in the rulemaking process. Presentations and webinars were conducted as part of the rule development process to increase awareness and understanding; during the public comment period to enhance tribes' ability to provide meaningful input; and post proposal, to aid in implementation of final rules.
- b. Conducted outreach and offered, facilitated, and followed-up on government-to-government tribal consultations for OAR rulemakings, guidance documents and other actions.

Ambient Air Quality and Toxics

- a. Invited federally recognized tribes to consult with the EPA on upcoming regulatory actions and/or decisions that may affect them.
 - 1) Sent out seven consultation letters on proposed rulemakings and guidance documents to tribal leadership in each of the 566 federally recognized tribes. [OAQPS]
- b. Held over 16 webinars and informational meetings for tribal environmental professionals on upcoming/proposed regulatory actions and/or policies. In addition, OAQPS formally presented over 15 times on the NTAA & EPA air policy calls providing information/updates on proposed rulemakings, policies and guidance documents. [OAQPS]
- c. Held 13 listening sessions and eight public hearings on Reducing Carbon Pollution from New and Existing Power Plants. [OAQPS]
- d. Completed proposal for general permits and permits by rule for the following 5 source categories: Hot mix asphalt plants; stone quarrying, crushing, and screening facilities; auto body repair and miscellaneous surface coating operations; gasoline dispensing facilities; and petroleum dry cleaning facilities. Published in Federal Register in January 2014. [OAQPS]
- e. Issued a title V operating permit for Deseret Bonanza Power plant in Utah which is located on the Uintah & Ouray Indian Reservation. [OAQPS]

(See A-3 in the Appendix for a listing of the regulatory actions/topics discussed in the monthly NTAA/EPA calls, consultation letters, webinars, and informational meetings.)
[OAR]

Commented [CT10]: Note: #'s below are for OAQPS only.

Indoor Air and Radiation

- a. In response to the OAR Tribal Air & Radiation Strategy, the ORIA Tribal Team (headquarters and regions) and Indoor Environments Division are developing a federal collaborative partnership with a goal to improve the effectiveness of federal programs and resources in Indian country. Initial work in 2013 focused on identifying key programs and participants at the national and regional level. Initial discussion included HUD's Office of Native American Programs (ONAP), Indian Health Service, USDA's Rural Development Program and BIA's Housing Improvement Program (HIP).
- b. In response to food safety concerns raised by Alaska Natives at the November 2013 Alaska Tribal Conference on Environmental Management (ATCEM), ORIA coordinated with other EPA Offices, FDA and NOAA, and participated in an Alaska Department of Environmental Conservation (ADEC) workgroup to identify and publish relevant food safety data, communicate more effectively to tribes on radiation risk from locally harvested foods, as well as to represent the need for additional relevant testing to confirm the safety of locally caught and consumed seafood.

Commented [WE11]: As noted earlier, suggest relabeling this as an OAR summary so we can include everyone's regulatory work.

4. INTERNAL EPA ACTIVITIES AND ADDITIONAL PROGRAMMATIC ACTIVITIES

OAR acknowledges that in order to strengthen our collaboration with tribal communities, every employee of OAR needs to have a working knowledge of how their work may impact tribal communities. Additionally, OAR-managed grants will also continue to help tribes strengthened their efforts to address air pollution. Finally, OAR participated in various internal and external activities to expand overall communication and collaboration with tribal nations.

Highlights from 2014

- a. Increased OAR knowledge of tribal air quality programs and requirements through training efforts.
- b. In 2014, the OAR offices hosted three brown bag events for OAQPS, OAP, ORIA and OTAQ staff on environmental justice (EJ) and tribal issues. On April 2, the OAR tribal brownbag event featured a brief training on the new *OAR Handbook for Interacting with Tribal Governments* as well as presentations from two of our tribal partners in the air world who discussed how their tribal air programs operate and shared thoughts on how best to work with the tribes. This event was well attended, brought staff together from across the air family and helped to educate staff about tribal issues.
- c. In June 2014, OAQPS held a one day Working Effectively with Tribal Governments (WETG) workshop in RTP, NC for OAQPS staff. There were three presentations from our tribal partners and two presentations from EPA's OGC and AIEO. Topics included an overview of Native American Culture, History and Governmental Relationships; Federal Indian Law: Understanding Jurisdiction, the Federal Trust Responsibility and Legal Issues Regarding Implementation of EPA Programs in Indian Country; Environmental Protection on the Fond du Lac Indian Reservation; Overview of EPA's Tribal Program and How Tribal Issues Impact the Agency's Daily Work and a Message to EPA from the Tribes.
- d. All OAR management and staff completed EPA's "Working Effectively with Tribal Governments" online training.
- e. Strengthened outreach and communication to increase tribal participation in Diesel Emissions Reduction Act (DERA) grant program.
 - 1) OTAQ hosted multiple DERA teleconferences focused specifically on tribal applications for the new standalone DERA Tribal RFP.
 - 2) OTAQ continued to improve its DERA tribal webpage to feature DERA tribal awardees and share information. <http://www.epa.gov/cleandiesel/prgtribal.htm>
 - 3) OTAQ visited two DERA tribal awarded projects. Staff visited and met with the grant administrators and tribal environment staff from the nations of Swinomish Tribe and Lummi Nation in Washington State.

A-3. 42014 Tribal Outreach & Consultation Activities

1) NTAA & EPA Air Policy Calls – OAR Discussion Topics

- | | | |
|--|--|---|
| ⇒ Petroleum Refinery Sector RTR and NSPS | ⇒ Update on the DC Circuit Court Decision on OK | ⇒ Supplemental Proposal: NESHAP RTR for Ferroalloys |
| ⇒ Indian Country NSR Amendments | ⇒ Update on the Supreme Court Decision for the GHG Tailoring Rule | ⇒ Update of EPA Air Pollution Control Cost Manual |
| ⇒ The CAA & Upcoming Greenhouse Gas Actions for Power Plants | ⇒ Tribal Minor NSR -Amendments -Oil & Gas | ⇒ President’s Climate Action Plan |
| ⇒ Status update on Section 111(d) of the CAA | ⇒ Update of General Permits and Permits by Rule for the Indian Country Minor New Source Review Program | ⇒ Proposed NSPS Revision for Residential Wood Heaters |
| ⇒ Transport Issues | ⇒ Tribal Climate and Energy Information Pages | ⇒ Addressing GHGs from Aircraft under the Clean Air Act |
| ⇒ Tribal Greenhouse Gas Inventory Tool | ⇒ Summary of Comments Received at EPA’s Public Listening Sessions for CPP – Existing EGUs | ⇒ Supplemental Proposal: SIPS: Response to Petition for Rulemaking; Finds of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions during Periods of Startup, ShutDown and Malfunction |
| ⇒ OAR’s Climate Change Adaption Implementation Plan | ⇒ Proposed HCFC Production Rule | ⇒ Regulating Emissions from Stationary Reciprocating Internal Combustion Engines |
| ⇒ Class I Redesignation Guidance | ⇒ EPA’s Proposed Clean Power Plan | ⇒ Proposed Rule for Radon Emissions from Uranium Mills |
| ⇒ Update on EPA’s MOVES 2014 | ⇒ E.O. 13175 Language for SIP Federal Register Notices | ⇒ US Global Change Research Program’s Climate and Health Assessment |

Commented [E12]: Suggest all offices list topics they discussed on NTAA calls

Commented [CT13]: All OAR topics have been listed according to the NTAA call agendas.

OAR Tribal Agenda

2) Webinars – 10 webinars were held with tribal environmental professionals on the following proposed actions/activities:

- ⇒ Clean Power Plan – Part I – Setting the State Goals.
- ⇒ Clean Power Plan – Part II – Setting the Goals.
- ⇒ Clean Power Plan – Part III – Implementation.
- ⇒ Proposed Revision of NSPS for New Residential Wood Heaters.
- ⇒ EPA Burn Wise – Funding Options for Wood-burning Appliance Change Outs.
- ⇒ Proposed Data Requirements Rule for the 1-Hour Sulfur Dioxide Primary NAAQS.
- ⇒ Introduction to Air Permits.

3) Information Meetings/Group Calls/Listening Sessions/Public Hearings – 29 events were held with tribal environmental professionals on the following proposed actions/activities:

- ⇒ Overview of Public Listening Sessions on Carbon Pollution Emission Guidelines (EGUs).
- ⇒ General permits and permits by rule for the Tribal Minor New Source Review Program for Bundle #1 and Bundle #2.
- ⇒ ANPR: Managing Oil & Gas Emissions from Minor Source in Indian Country.
- ⇒ Climate Change Guidelines for New and Existing Electric Generating Units.
- ⇒ Proposed Petroleum Refinery Sector Risk and Technology Review and NSPS.

4) Consultations – Consultation letters on seven proposed actions were sent to the tribal leadership of 566 federally recognized tribes. A courtesy copy was also sent (via email) to their respective tribal environmental professionals. In addition a notice of consultation was posted in EPA's Tribal Consultation Tracking System (TCOTS) which is available for viewing by the general public.

- ⇒ CPP – Greenhouse Gas NSPS for EGUs.
- ⇒ Petroleum Refineries Sector RTR and NSPS.
- ⇒ ANPR: Managing Oil & Gas Emissions from Minor Sources in Indian Country.
- ⇒ Proposed Revision of NSPS for New Residential Wood Heaters.
- ⇒ General Permits and Permits by Rule for the Tribal Minor New Source Review (NSR) Program (Bundle #1 and Bundle #2).
- ⇒ EGU GHG Emission Guidelines for Existing Sources Presidential Directive.

Commented [CT14]: The #'s shown for the Webinars/Informational meetings/Group Calls/Listening Sessions/Public Hearings are from OAQPS. Other offices need to add to this.

Commented [CT15]: Shown are OAQPS consultations....other offices need to add to this.

From: [Thornton, Marisa](#) on behalf of [Collections.SubW](#)
To: [Thornton, Marisa](#)
Subject: Fw: input needed: Tribal Air Agenda
Date: Thursday, August 27, 2015 11:30:20 AM
Attachments: [OAR No Markup CleanTC\(2\).docx](#)
[Janetcimments.docx](#)
Importance: High

From: Rosnick, Reid
Sent: Tuesday, August 11, 2015 6:49 AM
To: Collections.SubW
Subject: FW: input needed: Tribal Air Agenda

From: Rosencrantz, Ingrid
Sent: Thursday, July 09, 2015 9:21 AM
To: Rosnick, Reid; Littleton, Brian
Subject: FW: input needed: Tribal Air Agenda
Importance: High

We have a quick response request to add summaries of our regulatory tribal consultation work to the attachment. Could you all provide me a short summary of what you have done in terms of tribal consultation and tribal communication?

Here's an example from the attached document to show the kind of information we are looking for:

- a. Invited federally recognized tribes to consult with the EPA on upcoming regulatory actions and/or decisions that may affect them.
 - 1) Sent out seven consultation letters on proposed rulemakings and guidance documents to tribal leadership in each of the 566 federally recognized tribes. [OAQPS]
- b. Held over 16 webinars and informational meetings for tribal environmental professionals on upcoming/proposed regulatory actions and/or policies. In addition, OAQPS formally presented over 15 times on the NTAA & EPA air policy calls providing information/updates on proposed rulemakings, policies and guidance documents. [OAQPS]
- c. Held 13 listening sessions and eight public hearings on Reducing Carbon Pollution from New and Existing Power Plants. [OAQPS]

Sorry for the quick turnaround but I'd like to get this by COB Friday July 10 so I can compile and get to Alan by Tuesday, July 14.

Thanks!!

From: Perrin, Alan
Sent: Wednesday, July 08, 2015 3:21 PM
To: Rosencrantz, Ingrid; Shogren, Angela
Cc: Edwards, Jonathan; Peake, Tom; White, Rick
Subject: FW: input needed: Tribal Air Agenda
Importance: High

Ingrid, Angela,

Can the two of you work together, and with whoever you need, to address the RPD questions below within the clean file (also check attached file for actual AA comments). Can I get a mark-up by 7/14?
Thanks, Alan

~~~~~

Alan Perrin, Deputy Director  
Radiation Protection Division, USEPA  
ofc (202) 343-9775 | mbl (202) 279-0376

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**From:** Cherepy, Andrea  
**Sent:** Wednesday, July 08, 2015 3:04 PM  
**To:** Stafford, Andrea; Smith, Alisa; Perrin, Alan  
**Cc:** Fraass, Ron  
**Subject:** input needed: Tribal Air Agenda  
**Importance:** High

All,

Here is the assignment that I mentioned yesterday. We are being asked to respond to some questions/comments that Janet had on OAR's 2015 Tribal Agenda. Janet plans to share this document with NTAA before an upcoming meeting.

I've gone through and pulled out the relevant comments/questions for each Division. Please address the following:

NCRFO/TAMS

- Question (p. 12): Any informational meetings, webinars, listening sessions, or public hearings to add under "Training and Capacity Building"?
- Question (p. 13): How many tribes received gravimetric laboratory support?
- Question (p. 16): When was the RFP for commercial laboratories finalized?
- Question (p. 21): Any webinars/information meetings/group calls/listening sessions/public hearings to add?

IED

- Question (p. 12): Any informational meetings, webinars, listening sessions, or public hearings to add under "Training and Capacity Building"?

- Comment (p.16): Revise incomplete sentence discussing # of visits to IAQTC website
- Question (p. 21): Any webinars/information meetings/group calls/listening sessions/public hearings to add?

#### RPD

- Question (p. 12): Any informational meetings, webinars, listening sessions, or public hearings to add under “Training and Capacity Building”?
- Comment (p. 18): Add bullet addressing consultations under “Indoor Air and Radiation” similar to bullets a. and a.1 under “Ambient Air Quality and Toxics”.
- Question (p. 21): Any webinars/information meetings/group calls/listening sessions/public hearings to add?
- Comment (p. 21): Add rad consultations to list. Include appropriate information on the # of federally recognized tribes that received letters

I will combine all responses and provide one package back to Pat. It would be great to get your input by the end of next Wednesday, July 15.

Let me know if you have any questions.

Thank you,  
Andrea

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**From:** Childers, Pat

**Sent:** Monday, July 06, 2015 1:01 PM

**To:** Farsi, Farshid; Colon, Toni; Mckelvey, Laura; Jantarasami, Lesley; Wilson, Erika; Ruth, Connie

**Cc:** Anderson, Kelly; Childers, Pat

**Subject:** lets finisht the Tribal Air Agenda/Janets comments

**Importance:** High

I received Janet’s comments after a long delay in getting her the document, She always amazes me with her accuracy on issues. Attached is the agenda and a list of her comments and who should address them. Short turn around so we can get this out to the NTAA before their face to face meeting with us.

Comments (simply added to the response section of the attachment to me and Kelly Anderson by July 20<sup>th</sup>. We will paste them into the document.

We will discuss on our next OAR TACs call as well especially the assignments to all.

Connie let me know if I should send this to someone else in OTAQ. Farshid, please share this with Ron and see who should be doing it for ORIA.

Let me know if you have questions.

Pat

Janet's comments on 1015 Tribal Agenda:

| Question comment number | Location in document                    | comment                                                                       | Assigned too                 | response |
|-------------------------|-----------------------------------------|-------------------------------------------------------------------------------|------------------------------|----------|
| 1                       | cover                                   | This is calender year 2015 right                                              | pat                          | yes      |
| 2                       | Page 2 top section (A-F)                | Does OTAQ do this for its rules                                               | Pat/OTAQ                     | Some     |
| 3                       | Page 2, top section item f- woodstoves  | Good but why in capacity building                                             | OAQPS                        |          |
| 4                       | P2 climate change item a                | Can we be more specific about what the activities are these are general goals | OAP                          |          |
| 5                       | P3 ambient air quality and toxics (a)   | Should be in all categories                                                   | pat                          | ok       |
| 6                       | P3 (g) support tribesw                  | How, this is a perennial issue for the tribes                                 | oaqps                        |          |
| 7                       | P4 Climate change bottom of page item 3 | How about something specific related to CPP                                   | OAPS,/OAQPS                  |          |
| 8                       | P5 – specific activities for 2015       | do we help ITEP with their rule bridging papers                               | pat                          | yes      |
| 9                       | P5 – comment box we1                    | Suggest this as an oar wide list                                              | All offices other than OAQPS |          |
| 10                      | P5 b1                                   | Is this still true (pat comment not janet)                                    | otaq                         |          |
| 11                      | P6- item 2 top of page                  | Attend to staffing with Jeds retirement                                       | oria                         |          |
| 12                      | P6 middle of page                       | Can 1 goal tbe to have the oar tribal plan out before the beginning of 2016   | all                          |          |
| 13                      | P9 – 4 <sup>th</sup> little arrow       | This should be indictated (?) as it relates to cpp and fp (?)                 | Oap/oaqps                    |          |



**OFFICE OF AIR & RADIATION (OAR)  
2015 TRIBAL AGENDA**

The Office of Air and Radiation (OAR) recognizes the important role that tribes have historically played in environmental issues including air quality. Tribal citizens are often disproportionately affected by air pollution, while their governments play an increasingly valuable role in controlling and reducing pollution and its adverse health effects. OAR's national programs provide important air quality and health benefits to tribal communities while assisting the efforts of tribal governments. However, our obligations to support tribes in addressing air quality goals extend beyond these national efforts to include tribal specific priorities. OAR's annual tribal agenda reflects the specific actions we intend to take in 2015 to directly support tribes in our joint efforts to reduce the health impacts of air pollution and address the environmental challenges posed by climate change.

This document discusses planned activities by OAR headquarters offices — Office of Radiation and Indoor Air (ORIA); Office of Air Quality Planning and Standards (OAQPS); Office of Transportation and Air Quality (OTAQ) and Office of Atmospheric Programs (OAP) to support, expand and assist tribal implementation of air quality management and climate change activities nationwide in fiscal year (FY) 2015. Note that much of EPA's support for improved air quality and increased capacity for air quality protection on tribal lands comes through activities led by EPA's regional offices. OAR headquarters offices and the regions work together on many tribal issues, and the headquarters activities described below supplement, complement and support the regional efforts. OAR also includes an appendix to our annual Tribal Agenda to highlight the previous year's achievements (*see A-2 in the Appendix for the OAR 2014 Tribal Agenda*).

In 2015, OAR will continue to support development of tribal capacity to improve outdoor and indoor air quality, to address climate change and energy issues, and to implement the Clean Air Act (CAA) in Indian country. OAR will minimize budgetary impacts on this capacity building as much as possible. Tribes have made tremendous progress with air quality management, but there is still significant need for tribal air quality management programs and climate change plans to be developed, refined, and supported. OAR has a robust set of activities underway for 2015 to support tribal activities. These actions include four priority areas: 1) Training and Capacity Building; 2) Technical Support; 3) Rules and Policies; 4) Internal EPA Activities and Additional Programmatic Efforts.

**1. TRAINING AND TRIBAL CAPACITY BUILDING**

OAR recognizes the need for ongoing training and capacity building with our tribal partners. These opportunities are currently conveyed through our direct interactions with tribes and through the implementation of key grants, such as a cooperative agreement with Northern Arizona University's Institute for Tribal Environmental Professionals (ITEP) and ongoing efforts with the National Tribal Air Association (NTAA). The following are OAR's specific training and capacity building activities for 2015:

**Ambient Air Quality and Toxics**

- a. Provide informational webinars and conference calls on program and regulatory development and implementation to allow tribes the opportunity to participate in the rulemaking process.
- b. Provide tribal designations support through training, technical tools and air quality analyses to allow tribes to participate in the designations process. [OAQPS]
- c. Expand the areas of training and general permitting to assist tribes with implementation of the Tribal New Source Review (NSR) rule. [OAQPS]
- d. Provide guidance and trainings for program development (i.e., Tribal Implementation Plan (TIP) Guidance and specific training on NSR). [OAQPS]
- e. TAMS Center Trainings: the TAMS Center will conduct 5-6 classroom courses including:
  - GIS application in Air Quality
  - Air Pollution Technology
  - Management of Air Quality Grants
- f. Wood Stove Change out Campaign: Identify and reach out to key federal partners (e.g., HUD, HHS, HIS) and other organizations to determine level of interest and type of support they can provide in Indian country. [OAQPS]

**Indoor Air and Radiation**

- a. The TAMS Center will conduct a classroom/field hands-on IAQ Diagnostic Equipment training for tribal professionals.

**Climate Change**

- a. Strengthen technical capacity of tribal environmental professionals to address climate change and energy issues by providing data, information, and resources on sources of greenhouse gas emissions (GHG); opportunities for GHG emissions reductions, including through renewable energy, energy efficiency, and related clean technologies; climate change indicators and impacts; climate change health impacts assessment via the U.S. Global Change Research Program; and climate change adaptation planning. [OAP]
- b. As part of the last year of a cooperative agreement with ITEP, continue to support tribal climate change adaptation planning training and capacity building through an Alaska Tribal Climate Change webinar, continued updates to online resources (including a tribal climate change adaptation planning toolkit), dissemination of a monthly newsletter, and outreach and communications efforts at venues including the National Adaptation Forum and the Pacific Northwest Tribal Climate Change Network. [OAP]
- c. Begin scoping to incorporate information on climate change impacts on tribal communities into the *Climate Change Indicators in the United States*, a project to track and communicate information about long-term trends in observed climate change in the United States. [OAP]
- d. Develop a modular online training curriculum and webcast series for tribes on climate change adaptation. This curriculum will provide step-by-step guidance on conducting risk and vulnerability assessments, selecting priority actions, and developing funding and implementation strategies to help tribes build their resiliency to the impacts of climate change. [OAP]

## 2. TECHNICAL SUPPORT

OAR recognizes the need to provide direct technical support to our tribal partners to assist them in implementing effective air quality programs and projects through the following activities:

### Ambient Air Quality and Toxics

- a. Support technical capacity building with tribes through technical support for training activities with ITEP, NTAA, policy calls, Tribal Air Newsletters and websites.
- b. Provide technical monitoring and inventory support with a focus on analyzing data, modeling and implementing existing information and technical tools.[OAQPS]
- c. Finalize and release resource documents for open burning programs, and agricultural, forestry, and silvicultural burning programs in Indian country. [OAQPS]
- d. Finalize and release the following resource documents: 1) Tribal Implementation Plan resource guide and the *Clean Air Act: Summary of Content for Applicability for TAS for Titles I, III, and V*. [OAQPS]
- e. Develop guidance on using modeling to support tribal air programs. [OAQPS]
- f. Provide guidance to support tribes understanding of common air pollution control strategies – equipment, measures and methods. [OAQPS]
- g. Support tribes in participating in the development of Regional Haze SIPs. [OAQPS]
- h. Continue discussion and outreach on the use of ambient air monitoring sensor applications. [OAQPS]
- i. Continue development and maintenance of the OAR Tribal System (OTS) database to track tribal program progress across the country. [OAQPS]
- j. Submit 2014 facility, point, nonpoint, onroad/nonroad and event emissions data. The submission window opens June 1, 2015 and closes January 15, 2016. [OAQPS]
- k. Assist tribes in submitting emissions data to develop 2014 National Emissions Inventory (NEI). The data is used for regulatory analysis, regulation input, NAAQS decision making, and TIP development, etc. [OAQPS]
- l. Electronic reporting: make the electronic state implementation plan (eSIP) system in CDX available to tribes that are submitting Tribal Implementation Plans (TIPs). [OAQPS]
- m. Expand technical support for the Diesel Emissions Reduction Act (DERA) program. DERA tribal staff will host a total of three tribal teleconferences on the availability of DERA FY 2015 National Funding Assistance Program Tribal Request for Proposals (RFP) grant opportunities. [OTAQ]
- n. Provide technical visits to at least two DERA tribal award projects. [OTAQ]
- o. Continue to develop its standalone DERA Tribal RFP to streamline the competition process and address the unique tribal parameters that challenge DERA eligible diesel reduction projects in Indian country. [OTAQ]
- p. Participate and present on mobile sources issues and rules, as well as the FY 2015 DERA Tribal RFP at the 2014 National Tribal Forum in Battle Creek, Michigan in May 2015. [OTAQ]
- q. Continue to support the operation of two CASTNET small-footprint tribal monitoring sites in partnership with the Kickapoo Tribe (KS) and the Red Lake Band of Chippewa (MN), and the installation and operation of a third site in partnership with the Confederated Tribes of the Umatilla Indian Reservation (OR)(scheduled for installation in spring 2015). These small-footprint monitoring sites provide a low cost, low maintenance method for tribes to become involved with the CASTNET monitoring program. [OAP]

**Indoor Air and Radiation**

- a. The TAMS Technology Specialist responds to technical requests varying from providing assistance in setting up an ambient air quality monitoring instrument to troubleshooting of instruments. All the responses are one on one based training at the tribal site. It is projected that between five to seven projects will be completed in FY 2015.
- b. TAM continues to provide gravimetric analysis service to six tribes in support of ambient particulate monitoring programs. In spring of 2014. The TAMS Center's in-house laboratory closed as part of an EPA facility downsizing effort. Analytical support is now provided through a contracted laboratory, with TAMS staff providing data validation and technical support. TAMS' commitment is to assure these six tribes are able to obtain three years of complete monitoring results.
- c. The TAMS Center equipment manager oversees and manages the diverse inventory of ambient/indoor air monitoring equipment available for loan to tribes upon request. The equipment manager's responsibilities include maintaining an inventory of ready to use instruments/equipment that can be deployed to tribal sites as needed and coordinate development of Standard Operating Guidance (SOG) for various air monitoring instruments that are set aside exclusively to be loaned to the tribes. The equipment loan program assures that the instruments shipped to the tribes are in best working conditions, are calibrated and produce validated data in the field. Procedures have also been developed for tribal operators in the field to assure quality data collection/management.
- d. Through a cooperative agreement with the American Lung Association of the Upper Midwest, partner with at least 18 tribes in 12 states to build the capacity of 270 tribal home visitors, health, housing, and environmental professionals to assess and remediate asthma triggers.
- e. ORIA will continue to support tribes in addressing unique radiation problems, concerns and issues, as appropriate. ORIA will provide technical assistance, training, guidance, and/or presentations to tribal governments and communities. For example, in FY 14, ORIA helped to coordinate federal monitoring and reporting efforts (EPA, FDA, and NOAA) to help Alaska natives better understand potential Fukushima-related exposure and risk associated with traditional seafood based diet.

**Climate Change**

- a. Provide technical support for climate change mitigation-related activities. [OAP]
  - 1) Continue to support six tribal Climate Showcase Community (CSC) grant recipients through administration of the CSC Program. One tribe (Santa Ynez Band of Chumash Indians) continues to have an active grant. All six tribes will continue to receive access to CSC training opportunities and technical assistance as needed. [OAP]
  - 2) Promote use of the Tribal Greenhouse Gas Inventory Tool, a free resource developed to help tribes estimate greenhouse gas emissions on tribal lands and from tribal activities. [OAP]
  - 3) Engage with tribes on the Green Power Partnership (GPP) and Combined Heat and Power (CHP) Partnership and continue to provide technical assistance to three tribal partners - one for GPP and two for the CHP Partnership. [OAP]

### 3. RULES AND POLICIES

OAR recognizes the need to increase the opportunities for tribes to fully participate in the OAR rule and policy development process. This will help ensure that OAR rules address tribal concerns and will strengthen the tribal programs and the implementation of policy making efforts.

#### Specific Activities for 2015

- a. Present at tribal conference calls (including monthly NTAA air policy calls, National Tribal Caucus meetings, etc.), participate at tribal conferences (National Tribal Forum on Air Quality, Alaska Native Tribal Conference on Environmental Management, etc.) and hold informational meetings and conduct webinars on key rules to provide support for tribal participation for rulemaking actions. Presentations and webinars will be conducted as part of the rule development process to increase awareness and understanding; during the public comment period to enhance tribe's ability to provide meaningful input; and post proposal, to aid in implementation of final rules.
- b. Conduct outreach and offer, facilitate, and follow-up on government-to-government tribal consultations for OAR rulemakings, guidance documents and other actions.
- c. Reflect lessons learned when conducting outreach and consultation with tribal governments.

*(See A-1 in the Appendix for a list of projected OAR outreach and consultation activities.)*

### 4. INTERNAL EPA ACTIVITIES AND ADDITIONAL PROGRAMMATIC ACTIVITIES

OAR acknowledges that in order to strengthen our collaboration with tribal communities, every employee of OAR needs to have a working knowledge of how their work may impact tribal communities. Additionally, OAR managed grants will continue to help tribes strengthen their efforts to address air pollution. Finally, OAR will participate in various internal and external activities to expand overall communication and collaboration with tribal nations.

#### Specific Activities for 2015

- a. Increase OAR knowledge of tribal air quality programs and requirements through training efforts and internal teambuilding.
  - 1) Provide training opportunity for all OAR management and staff on "Working Effectively with Tribal Governments" using the online training located at <http://tribal.golearnportal.org/> or <http://intranet.epa.gov/aieo/training/tribal/EPA/mainmenu/launchPage.htm>.
  - 2) Provide additional training opportunities for OAR management and staff to enhance their ability to work effectively with tribes and on tribal issues.
  - 3) Strengthen OAR's internal tribal team with cross office representation.
  - 4) Continue to coordinate with EPA offices outside of OAR to fully implement the 2011 Consultation Policy.
- b. Create OAR policies to ensure integration of tribal programs in OAR activities and specifically tribal consultation efforts under EO 13175 and EPA's developing implementation plan and policy.
  - 1) OTAQ will develop an OTAQ Tribal Plan which will outline the strategy and goals to improve communication efforts and strengthen working relationships between OTAQ and tribal communities. OTAQ will also host training sessions for its staff to help

**Commented [WE1]:** Suggest recasting this as an OAR-wide list as it contains info on cross-office efforts like CPP and transport, and could include OTAQ and ORIA actions

**Commented [j2]:** How do you want to integrate Rad rule revisions? Separate appendix or convert "OAQPS" to "OAR?"

**Commented [WE3]:** This is not really us doing this. It's an EPA-wide mandatory training.

## OAR Tribal Agenda

- identify any potential tribal impacts OTAQ's work may have on tribal governments and/or communities.
- 2) Continue to implement the ORIA Tribal Strategy and Plan. In FY 2015, effort will be made to improve communication, participation in tribal meetings and events, and collaboration with NTAA through formation of an "Indoor Air Quality Working Group." ORIA has initiated Collaboration with HUD, IHS, and other Federal Agencies focused on Healthy Tribal Homes. Goals of the collaboration are to improve the effectiveness of federal efforts and tribal access to resources for addressing healthy homes activities in tribal communities.
  - 3) Continue implementation of the OAQPS Tribal Air Strategy. This strategy continues to strengthen OAQPS's engagement with tribes on various air quality issues and will ensure that tribal perspectives continue to be considered when proposing regulatory and other programmatic issues.
  - 4) Continue to develop an OAP Tribal Plan which will help guide and inform OAP's work with tribes. In 2015, as part of the plan development process, OAP will continue to host listening sessions with tribes and conduct interviews with EPA staff in order to ensure that the final plan reflects tribal input and staff experience.
- c. Continue and expand, if possible, the use of Agency grant programs to increase tribal air quality and climate change efforts.
- 1) OAR will manage national grants that ensure effective implementation of grants to support training and technical support, encourage tribal students to pursue careers in air quality management and, develop and enhance tribal participation in policy and regulatory development with the NTAA.
  - 2) Consult with tribes on modifying allocation factors for state and tribal air grant funds.
  - 3) [PLACEHOLDER] OAP will compete a new cooperative agreement in FY2015 to provide training and information resources to assist tribes in their efforts to address and communicate climate change risks to their lands, health, culture, and communities.
- d. Additional collaborations.
- 1) Coordinate with NTAA and ITEP to support and assist with the annual National Tribal Forum (NTF) jointly.
  - 2) ORIA will continue to develop a collaborative Tribal Healthy Homes partnership with other Federal Agencies (HUD - Office of Native American Programs and Office of Healthy Homes and Lead Control, HHS - Indian Health Service, DOI - Bureau of Indian Affairs Home Improvement Program). Goal of the partnership is to improve effectiveness of federal healthy homes support to tribes.
  - 3) ORIA, in partnership with NTAA will form an "Indoor Air Quality Working Group" to help shape EPA's Tribal Indoor Environments program and policies.
  - 4) ORIA will support the TAMS Center's base operations to ensure the provision of top quality training and technical support. The TAMS Center will also upgrade IT capabilities to improve the capabilities of the Virgil Masayesva Tribal Training Center and ensure provision of top quality training.
  - 5) Pursue additional opportunities through Indian General Assistance Programs Funding.
  - 6) Collaborate and form partnerships with federal and private entities involved in tribal building projects. These collaborative partnerships will help develop clear and

**Commented [JL4]:** Depending on the timeframe for making this document public, we may want to take this out if it is released before our RFP goes out.

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OAR Tribal Agenda

- consistent policy and guidance on construction of buildings integrating features to promote good indoor air quality.
- e. Maintain the OAR Tribal Air Website ([www.epa.gov/oar/tribal](http://www.epa.gov/oar/tribal)) and the Tribal Air Newsletter to disseminate information to the tribes. [OAQPS]
  - f. Foster strong communications with tribes and assist them with building relationships with other federal, state and local agencies.

## **APPENDIX**

- 1. 2015 Projected Tribal Outreach & Consultation Activities**
- 2. OAR Tribal Highlights for 2014**
- 3. 2014 Tribal Outreach & Consultation Activities**

**A-1. 2015 Projected Tribal Outreach & Consultation Activities**

**Projected Outreach and Potential Consultation for Regulatory Actions and Policies**

*(Outreach activities include: webinars, informational meetings, tribal policy calls, teleconferences, policy and guidance documents.)*

- ⇒ Addressing greenhouse gas emissions from aircraft under the Clean Air Act.
- ⇒ Proposed Clean Power Plan ([www.epa.gov/cleanpowerplan](http://www.epa.gov/cleanpowerplan)). (Covers 111d/b and CSAPR/transport).
- ⇒ Proposed Clean Power Federal Plan.
- ⇒ The EPA will work with tribal governments and interested stakeholders and will conduct consultation to identify potential energy efficiency and renewable energy data sources in order to determine whether CO2 goals can be established for the four tribes with affected sources in the final Clean Power Plan.
- ⇒ Petroleum RTR and NSPS.
- ⇒ Regional Haze Regulations and Guidelines.
- ⇒ Emission Guidelines for Municipal Solid Waste Landfills.
- ⇒ Review of the NAAQS for Ozone.
- ⇒ Final Rule: Implementation of the 2008 NAAQS for Ozone State Implementation Plan Requirements (3/6/15).
- ⇒ PM 2.5 NAAQS SIP Requirements.
- ⇒ Major source boilers and area source boilers.
- ⇒ Standards of Performance for New Residential Wood Heaters and New Residential Hydronic Heaters and Forced-Air Furnaces (outreach only).
- ⇒ Tailoring Rule 4.
- ⇒ PVC NESHAP.
- ⇒ Exceptional Events Guidance and Notice of Proposed Rulemaking (NPRM).
- ⇒ Managing Oil and Gas Emissions from Minor Sources in Indian country. Develop approach (i.e., general permit, federal implementation plan, permit by rule, other).
- ⇒ Tribal Minor New Source Review Rule– Final. Bundle #1 and Bundle #2
  - a) Implementation of Tribal New Source Review Rules, includes:
    - Training, outreach, capacity building, planning and development for implementation by tribes and regional offices and meeting data and recordkeeping requirements,
    - Develop general permits and/or permits by rule and other rules to streamline implementation for 11 source categories: gas dispensing facilities; auto body repair and miscellaneous surface coating operations; petroleum dry cleaners; stone quarrying, crushing and screening facilities; hot mix asphalt plants; boilers; spark-ignition engines; compression-ignition engines; graphic arts and printing operations; concrete batch plants; sawmills.
- ⇒ Finalize Revision to National Emission Standard for Hazardous Air Pollutants (NESHAP) for radon emissions for operating mill tailings (40 CFR 61, subpart W). EPA consulted with the Ute Mountain Ute Tribe in FY 2014. We will hold follow up meetings with Ute Mountain Ute and other interested tribes, as requested, following publication of the final rule in 2015.
- ⇒ “Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings,” (40 Code of Federal Regulations Part 192 or 40 CFR 192). Informational webinars and presentations

**Commented [JL5]:** The organization of this list is a little confusing. Is it listing all the rules/policies for which we conducted webinars/informational meetings for tribes? Does this include the NTAA policy calls? What about consultation? It's not clear from this list which actions went to the consultation stage. OAP recommends that a distinction be drawn that clearly explains how far we're going with each action.

**Commented [WE6]:** Suggest that this list includes actions from across OAR. I think ORIA and OTAQ both have regulatory actions that could fit here. We've added OAP items and the list already includes OAP/OAQPS joint efforts like CPP and transport.

**Commented [JL7]:** Prefer this terminology since not all formal actions are rules

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will be made in 2015. A letter was sent to tribes in January 2015 explaining the proposed rulemaking and inviting tribes to consult on the proposal.

- ⇒ Environmental Radiation Protection Standards for Nuclear Power Operations 40 CFR 190. An Advance Notice of Proposed Rulemaking outlining the Agency's rationale was published in the Federal Register on Feb 4, 2014. The comment period closed August 3, 2014. To date, the Agency has not made a decision to move forward, but we are interested in getting input from tribal nations prior to moving forward.

## A-2. OAR Tribal Highlights for 2014

The year 2014 was one of sustainable growth for the OAR Tribal Air Program. Working with our tribal partners, we continued our progress forward even with no growth in program funds and resources and continued furloughs to start the year. OAR grew our partnerships with other EPA headquarters offices and EPA regions. Staff working on tribal air issues continued to strengthen the bonds of our relationship and worked to ensure we speak with one voice to the Tribes. This was particularly important as we began to address the issues such as treatment in a manner similar to a state (TAS) and other sovereignty related air issues. We also strengthened our partnership with the National Tribal Air Association (NTAA) Executive Committee and the Institute for Tribal Environmental Professionals (ITEP). The partnerships also together helped to deliver one of the most widely attended and highly praised National Tribal Forum (NTF) on Air Quality in Anacortes, Washington from May 13 – 15, 2014. We also assisted the NTAA in releasing the *Status of Tribal Air Report (STAR)*.

### **INTERNAL CHANGES, EVENT AND IMPACTS**

**TAS and Sovereignty** - In 2014, two key legal issues related to the implementation of the Clean Air Act (CAA) in Indian country were identified. In Oklahoma, there was a DC circuit court decision pertaining to whether states, EPA or tribes had authority to implement the CAA in non-reservation areas of Indian country and a TAS decision in Wyoming that is currently in a stay while the state appeals EPA's decision to grant the TAS. EPA is still addressing both of these issues which specifically raise policy concerns about tribes and EPA implementing CAA programs in Indian country.

**Funding** – OAR administers over 12 million dollars in state and tribal assistance grants to provide to tribal governments and institutions to administer tribal air and related training programs. In 2014, this funding slightly increased from the 2013 amount but is still below 2012 and previous years. Tribes have continued to report out to OAR on the effect this lack of adequate funding has on them. OAR was not immune to reductions as well. OAR staff, including all members of the OAR Tribal Team, were required to take furlough days in 2014, making them unavailable to our tribal partners during this time.

**NTAA Executive Committee, TAMS Steering Committee and NTF** – OAR's primary partners in implementing the tribal air program are the tribes themselves, the NTAA Executive Committee and TAMS Steering Committee. The NTAA and TAMS committees act as a conduit to the tribes and jointly sponsor the annual National Tribal Forum on Air Quality (NTF). OAR partnered with ITEP and the NTAA Executive Committee to support the NTF in 2014. In 2014, OAR continued to support development of tribal capacity to improve outdoor and indoor air quality and implement the Clean Air Act (CAA) in Indian country.

### **TRIBAL AIR MONITORING SUPPORT (TAMS) CENTER STRATEGIC PLANNING**

The successful OAR/Itep/Tribal TAMS Center collaboration is now in its 14<sup>th</sup> year – providing technical support to environmental professionals in Indian country. In 2014, the TAMS Center finalized their needs assessment among tribal environmental professionals to help determine ambient/indoor air quality needs and the direction and focus of the TAMS Center in future years. The assessment had various categories asking the participant to prioritize projects based on their needs. A total of 49 tribes participated in the survey. The top three priorities were: 1) continuous ambient air monitoring, 2) indoor air quality, and 3) emission inventory.

The TAMS Steering Committee focused on recommendations based upon the needs assessment survey including monitoring equipment (renewal, new monitoring technology and the equipment loan program), developing an indoor air quality strategy and developing “concept papers” that characterize technical support needs for gravimetric filter weighing and radon. The TAMS Steering Committee met with senior OAQPS and ORIA management at the 2014 NTF and reached mutual understanding on equipment needs and gravimetric filter weighing support. In 2014, the TAMS Center’s equipment specialist has helped to reinvigorate the equipment loan program by repairing and calibrating existing equipment, prioritizing and procuring new equipment and developing “quick start” guides for much of the TAMS Center’s equipment inventory.

### **COMMUNICATION AND CAPACITY DEVELOPMENT**

**Ongoing Success With Our Partners** - At the end of 2014, EPA regions reported to OAR that seven additional tribes had been found eligible to implement one or more of the CAA programs in Indian country. Five tribes have submitted implementation plans for CAA programs for their reservations. Three tribes are implementing CAA §110, two tribes are implementing Title V permitting programs, and one is developing a minor new source permitting program. Many other tribes are conducting assessments, monitoring their air quality, both indoors and out, and undertaking activities typical of any air quality management program; including conducting outreach and education efforts for their communities; participating in local, regional and national planning efforts and in organizations including NTAA; and working with neighboring jurisdictions and EPA to develop effective programs and policies. OAR implemented a set of activities in 2013 to support these widespread and diverse tribal air quality programs.

The selections below highlight some of OAR’s achievements from our 2014 Tribal Air Agenda.

#### **1. TRAINING AND CAPACITY BUILDING**

In 2014, OAR provided numerous training opportunities including:

##### **Ambient Air Quality and Toxics**

- a. Held over 38 informational meetings, webinars, listening sessions, and public hearings on topics such as: Carbon Pollution Emissions Guidelines for New and Existing EGUs; Oil and Gas Emissions in Indian Country; General Permits and Permits by Rule for the Tribal Minor

**Commented [CT8]:** This are OAQPS #'s only.

OAR Tribal Agenda

NSR; Proposed Petroleum Refinery Sector Risk and Technology Review and NSPS; NSPS for Wood Heaters; DC Circuit Court Oklahoma Decision; Class I Redesignation and the proposed Data Requirements Rule for the 1-hour Sulfur Dioxide Primary NAAQS. (See Appendix A-3 for an overview of actions/topics discussed in the webinars and informational meetings.)

- b.** Supported ITEP trainings, which included SIP training for tribes (training pertains to how tribes can engage on SIP development with the surrounding states), Tribal NSR & CAA Permitting Training, AQS, and emissions inventory trainings.
- c.** The TAMS Center Training and Technical Support:
  - 1) Training:
    - o Delivered four classroom air quality technical courses:
      - Air Pollution Technology,
      - Application of GIS in Air Quality,
      - Management of Air Quality grants, and
      - Indoor Air Quality Diagnostic Tools for Tribal Professionals
    - o Delivered four on-line trainings:
      - Emissions Inventory,
      - Toolbox for tribal professionals,
      - QA 101, and
      - Data loggers use for air quality report.
  - 2) Professional Assistance:
    - o Development of a Taos Pueblo Radon Mitigation plan.
    - o Providing the Spokane Indian Tribe assistance with their Superfund Cleanup plan.
    - o Provided assistance to Shoshone-Bannock Tribes on FMC's Superfund Cleanup.
    - o On three occasions provided Moapa tribe on site assistance for their School Air Toxics Monitoring project.
    - o Provided Morongo Band of Mission Indians onsite training for repair and calibration of their SO2 analyzer.
    - o Assisted Hopi Tribe to set up Ozone monitoring.
    - o Assisted Pala tribe with Ozone and PM monitoring setup/calibration.
    - o Provided Shoshone-Bannock tribes hands on training at the TAMS Center on 2000i FRMs.
    - o Gravimetric laboratory support was provided to ^ tribes including filter weighing, data validation and reports.
    - o Equipment Loan Program:
      - Shoshone-Bannock tribes received two mini-vols for PM sampling at FMC's Superfund site.
      - Ute Mountain Ute received two TEOM's (continuous PM monitors).
      - Tohono O'odham tribe received two mini-vols for PM sampling.
      - Morongo Band of Mission Indians received a set of School Air Toxic Monitors.
      - Navajo Nation Churchrock Chapter received a set of School Air Toxic Monitoring equipment.
- d.** ORIA Staff presented "Radiation Impacts on Alaska Native Populations," regarding risk from Fukushima related environmental radiation exposures through traditional diet.

Commented [CT9]: What is this #?

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- e. Headquarters and regional Indoor Air staff held a listening session on indoor air and radiation topics.

### **Indoor Air and Radiation**

#### **Partnership and Collaboration for Tribal Housing**

- a. (40) - New and remodeled tribal homes were built with improved IAQ building standards upon the Spokane Tribal Nation. EPA's Tribal IAQ Healthy Housing Team collaborated with the Spokane Tribe at its housing authority to assist in the adoption WA states - Evergreen building codes and provide technical assistance to properly apply radon resistant new construction standards; and improved IAQ guidance.
- b. Tribal IAQ Healthy Housing Federal Collaboration Workgroup: EPA has initiated meetings with several federal agencies (HUD, IHS, USDA, BIA, VA, etc.) toward discreet activities that would lead to potentially working together based on the following tenets:
  - 1) Raise Indoor Air Quality (IAQ) awareness and making sure it is a critical factor related toward safer and healthier tribal housing, and
  - 2) To eventually garner collaborative federal support toward the adoption of more improved energy efficient, sustainable building practices; leverage current federal tribal housing grant resources; and enhance grant funding criteria for the overall benefit of making current and future Native American homes and communities safer.

#### **Technical Assistance to Tribes: Indoor Air Quality in Tribal Communities (IAQTC)**

- a. (57) ~ Tribal professionals were provided IAQ technical assistance by NAU/ITEP staff directly related to several discreet ongoing IAQ efforts. Tribal community collaborative efforts were established and fostered. (*Below, see a glimpse of the technical assistance provided by NAU*)
- b. 10/01/13 - Hopi Housing Fair, Second Mesa, AZ– Set up an information table for the Hopi Housing Fair, which was open to the public. Focused on wood stove issues and provided information on a variety of IAQ issues. Met with over 100 community members during the day.
- c. 10/02/13 - Hopi Housing Healthy Homes Training, Kykotsmovi, AZ – Provided a session on IAQ during training on healthy homes conducted by Red Feather Development Group. About 25 tribal staff and community members participated.
- d. 10/14/13 – Indian Education After School Program, Lone Pine, CA – Provided sessions for K-12 students from the After School Program on IAQ issues. Conducted an IAQ assessment of the education center with the help of the students. About 30 students participated.
- e. 10/17/13 – Big Pine Tribal Office, Big Pine, CA – Conducted an IAQ building assessment for the Big Pine Tribal Office with the building manager and the tribal environmental staff.
- f. 10/13/13 to 10/15/13 – San Carlos Schools, San Carlos, AZ – Conducted school building assessments in five San Carlos School district buildings and five tribal head start buildings. Two San Carlos environmental staff and one Inter-Tribal Council air quality staff participated in the building assessments as well as staff from the school district. Met with the principal and the school nurse following the assessments to discuss the results and to plan for improvements.
- g. 10/15/13 – San Carlos Education Department after School Program, San Carlos, AZ – Provided a presentation for K-12 students from the After School Program on IAQ issues. About 10 students participated.

## OAR Tribal Agenda

- h. 02/12/14. School Health and Indoor Environments Leadership Development (SHIELD) – The IAQTC staff worked with the SHIELD group to conduct a webinar on best practices for conducting a webinar pacing event for IAQ in schools.
- i. 02/13/14. USEPA Region 9 –The IAQTC staff worked with USEPA Region 9 IAQ staff to conduct a webinar on mold and moisture issues to assist tribal professionals who were interested in preparing to submit a proposal for the HUD/ONAP –Mold (NOFA).
- j. Alaska Marine Sampling: ORIA helped to coordinate Federal (EPA, FDA, NOAA) and State (AK, CA WA, OR) fish sampling, water sampling, and debris monitoring and reporting efforts to help Alaska Natives better understand potential Fukushima-related exposure and risk, especially associated with a traditional seafood based diet.
- k. Ute Mountain Ute Tribe, Towaoc, CO
  - 1) Provided information on IAQ issues to response to concerns about the tribal education department building.
  - 2) Three tribal webinars on radon, schools, and asthma were completed and presented to 100 plus attendees online/conference call.
- l. Pilot tribal radiation education materials designed for middle school students in American Indian and Alaskan Native communities. These classroom activities are intended to increase awareness and greater understanding of radiation health risks; the materials focus on the real-life public health and environmental issues (e.g., uranium mining) encountered on tribal lands. Initial pilot testing occurred in Anchorage, Alaska at the 39th Bilingual Multicultural Education/Equity Conference. Roll out of the educational materials, alongside ORIA's RadTown, is expected to take place in the latter part of the fiscal year.
- m. In an effort to provide more training to government and tribal governmental personnel, ORIA will offer Multi Agency Site Survey and Investigation Manual (MARSSIM) training this fall via webinar. The training will be free to tribal government personnel. Additionally, ORIA has plans to offer the MARSSIM and Multi Agency Radiation Survey and Assessment of Materials and Equipment (MARSAME) manual training courses as a DVD-based self-study course. This training will be available to government personnel, including those of tribes.

### Climate Change

- a. Through an ongoing cooperative agreement with ITEP, OAP has supported development of a national climate change adaptation planning training program and online resources for tribes. [OAP]
  - 1) Over the past three years, under the ITEP training cooperative agreement, 286 people from 120 tribes or tribal organizations have been trained in developing adaptation plans to prepare for the expected impacts of climate change.
  - 2) The ITEP cooperative agreement also provides information and training with a special focus on Alaska Natives. In 2014, ITEP, in collaboration with EPA Region 10, hosted three Alaska webinars. ITEP's tribes and climate change website also features a case study of a native village and climate science/black carbon fact sheets designed for Alaska natives.

## 2. TECHNICAL SUPPORT

OAR recognizes the need to provide direct technical support to our tribal partners to assist them in implementing effective air quality programs and projects through the following activities:

### Ambient Air Quality and Toxics

- a. Completed and released the *Guidance for Indian Tribes Seeking Class I Redesignation*.
- b. Held monthly tribal New Source Review (NSR) and tribal designation calls with tribal environmental professionals – these calls served as a discussion/informational forum regarding upcoming actions/activities in these areas. [OAQPS]
- c. Worked with Navajo Nation EPA and Region 9 to develop culturally relevant outreach materials and tools to help reduce residential wood and coal smoke from home heating appliances (e.g., coal stoves). [OAQPS]
- d. Developed home heating survey with Navajo Nation EPA and Region 9. <http://www.epa.gov/burwise/pdfs/homeheatingsurveytemplate.pdf>. [OAQPS]
- e. Developed guidance document to provide available “funding ideas” for state, tribal and local areas to replace or install cleaner home heating. <http://www.epa.gov/burwise/pdfs/financing.pdf>. [OAQPS]
- f. Revised guidance document to provide a “how to implement a wood-burning change out program” for state, tribal and local areas. <http://www.epa.gov/burwise/how-to-guide.html>. [OAQPS]
- g. Supported the installation and operation of three CASTNET small-footprint tribal monitoring sites in partnership with the Kickapoo Tribe (KS) (installed Feb 2014), the Red Lake Band of Chippewa (MN) (installed August 2014), and the Confederated Tribes of the Umatilla Indian Reservation (OR) (scheduled for installation in spring 2015). These small-footprint monitoring sites provide a low cost, low maintenance method for tribes to become involved with the CASTNET monitoring program. [OAP]

### Indoor Air and Radiation

- a. Indoor Air Quality Tribal Communities/NAU (IAQTC) Website Activity
  - 1) 6500 total visits to the IAQTC website approximately 541 visits per month have connected to the IAQTC. As a complement to our IED web presence,
  - 2) NAU/ITEP developed a website to track their technical assistance and training efforts regarding their cooperative agreement deliverables.
- b. TAMS Center Technical Support
  - 1) Completed the Wet Deposition Mercury monitoring for two tribes for period of one year (Makah Nation, EPA Region 10, and Hualapai Nation, EPA Region 9).
  - 2) Five sets of monitoring equipment was sent to tribes for their use in the field, the equipment included, two mini vols for PM 2.5 measurement, 2 Ozone Analyzers with their accessories and one set of school air toxic monitoring equipment.
  - 3) Drafted a Statement of Work (SOW) for the Request for Proposal (RFP) for commercial laboratories to bid for PM 2.5 filter weighing service for tribes. The RFP itself is being worked on by the TAMS staff. It will be finalized in early 2014
- c. Eight tribes received \$280K of funding through SIRG grants.
- d. Radiation Support
  - 1) In October 2013, ORIA offered a three-day technical Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) Training Class to Navajo Nation EPA and Bureau of Mines personnel. The training was held in Gallup, New Mexico and

was intended to assist the Navajo Nation in conducting and reviewing radiation surveys of sites, including former uranium mining sites. Approximately 15 individuals were trained at this event.

- 2) Funding support was provided to Region 9 and the Navajo Nation EPA to help sponsor the annual Uranium Contamination Stakeholder Workshop in Gallup, New Mexico; ORIA covered the total cost of the hotel meeting space and supplies (\$2,753.30). ORIA staff also participated in the April 2013 working meeting, which addressed legacy uranium issues on tribal lands. The workshop focused on the Five Year Plan and included sessions on contaminated water sources, contaminated structures, health, and a community discussion on abandoned uranium mines. Approximately 170 people participated in the two-day workshop.
- 3) ORIA engaged tribes in the discussion of a newly revised Protective Action Guides (PAGs) Manual, which was issued for public review and comment. In August 2013, two webinars were offered specifically for our tribal partners. The webinars, which allotted time for questions and answers, provided background information on the PAGs and covered key changes in the Manual from the 1992 version. Approximately 10 individuals associated with our tribal partners participated in the webinars.

## 5. RULES AND POLICIES

OAR recognized the need to increase the opportunities for tribes to fully participate in the OAR rule and policy development process to ensure that OAR rules addressed tribal concerns and strengthened tribal programs and the implementation of policy making efforts.

### Significant Accomplishments for 2014

- a. Presented on tribal conference calls (including monthly NTAA air policy calls, National Tribal Caucus meetings, etc.) and participated at tribal conferences (National Tribal Forum on Air Quality and held informational meetings, listening sessions, public hearings, and webinars on key actions to provide support for tribal participation in the rulemaking process. Presentations and webinars were conducted as part of the rule development process to increase awareness and understanding; during the public comment period to enhance tribes' ability to provide meaningful input; and post proposal, to aid in implementation of final rules.
- b. Conducted outreach and offered, facilitated, and followed-up on government-to-government tribal consultations for OAR rulemakings, guidance documents and other actions.

### Ambient Air Quality and Toxics

- a. Invited federally recognized tribes to consult with the EPA on upcoming regulatory actions and/or decisions that may affect them.
  - 1) Sent out seven consultation letters on proposed rulemakings and guidance documents to tribal leadership in each of the 566 federally recognized tribes. [OAQPS]
- b. Held over 16 webinars and informational meetings for tribal environmental professionals on upcoming/proposed regulatory actions and/or policies. In addition, OAQPS formally presented over 15 times on the NTAA & EPA air policy calls providing information/updates on proposed rulemakings, policies and guidance documents. [OAQPS]
- c. Held 13 listening sessions and eight public hearings on Reducing Carbon Pollution from New and Existing Power Plants. [OAQPS]
- d. Completed proposal for general permits and permits by rule for the following 5 source categories: Hot mix asphalt plants; stone quarrying, crushing, and screening facilities; auto body repair and miscellaneous surface coating operations; gasoline dispensing facilities; and petroleum dry cleaning facilities. Published in Federal Register in January 2014. [OAQPS]
- e. Issued a title V operating permit for Deseret Bonanza Power plant in Utah which is located on the Uintah & Ouray Indian Reservation. [OAQPS]

*(See A-3 in the Appendix for a listing of the regulatory actions/topics discussed in the monthly NTAA/EPA calls, consultation letters, webinars, and informational meetings.)*  
[OAR]

Commented [CT10]: Note: #'s below are for OAQPS only.

### Indoor Air and Radiation

- a. In response to the OAR Tribal Air & Radiation Strategy, the ORIA Tribal Team (headquarters and regions) and Indoor Environments Division are developing a federal collaborative partnership with a goal to improve the effectiveness of federal programs and resources in Indian country. Initial work in 2013 focused on identifying key programs and participants at the national and regional level. Initial discussion included HUD's Office of Native American Programs (ONAP), Indian Health Service, USDA's Rural Development Program and BIA's Housing Improvement Program (HIP).
- b. In response to food safety concerns raised by Alaska Natives at the November 2013 Alaska Tribal Conference on Environmental Management (ATCEM), ORIA coordinated with other EPA Offices, FDA and NOAA, and participated in an Alaska Department of Environmental Conservation (ADEC) workgroup to identify and publish relevant food safety data, communicate more effectively to tribes on radiation risk from locally harvested foods, as well as to represent the need for additional relevant testing to confirm the safety of locally caught and consumed seafood.

Commented [WE11]: As noted earlier, suggest relabeling this as an OAR summary so we can include everyone's regulatory work.

#### **4. INTERNAL EPA ACTIVITIES AND ADDITIONAL PROGRAMMATIC ACTIVITIES**

OAR acknowledges that in order to strengthen our collaboration with tribal communities, every employee of OAR needs to have a working knowledge of how their work may impact tribal communities. Additionally, OAR-managed grants will also continue to help tribes strengthened their efforts to address air pollution. Finally, OAR participated in various internal and external activities to expand overall communication and collaboration with tribal nations.

**Highlights from 2014**

- a. Increased OAR knowledge of tribal air quality programs and requirements through training efforts.
- b. In 2014, the OAR offices hosted three brown bag events for OAQPS, OAP, ORIA and OTAQ staff on environmental justice (EJ) and tribal issues. On April 2, the OAR tribal brownbag event featured a brief training on the new *OAR Handbook for Interacting with Tribal Governments* as well as presentations from two of our tribal partners in the air world who discussed how their tribal air programs operate and shared thoughts on how best to work with the tribes. This event was well attended, brought staff together from across the air family and helped to educate staff about tribal issues.
- c. In June 2014, OAQPS held a one day Working Effectively with Tribal Governments (WETG) workshop in RTP, NC for OAQPS staff. There were three presentations from our tribal partners and two presentations from EPA's OGC and AIEO. Topics included an overview of Native American Culture, History and Governmental Relationships; Federal Indian Law: Understanding Jurisdiction, the Federal Trust Responsibility and Legal Issues Regarding Implementation of EPA Programs in Indian Country; Environmental Protection on the Fond du Lac Indian Reservation; Overview of EPA's Tribal Program and How Tribal Issues Impact the Agency's Daily Work and a Message to EPA from the Tribes.
- d. All OAR management and staff completed EPA's "Working Effectively with Tribal Governments" online training.
- e. Strengthened outreach and communication to increase tribal participation in Diesel Emissions Reduction Act (DERA) grant program.
  - 1) OTAQ hosted multiple DERA teleconferences focused specifically on tribal applications for the new standalone DERA Tribal RFP.
  - 2) OTAQ continued to improve its DERA tribal webpage to feature DERA tribal awardees and share information. <http://www.epa.gov/cleandiesel/prgtribal.htm>
  - 3) OTAQ visited two DERA tribal awarded projects. Staff visited and met with the grant administrators and tribal environment staff from the nations of Swinomish Tribe and Lummi Nation in Washington State.

**A-3. 42014 Tribal Outreach & Consultation Activities**

**1) NTAA & EPA Air Policy Calls – OAR Discussion Topics**

- |                                                              |                                                                                                        |                                                                                                                                                                                                                         |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ⇒ Petroleum Refinery Sector RTR and NSPS                     | ⇒ Update on the DC Circuit Court Decision on OK                                                        | ⇒ Supplemental Proposal: NESHAP RTR for Ferroalloys                                                                                                                                                                     |
| ⇒ Indian Country NSR Amendments                              | ⇒ Update on the Supreme Court Decision for the GHG Tailoring Rule                                      | ⇒ Update of EPA Air Pollution Control Cost Manual                                                                                                                                                                       |
| ⇒ The CAA & Upcoming Greenhouse Gas Actions for Power Plants | ⇒ Tribal Minor NSR -Amendments -Oil & Gas                                                              | ⇒ President’s Climate Action Plan                                                                                                                                                                                       |
| ⇒ Status update on Section 111(d) of the CAA                 | ⇒ Update of General Permits and Permits by Rule for the Indian Country Minor New Source Review Program | ⇒ Proposed NSPS Revision for Residential Wood Heaters                                                                                                                                                                   |
| ⇒ Transport Issues                                           | ⇒ Tribal Climate and Energy Information Pages                                                          | ⇒ Addressing GHGs from Aircraft under the Clean Air Act                                                                                                                                                                 |
| ⇒ Tribal Greenhouse Gas Inventory Tool                       | ⇒ Summary of Comments Received at EPA’s Public Listening Sessions for CPP – Existing EGUs              | ⇒ Supplemental Proposal: SIPS: Response to Petition for Rulemaking; Finds of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions during Periods of Startup, ShutDown and Malfunction |
| ⇒ OAR’s Climate Change Adaption Implementation Plan          | ⇒ Proposed HCFC Production Rule                                                                        | ⇒ Regulating Emissions from Stationary Reciprocating Internal Combustion Engines                                                                                                                                        |
| ⇒ Class I Redesignation Guidance                             | ⇒ EPA’s Proposed Clean Power Plan                                                                      | ⇒ Proposed Rule for Radon Emissions from Uranium Mills                                                                                                                                                                  |
| ⇒ Update on EPA’s MOVES 2014                                 | ⇒ E.O. 13175 Language for SIP Federal Register Notices                                                 | ⇒ US Global Change Research Program’s Climate and Health Assessment                                                                                                                                                     |

**Commented [E12]:** Suggest all offices list topics they discussed on NTAA calls

**Commented [CT13]:** All OAR topics have been listed according to the NTAA call agendas.

**2) Webinars** – 10 webinars were held with tribal environmental professionals on the following proposed actions/activities:

- ⇒ Clean Power Plan – Part I – Setting the State Goals.
- ⇒ Clean Power Plan – Part II – Setting the Goals.
- ⇒ Clean Power Plan – Part III – Implementation.
- ⇒ Proposed Revision of NSPS for New Residential Wood Heaters.
- ⇒ EPA Burn Wise – Funding Options for Wood-burning Appliance Change Outs.
- ⇒ Proposed Data Requirements Rule for the 1-Hour Sulfur Dioxide Primary NAAQS.
- ⇒ Introduction to Air Permits.

**3) Information Meetings/Group Calls/Listening Sessions/Public Hearings** – 29 events were held with tribal environmental professionals on the following proposed actions/activities:

- ⇒ Overview of Public Listening Sessions on Carbon Pollution Emission Guidelines (EGUs).
- ⇒ General permits and permits by rule for the Tribal Minor New Source Review Program for Bundle #1 and Bundle #2.
- ⇒ ANPR: Managing Oil & Gas Emissions from Minor Source in Indian Country.
- ⇒ Climate Change Guidelines for New and Existing Electric Generating Units.
- ⇒ Proposed Petroleum Refinery Sector Risk and Technology Review and NSPS.

**4) Consultations** – Consultation letters on seven proposed actions were sent to the tribal leadership of 566 federally recognized tribes. A courtesy copy was also sent (via email) to their respective tribal environmental professionals. In addition a notice of consultation was posted in EPA's Tribal Consultation Tracking System (TCOTS) which is available for viewing by the general public.

- ⇒ CPP – Greenhouse Gas NSPS for EGUs.
- ⇒ Petroleum Refineries Sector RTR and NSPS.
- ⇒ ANPR: Managing Oil & Gas Emissions from Minor Sources in Indian Country.
- ⇒ Proposed Revision of NSPS for New Residential Wood Heaters.
- ⇒ General Permits and Permits by Rule for the Tribal Minor New Source Review (NSR) Program (Bundle #1 and Bundle #2).
- ⇒ EGU GHG Emission Guidelines for Existing Sources Presidential Directive.

**Commented [CT14]:** The #'s shown for the Webinars/Informational meetings/Group Calls/Listening Sessions/Public Hearings are from OAQPS. Other offices need to add to this.

**Commented [CT15]:** Shown are OAQPS consultations....other offices need to add to this.

## Thornton, Marisa

---

**From:** Thornton, Marisa on behalf of Collections.SubW  
**Sent:** Thursday, August 27, 2015 11:31 AM  
**To:** Thornton, Marisa  
**Subject:** Fw: Canon City Met Data

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, August 11, 2015 6:49 AM  
**To:** Collections.SubW  
**Subject:** FW: Canon City Met Data

---

**From:** Steve Marschke [mailto:smarschke@scainc.com]  
**Sent:** Wednesday, July 01, 2015 11:43 AM  
**To:** Rosnick, Reid  
**Subject:** Fw: Canon City Met Data

Reid,

Abe found a copy of my 2011 email to Mr. Cain in his archive.

Steve

**From:** [Abe Zeitoun](#)  
**Sent:** Wednesday, July 01, 2015 11:24 AM  
**To:** '[Steve Marschke](#)'  
**Subject:** FW: Canon City Met Data

I have the communication in my Archives

Thanks

***Abe Zeitoun***

Senior Vice President | SC&A, Inc. | 1608 Spring Hill Rd | Vienna, VA 22182  
Office: (703) 893-6600 Ext. 225 | (571) 282-2852 (Direct Line)

**SC&A** S. COHEN & ASSOCIATES  
AN EMPLOYEE-OWNED COMPANY

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---

**From:** Steve Marschke [<mailto:smarschke@scainc.com>]  
**Sent:** Wednesday, February 23, 2011 11:42 AM  
**To:** [jim.cain@cotterusa.com](mailto:jim.cain@cotterusa.com)  
**Cc:** [Rosnick.Reid@epamail.epa.gov](mailto:Rosnick.Reid@epamail.epa.gov); Rose Gogliotti; Brian Littleton; Abe Zeitoun  
**Subject:** Fw: Canon City Met Data

Dear Mr Cain,

It was good talking with you this morning.

As I mentioned, we're working on the radon risk assessment from uranium facilities for EPA. We've modeled each facility using the best data we could find in the open literature. I found reference to the Canon City met tower in the open literature (e.g., the recently published ATSDR report), but was unable to locate any data collected by that tower. If you could provide me with joint frequency data for a representative period (ATSDR used 2008 data, which would be fine), we would use that data in our assessment, instead of data for Colorado Springs from the CAP88 library.

Also, we're basing our radon releases on the 1999 through 2009 reported fluxes from the Primary and Secondary Impoundments, and have assumed that other sources would be small. If you have better information on the site's annual radon release, we'd be happy to receive it and use it in our assessment.

Thanks for your help,  
Steve

----- Original Message -----

**From:** [Steve Marschke](mailto:Steve Marschke)  
**To:** [jim.cain@cottercc.com](mailto:jim.cain@cottercc.com)  
**Cc:** [Rosnick.Reid@epamail.epa.gov](mailto:Rosnick.Reid@epamail.epa.gov) ; [Brian Littleton](mailto:Brian Littleton) ; [Abe Zeitoun](mailto:Abe Zeitoun)  
**Sent:** Monday, February 14, 2011 5:19 PM  
**Subject:** Canon City Met Data

Dear Mr Cain,

I'm working with Reid Rosnick and Brian Littleton of the EPA on the radon risk assessment from uranium recovery facilities. As you know, we performed the draft assessment using CAP88, meteorological data that was obtained from the CAP88 library for Colorado Springs, and radon release estimates based on the radon fluxes reported in the semi-annual effluent reports that are submitted to the Colorado Dept of Public Health and Environment.

From talking with Reid, I understand that you have offered to supply us with meteorological data from the onsite tower. I would greatly appreciate that data, either as joint frequency tables, or in CAP88's STAR format. Likewise, please feel free to forward any additional data that you might have that would enhance the risk assessment, e.g., the annual radon release estimates.

Thanks for your help,  
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**To:** Thornton, Marisa  
**Subject:** Fw: Canon City Met Data

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**From:** Rosnick, Reid  
**Sent:** Tuesday, August 11, 2015 6:49 AM  
**To:** Collections.SubW  
**Subject:** FW: Canon City Met Data

---

**From:** Steve Marschke [mailto:smarschke@scainc.com]  
**Sent:** Wednesday, July 01, 2015 12:06 PM  
**To:** Rosnick, Reid  
**Cc:** Abe Zeitoun  
**Subject:** Re: Canon City Met Data

According to the March 2011 progress report it was in an email.  
Unfortunately, he probably didn't copy Abe, and I no longer have his email.

Steve

**From:** [Rosnick, Reid](#)  
**Sent:** Wednesday, July 01, 2015 11:53 AM  
**To:** [Steve Marschke](#)  
**Subject:** RE: Canon City Met Data

Steve,

Did he refuse to provide the data verbally or in an email?

---

**From:** Steve Marschke [mailto:smarschke@scainc.com]  
**Sent:** Wednesday, July 01, 2015 11:43 AM  
**To:** Rosnick, Reid  
**Subject:** Fw: Canon City Met Data

Reid,

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## *Abe Zeitoun*

Senior Vice President | SC&A, Inc. | 1608 Spring Hill Rd | Vienna, VA 22182  
Office: (703) 893-6600 Ext. 225 | (571) 282-2852 (Direct Line)



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---

**From:** Steve Marschke [<mailto:smarschke@scainc.com>]  
**Sent:** Wednesday, February 23, 2011 11:42 AM  
**To:** [jim.cain@cotterusa.com](mailto:jim.cain@cotterusa.com)  
**Cc:** [Rosnick.Reid@epamail.epa.gov](mailto:Rosnick.Reid@epamail.epa.gov); Rose Gogliotti; Brian Littleton; Abe Zeitoun  
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Thanks for your help,  
Steve

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**From:** [Steve Marschke](#)  
**To:** [jim.cain@cottercc.com](mailto:jim.cain@cottercc.com)  
**Cc:** [Rosnick.Reid@epamail.epa.gov](mailto:Rosnick.Reid@epamail.epa.gov) ; [Brian Littleton](#) ; [Abe Zeitoun](#)  
**Sent:** Monday, February 14, 2011 5:19 PM

**Subject:** Canon City Met Data

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Thanks for your help,  
Steve

---

[Spam](#)

[Phish/Fraud](#)

[Not spam](#)

[Forget previous vote](#)

## Thornton, Marisa

---

**From:** Thornton, Marisa on behalf of Collections.SubW  
**Sent:** Thursday, August 27, 2015 11:31 AM  
**To:** Thornton, Marisa  
**Subject:** Fw: Canon City Met Data

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**From:** Rosnick, Reid  
**Sent:** Tuesday, August 11, 2015 6:49 AM  
**To:** Collections.SubW  
**Subject:** FW: Canon City Met Data

---

**From:** Steve Marschke [mailto:SteveMarschke@frontiernet.net]  
**Sent:** Wednesday, July 01, 2015 1:00 PM  
**To:** Rosnick, Reid  
**Cc:** Abe Zeitoun  
**Subject:** Fw: Canon City Met Data

Hi Reid,

Abe found the 2011 email from Mr. Cain!!

Steve

**From:** [Steve Marschke](#)  
**Sent:** Thursday, March 17, 2011 12:36 PM  
**To:** [Rosnick.Reid@epamail.epa.gov](mailto:Rosnick.Reid@epamail.epa.gov) ; [Brian Littleton](#)  
**Cc:** [Rose Gogliotti](#) ; [Abe Zeitoun](#)  
**Subject:** Fw: Canon City Met Data

Reid, as you requested, Steve

----- Original Message -----

**From:** [Jim Cain](#)  
**To:** [Steve Marschke](#)  
**Sent:** Tuesday, March 08, 2011 3:34 PM  
**Subject:** RE: Canon City Met Data

Steve

I am unable to provide this information to you at this time. As you stated, ATSDR was provided the 2008 JFD by our contractor and perhaps you can recover it from them. As far as the other sources of radon from the site, that was modeled in the MILDOS runs for all years. We currently still have ore on two ore pads and other surfaces are modeled based on the radium concentration of the soils.

**Jim Cain**

Environmental Coordinator/Radiation Safety Officer  
Canon City Milling Facility  
PO Box 1750  
Canon City CO 81215-1750  
719 275 7413 ext 212  
719 275 1669 (fax)  
303 669 9812 (mobile)

---

**From:** Steve Marschke [<mailto:smarschke@scainc.com>]  
**Sent:** Wednesday, February 23, 2011 9:42 AM  
**To:** Jim Cain  
**Cc:** [Rosnick.Reid@epamail.epa.gov](mailto:Rosnick.Reid@epamail.epa.gov); Rose Gogliotti; Brian Littleton; Abe Zeitoun  
**Subject:** Fw: Canon City Met Data

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Steve

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**From:** [Steve Marschke](mailto:Steve.Marschke)  
**To:** [jim.cain@cottercc.com](mailto:jim.cain@cottercc.com)  
**Cc:** [Rosnick.Reid@epamail.epa.gov](mailto:Rosnick.Reid@epamail.epa.gov) ; [Brian Littleton](mailto:Brian.Littleton) ; [Abe Zeitoun](mailto:Abe.Zeitoun)  
**Sent:** Monday, February 14, 2011 5:19 PM  
**Subject:** Canon City Met Data

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Thanks for your help,  
Steve

## Thornton, Marisa

---

**From:** Thornton, Marisa on behalf of Collections.SubW  
**Sent:** Thursday, August 27, 2015 11:31 AM  
**To:** Thornton, Marisa  
**Subject:** Fw: Cotter  
**Attachments:** WA 1-04\_2011\_03.doc; WA 1-04\_2011\_02.doc

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, August 11, 2015 6:50 AM  
**To:** Collections.SubW  
**Subject:** FW: Cotter

---

**From:** Steve Marschke [mailto:smarschke@scainc.com]  
**Sent:** Wednesday, July 01, 2015 11:10 AM  
**To:** Rosnick, Reid  
**Cc:** Anne Brophy; Abe Zeitoun  
**Subject:** Re: Cotter

Hi Reid,

That is correct. Unfortunately I no longer have the emails between Mr. Cain and myself, but I do have the WA 1-04 progress reports that document the conversations—they are attached.

Steve

**From:** [Rosnick, Reid](#)  
**Sent:** Wednesday, July 01, 2015 10:55 AM  
**To:** [Steve Marschke](#)  
**Cc:** [Anne Brophy](#)  
**Subject:** Cotter

Hi Steve,

Quick question. Please refresh my memory. When you were doing the risk assessment for Subpart W, I remember you asking Jim Cain of Cotter for all of their met data, pop data, etc. He said no, correct? If that's right, do you have documentation of it? Thanks

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

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[Spam](#)

[Phish/Fraud](#)

[Not spam](#)

[Forget previous vote](#)

WORK ASSIGNMENT NO. 1-04  
Risk Assessment Revision for 40 CFR Part 61 Subpart W –  
Radon Emissions from Operating Mill Tailings  
WAM: Littleton

**PURPOSE AND SCOPE**

The objective of this Work Assignment (WA) is to support the revision of the risk assessment for the National Emission Standards for Radionuclides from uranium mill tailing facilities. These facilities include mill tailing operations, in situ leach mining facilities, and potentially, heap leach facilities. Specifically, SC&A will use its knowledge of these operational sites and projections on potential future milling, in situ leach, and heap leach mining sites to revise the risks that were conducted in the final environmental impact statements conducted for this portion of the NESHAPs standard only. Risk assessments will be conducted for all existing facilities required to meet the Subpart W provisions, and SC&A will develop risk assessment scenarios for select representative future milling and mining operation sites. The information developed in this WA will be used by the Agency in the determination of whether the existing standards for Subpart W need to be revised, and, if so, what may represent reasonable revisions to the standard.

**TECHNICAL STATUS**

*Progress Made During Period:*

- Task 4 – On February 8<sup>th</sup>, the WAM provided SC&A with additional comments on the “Detailed Risk Assessment” report.
- On February 13<sup>th</sup>, a teleconference was held between SC&A and the WAM. EPA indicated that SC&A was to contact Jim Cain at the Canon City mill and Oscar Paulson of the Sweetwater mill to obtain any meteorological or other data, which could be used to improve the Task 4 risk assessment.
- Task 4 – On February 14<sup>th</sup>, Oscar Paulson of the Sweetwater mill was contacted via email. Mr. Paulson responded on February 16<sup>th</sup> with a list of references where data could be found. SC&A re-ran CAP88 using revised meteorological data referred to be Mr. Paulson, the other data Mr. Paulson references was already included in the report.
- Task 4 – After several unsuccessful email attempts, Jim Cain at the Canon City mill was contacted by phone on February 23<sup>rd</sup>. Follow-up emails to Mr. Cain requested any site specific meteorological or other data, which could be used in the risk assessment.
- Task 4 – SC&A has been revising the “Detailed Risk Assessment” report to address the comments received on January 20<sup>th</sup> and February 8<sup>th</sup>.
- On February 24<sup>th</sup>, SC&A received a 200 workhour extension for WA 1-04.
- A teleconference scheduled for February 25<sup>th</sup> was postponed, because the revision to the Task 4 “Detailed Risk Assessment” report had not been completed, due to the lack of the anticipated Canon City data.

*Difficulties Encountered and Remedial Action Taken:*

None.

WORK ASSIGNMENT NO. 1-04 (continued)  
Risk Assessment Revision for 40 CFR Part 61 Subpart W –  
Radon Emissions from Operating Mill Tailings  
WAM: Littleton

*Anticipated Activity Next Period:*

- Task 4 – Complete revision of the “Detailed Risk Assessment” report to address the comments received on January 20<sup>th</sup> and February 8<sup>th</sup>.

*Schedule of Deliverables (Next Reporting Period):*

- Task 4 – The revised “Detailed Risk Assessment” report.

**OUTSTANDING ACTIONS AWAITING CONTRACTING OFFICER AUTHORIZATION**

- On February 24<sup>th</sup>, SC&A received a 200 workhour extension for WA 1-04, however, the additional cost associated with these 200 workhours was not provided.

WORK ASSIGNMENT NO. 1-04  
Risk Assessment Revision for 40 CFR Part 61 Subpart W –  
Radon Emissions from Operating Mill Tailings  
WAM: Littleton

**PURPOSE AND SCOPE**

The objective of this Work Assignment (WA) is to support the revision of the risk assessment for the National Emission Standards for Radionuclides from uranium mill tailing facilities. These facilities include mill tailing operations, in situ leach mining facilities, and potentially, heap leach facilities. Specifically, SC&A will use its knowledge of these operational sites and projections on potential future milling, in situ leach, and heap leach mining sites to revise the risks that were conducted in the final environmental impact statements conducted for this portion of the NESHAPs standard only. Risk assessments will be conducted for all existing facilities required to meet the Subpart W provisions, and SC&A will develop risk assessment scenarios for select representative future milling and mining operation sites. The information developed in this WA will be used by the Agency in the determination of whether the existing standards for Subpart W need to be revised, and, if so, what may represent reasonable revisions to the standard.

**TECHNICAL STATUS**

*Progress Made During Period:*

- Task 4 – On March 8<sup>th</sup> received an email from Jim Cain informing that Cotter would not be providing meteorological or any other data for the Canon City site. The WAM was informed, and he directed SC&A to proceed with the revision to the “Detailed Risk Assessment” report.
- Task 4 – The “Detailed Risk Assessment” revised draft report, which incorporated comments received on original draft of the report (received on February 8<sup>th</sup>), was provided to the WAM on March 15<sup>th</sup>.
- Task 4 – On March 16<sup>th</sup> a second version of the “Detailed Risk Assessment” revised draft report was provided to the WAM. This second version was necessary after several errors were identified by SC&A in the version that was sent to the WAM on March 15<sup>th</sup>.
- On March 17<sup>th</sup>, a conference call was held between SC&A and EPA to discuss how SC&A addressed the comment on the original report in the revised draft.
- Task 4 – The “Detailed Risk Assessment” revised draft report, which incorporated the results of the March 17<sup>th</sup> teleconference, was provided to the WAM on March 26<sup>th</sup>. Note, due to time constraints, this revised draft did not expand the analysis to include the Church Rock and Crownpoint sites, as was discussed during the March 17<sup>th</sup> teleconference.

*Difficulties Encountered and Remedial Action Taken:*

None.

WORK ASSIGNMENT NO. 1-04 (continued)  
Risk Assessment Revision for 40 CFR Part 61 Subpart W –  
Radon Emissions from Operating Mill Tailings  
WAM: Littleton

*Anticipated Activity Next Period:*

None.

*Schedule of Deliverables (Next Reporting Period):*

None.

**OUTSTANDING ACTIONS AWAITING CONTRACTING OFFICER AUTHORIZATION**

None.

## Thornton, Marisa

---

**From:** Thornton, Marisa on behalf of Collections.SubW  
**Sent:** Thursday, August 27, 2015 11:31 AM  
**To:** Thornton, Marisa  
**Subject:** Fw: Cotter  
**Attachments:** WA 1-04\_2011\_03.doc; WA 1-04\_2011\_02.doc

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, August 11, 2015 6:50 AM  
**To:** Collections.SubW  
**Subject:** FW: Cotter

---

**From:** Steve Marschke [mailto:smarschke@scainc.com]  
**Sent:** Wednesday, July 01, 2015 11:10 AM  
**To:** Rosnick, Reid  
**Cc:** Anne Brophy; Abe Zeitoun  
**Subject:** Re: Cotter

Hi Reid,

That is correct. Unfortunately I no longer have the emails between Mr. Cain and myself, but I do have the WA 1-04 progress reports that document the conversations—they are attached.

Steve

**From:** [Rosnick, Reid](#)  
**Sent:** Wednesday, July 01, 2015 10:55 AM  
**To:** [Steve Marschke](#)  
**Cc:** [Anne Brophy](#)  
**Subject:** Cotter

Hi Steve,

Quick question. Please refresh my memory. When you were doing the risk assessment for Subpart W, I remember you asking Jim Cain of Cotter for all of their met data, pop data, etc. He said no, correct? If that's right, do you have documentation of it? Thanks

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

---

[Spam](#)

[Phish/Fraud](#)

[Not spam](#)

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WORK ASSIGNMENT NO. 1-04  
Risk Assessment Revision for 40 CFR Part 61 Subpart W –  
Radon Emissions from Operating Mill Tailings  
WAM: Littleton

**PURPOSE AND SCOPE**

The objective of this Work Assignment (WA) is to support the revision of the risk assessment for the National Emission Standards for Radionuclides from uranium mill tailing facilities. These facilities include mill tailing operations, in situ leach mining facilities, and potentially, heap leach facilities. Specifically, SC&A will use its knowledge of these operational sites and projections on potential future milling, in situ leach, and heap leach mining sites to revise the risks that were conducted in the final environmental impact statements conducted for this portion of the NESHAPs standard only. Risk assessments will be conducted for all existing facilities required to meet the Subpart W provisions, and SC&A will develop risk assessment scenarios for select representative future milling and mining operation sites. The information developed in this WA will be used by the Agency in the determination of whether the existing standards for Subpart W need to be revised, and, if so, what may represent reasonable revisions to the standard.

**TECHNICAL STATUS**

*Progress Made During Period:*

- Task 4 – On February 8<sup>th</sup>, the WAM provided SC&A with additional comments on the “Detailed Risk Assessment” report.
- On February 13<sup>th</sup>, a teleconference was held between SC&A and the WAM. EPA indicated that SC&A was to contact Jim Cain at the Canon City mill and Oscar Paulson of the Sweetwater mill to obtain any meteorological or other data, which could be used to improve the Task 4 risk assessment.
- Task 4 – On February 14<sup>th</sup>, Oscar Paulson of the Sweetwater mill was contacted via email. Mr. Paulson responded on February 16<sup>th</sup> with a list of references where data could be found. SC&A re-ran CAP88 using revised meteorological data referred to be Mr. Paulson, the other data Mr. Paulson references was already included in the report.
- Task 4 – After several unsuccessful email attempts, Jim Cain at the Canon City mill was contacted by phone on February 23<sup>rd</sup>. Follow-up emails to Mr. Cain requested any site specific meteorological or other data, which could be used in the risk assessment.
- Task 4 – SC&A has been revising the “Detailed Risk Assessment” report to address the comments received on January 20<sup>th</sup> and February 8<sup>th</sup>.
- On February 24<sup>th</sup>, SC&A received a 200 workhour extension for WA 1-04.
- A teleconference scheduled for February 25<sup>th</sup> was postponed, because the revision to the Task 4 “Detailed Risk Assessment” report had not been completed, due to the lack of the anticipated Canon City data.

*Difficulties Encountered and Remedial Action Taken:*

None.

WORK ASSIGNMENT NO. 1-04 (continued)  
Risk Assessment Revision for 40 CFR Part 61 Subpart W –  
Radon Emissions from Operating Mill Tailings  
WAM: Littleton

*Anticipated Activity Next Period:*

- Task 4 – Complete revision of the “Detailed Risk Assessment” report to address the comments received on January 20<sup>th</sup> and February 8<sup>th</sup>.

*Schedule of Deliverables (Next Reporting Period):*

- Task 4 – The revised “Detailed Risk Assessment” report.

**OUTSTANDING ACTIONS AWAITING CONTRACTING OFFICER AUTHORIZATION**

- On February 24<sup>th</sup>, SC&A received a 200 workhour extension for WA 1-04, however, the additional cost associated with these 200 workhours was not provided.

## Thornton, Marisa

---

**From:** Thornton, Marisa on behalf of Collections.SubW  
**Sent:** Thursday, August 27, 2015 11:31 AM  
**To:** Thornton, Marisa  
**Subject:** Fw: Cotter  
**Attachments:** WA 1-04\_2011\_03.doc; WA 1-04\_2011\_02.doc

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**To:** Rosnick, Reid  
**Cc:** Anne Brophy; Abe Zeitoun  
**Subject:** Re: Cotter

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Steve

**From:** [Rosnick, Reid](#)  
**Sent:** Wednesday, July 01, 2015 10:55 AM  
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**Cc:** [Anne Brophy](#)  
**Subject:** Cotter

Hi Steve,

Quick question. Please refresh my memory. When you were doing the risk assessment for Subpart W, I remember you asking Jim Cain of Cotter for all of their met data, pop data, etc. He said no, correct? If that's right, do you have documentation of it? Thanks

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

---

[Spam](#)

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[Not spam](#)

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WORK ASSIGNMENT NO. 1-04  
Risk Assessment Revision for 40 CFR Part 61 Subpart W –  
Radon Emissions from Operating Mill Tailings  
WAM: Littleton

**PURPOSE AND SCOPE**

The objective of this Work Assignment (WA) is to support the revision of the risk assessment for the National Emission Standards for Radionuclides from uranium mill tailing facilities. These facilities include mill tailing operations, in situ leach mining facilities, and potentially, heap leach facilities. Specifically, SC&A will use its knowledge of these operational sites and projections on potential future milling, in situ leach, and heap leach mining sites to revise the risks that were conducted in the final environmental impact statements conducted for this portion of the NESHAPs standard only. Risk assessments will be conducted for all existing facilities required to meet the Subpart W provisions, and SC&A will develop risk assessment scenarios for select representative future milling and mining operation sites. The information developed in this WA will be used by the Agency in the determination of whether the existing standards for Subpart W need to be revised, and, if so, what may represent reasonable revisions to the standard.

**TECHNICAL STATUS**

*Progress Made During Period:*

- Task 4 – On February 8<sup>th</sup>, the WAM provided SC&A with additional comments on the “Detailed Risk Assessment” report.
- On February 13<sup>th</sup>, a teleconference was held between SC&A and the WAM. EPA indicated that SC&A was to contact Jim Cain at the Canon City mill and Oscar Paulson of the Sweetwater mill to obtain any meteorological or other data, which could be used to improve the Task 4 risk assessment.
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*Difficulties Encountered and Remedial Action Taken:*

None.

WORK ASSIGNMENT NO. 1-04 (continued)  
Risk Assessment Revision for 40 CFR Part 61 Subpart W –  
Radon Emissions from Operating Mill Tailings  
WAM: Littleton

*Anticipated Activity Next Period:*

- Task 4 – Complete revision of the “Detailed Risk Assessment” report to address the comments received on January 20<sup>th</sup> and February 8<sup>th</sup>.

*Schedule of Deliverables (Next Reporting Period):*

- Task 4 – The revised “Detailed Risk Assessment” report.

**OUTSTANDING ACTIONS AWAITING CONTRACTING OFFICER AUTHORIZATION**

- On February 24<sup>th</sup>, SC&A received a 200 workhour extension for WA 1-04, however, the additional cost associated with these 200 workhours was not provided.

WORK ASSIGNMENT NO. 1-04  
Risk Assessment Revision for 40 CFR Part 61 Subpart W –  
Radon Emissions from Operating Mill Tailings  
WAM: Littleton

**PURPOSE AND SCOPE**

The objective of this Work Assignment (WA) is to support the revision of the risk assessment for the National Emission Standards for Radionuclides from uranium mill tailing facilities. These facilities include mill tailing operations, in situ leach mining facilities, and potentially, heap leach facilities. Specifically, SC&A will use its knowledge of these operational sites and projections on potential future milling, in situ leach, and heap leach mining sites to revise the risks that were conducted in the final environmental impact statements conducted for this portion of the NESHAPs standard only. Risk assessments will be conducted for all existing facilities required to meet the Subpart W provisions, and SC&A will develop risk assessment scenarios for select representative future milling and mining operation sites. The information developed in this WA will be used by the Agency in the determination of whether the existing standards for Subpart W need to be revised, and, if so, what may represent reasonable revisions to the standard.

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- Task 4 – On March 8<sup>th</sup> received an email from Jim Cain informing that Cotter would not be providing meteorological or any other data for the Canon City site. The WAM was informed, and he directed SC&A to proceed with the revision to the “Detailed Risk Assessment” report.
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- Task 4 – On March 16<sup>th</sup> a second version of the “Detailed Risk Assessment” revised draft report was provided to the WAM. This second version was necessary after several errors were identified by SC&A in the version that was sent to the WAM on March 15<sup>th</sup>.
- On March 17<sup>th</sup>, a conference call was held between SC&A and EPA to discuss how SC&A addressed the comment on the original report in the revised draft.
- Task 4 – The “Detailed Risk Assessment” revised draft report, which incorporated the results of the March 17<sup>th</sup> teleconference, was provided to the WAM on March 26<sup>th</sup>. Note, due to time constraints, this revised draft did not expand the analysis to include the Church Rock and Crownpoint sites, as was discussed during the March 17<sup>th</sup> teleconference.

*Difficulties Encountered and Remedial Action Taken:*

None.

WORK ASSIGNMENT NO. 1-04 (continued)  
Risk Assessment Revision for 40 CFR Part 61 Subpart W –  
Radon Emissions from Operating Mill Tailings  
WAM: Littleton

*Anticipated Activity Next Period:*

None.

*Schedule of Deliverables (Next Reporting Period):*

None.

**OUTSTANDING ACTIONS AWAITING CONTRACTING OFFICER AUTHORIZATION**

None.

## Thornton, Marisa

---

**From:** Thornton, Marisa on behalf of Collections.SubW  
**Sent:** Thursday, August 27, 2015 11:32 AM  
**To:** Thornton, Marisa  
**Subject:** Fw: Subpart R and W Briefings

---

**From:** Stahle, Susan  
**Sent:** Wednesday, August 12, 2015 9:14 AM  
**To:** Collections.SubW  
**Subject:** FW: Subpart R and W Briefings

Susan Stahle  
Attorney-Advisor  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-1272 (ph)  
202-564-5603 (fax)  
[stahle.susan@epa.gov](mailto:stahle.susan@epa.gov)

---

**From:** Rosnick, Reid  
**Sent:** Thursday, July 16, 2015 8:53 AM  
**To:** Stahle, Susan  
**Subject:** Subpart R and W Briefings

Hi Sue,

I'm scheduling these briefings for Jon and Alan for next week. Please sent me your comments on the briefings as soon as you can. Thanks

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

## Thornton, Marisa

---

**From:** Thornton, Marisa on behalf of Collections.SubW  
**Sent:** Thursday, August 27, 2015 11:31 AM  
**To:** Thornton, Marisa  
**Subject:** Fw: Subpart R and W Briefings

---

**From:** Stahle, Susan  
**Sent:** Wednesday, August 12, 2015 9:14 AM  
**To:** Collections.SubW  
**Subject:** FW: Subpart R and W Briefings

Susan Stahle  
Attorney-Advisor  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-1272 (ph)  
202-564-5603 (fax)  
stahle.susan@epa.gov

---

**From:** Rosnick, Reid  
**Sent:** Thursday, July 16, 2015 9:25 AM  
**To:** Stahle, Susan  
**Subject:** RE: Subpart R and W Briefings

I'm in the office today.

---

**From:** Stahle, Susan  
**Sent:** Thursday, July 16, 2015 9:24 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Subpart R and W Briefings

Are you in the office or at home? I'd like to talk to you about this, and the early guidance meeting. Where can I call you?

Susan Stahle  
Attorney-Advisor  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-1272 (ph)  
202-564-5603 (fax)

[stahle.susan@epa.gov](mailto:stahle.susan@epa.gov)

---

**From:** Rosnick, Reid  
**Sent:** Thursday, July 16, 2015 8:53 AM  
**To:** Stahle, Susan  
**Subject:** Subpart R and W Briefings

Hi Sue,

I'm scheduling these briefings for Jon and Alan for next week. Please send me your comments on the briefings as soon as you can. Thanks

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Update for Ed  
**Date:** Tuesday, December 08, 2015 11:13:54 AM

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**From:** Ayres, Sara  
**Sent:** Thursday, October 29, 2015 11:58 AM  
**To:** Collections.SubW  
**Subject:** FW: Update for Ed

Sara Ayres  
Air Branch  
USEPA / OECA / OC / MAMPD  
[ayres.sara@epa.gov](mailto:ayres.sara@epa.gov)  
(312) 353-6266

---

**From:** Culpepper, Tavera  
**Sent:** Tuesday, July 14, 2015 8:46 AM  
**To:** Ayres, Sara <[Ayres.Sara@epa.gov](mailto:Ayres.Sara@epa.gov)>  
**Subject:** RE: Update for Ed

Yes, thanks for the update. We will be in Ed's office, so if you could call maybe around 10:02 or so, you can go first if that works for you.

---

**From:** Ayres, Sara  
**Sent:** Tuesday, July 14, 2015 7:53 AM  
**To:** Culpepper, Tavera  
**Cc:** Banks, Julius  
**Subject:** RE: Update for Ed

Tavera,

I assume the rule you are talking about is the Uranium Mill Tailings rule. I briefed Ed at the last weekly (last Tuesday the 7<sup>th</sup>) that the Early Guidance for my rule had been postponed 2-3 weeks, although I didn't have a new date. We are now scheduled for a workgroup meeting this Thursday (the 16<sup>th</sup>) to discuss waiving Early Guidance altogether. I prepared a one-pager and a draft email on the rule and the one-pager at least has been briefed up to Lisa, I don't know about Cynthia. I think Julius wanted me to remind Ed of the progress at the Air Branch meeting today along with the

previously schedule discussion on the NESCAUM enforcement questions that Region 1 raised. Let me know if you need anything else and where I should call for the meeting at 10. Thanks.

Sara Ayres  
Air Branch  
USEPA / OECA / OC / MAMPD  
[ayres.sara@epa.gov](mailto:ayres.sara@epa.gov)  
(312) 353-6266

---

**From:** Culpepper, Tavera  
**Sent:** Monday, July 13, 2015 11:35 AM  
**To:** Ayres, Sara  
**Cc:** Banks, Julius  
**Subject:** Update for Ed

Hello Sara. It looks like you're out today, but I just attended the MAMPD manager meeting today in place of Julius. Action on your rule is scheduled for today and Ed wanted an update. He also asked for a reminder if any information had been sent to Cynthia on this already (e.g. a one pager). Can you please respond to me as soon as you get this message so that I can reply to Ed? Thanks!

Tavera

**Rulemakings**

July 13 - Early Guidance for NESHAP for Operating Uranium Mill Tailings - Sara Ayres

**Tavera Culpepper**  
Air Branch  
Monitoring, Assistance, and Media Programs Division  
Office of Compliance  
Office of Enforcement and Compliance Assurance  
US Environmental Protection Agency  
202-564-0902  
[culpepper.tavera@epa.gov](mailto:culpepper.tavera@epa.gov)

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: A new task  
**Date:** Tuesday, December 08, 2015 11:14:11 AM

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---

**From:** Schultheisz, Daniel  
**Sent:** Friday, October 16, 2015 1:31 PM  
**To:** Collections.SubW  
**Subject:** FW: A new task

---

**From:** Schultheisz, Daniel  
**Sent:** Tuesday, September 15, 2015 2:23 PM  
**To:** Rosnick, Reid  
**Cc:** Lee, Raymond  
**Subject:** RE: A new task

Ray, can you help Reid with the dates? Thanks.

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, September 15, 2015 2:20 PM  
**To:** Schultheisz, Daniel  
**Subject:** RE: A new task

I can't get into Reg Tracker.

---

**From:** Schultheisz, Daniel  
**Sent:** Tuesday, September 15, 2015 2:14 PM  
**To:** Rosnick, Reid; Rosencrantz, Ingrid; Lee, Raymond  
**Subject:** A new task

Per Alan:

Please make sure the Action Plans for subpart W and 192 reflect the dates in the reg tracker (they probably should). Then send the Action Plan to Andrea, with copy to Alan. Mike will be meeting with Janet later today. Thanks.

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192  
**Date:** Tuesday, December 08, 2015 11:14:24 AM

---

---

**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:38 AM  
**To:** Collections.SubW  
**Subject:** FW: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

---

**From:** Jackson, Scott  
**Sent:** Tuesday, September 15, 2015 9:06 AM  
**To:** Rosencrantz, Ingrid  
**Cc:** Rosnick, Reid; Daly, Carl  
**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Ingrid,

Thanks for the update. Any future updates and a copy of the letter once it's signed would be appreciated. We expect the Tribe will be contacting us once they receive it so we'd like to be ready.

Scott

---

Scott Jackson, Unit Chief  
Indoor Air, Toxics and Transportation Unit  
U.S. EPA Region 8  
1595 Wynkoop Street (8P-AR)  
Denver, CO 80202-1129  
(303) 312-6107

---

**From:** Rosencrantz, Ingrid  
**Sent:** Tuesday, September 15, 2015 6:21 AM  
**To:** Jackson, Scott  
**Cc:** Rosnick, Reid  
**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Hi Scott,

It's our understanding that the letter is still in our AA's office and has not yet been sent. We are looking into it further and I'll let you know if I learn something new.

Thanks  
Ingrid

---

**From:** Jackson, Scott  
**Sent:** Monday, September 14, 2015 3:39 PM  
**To:** Rosencrantz, Ingrid  
**Cc:** Rosnick, Reid  
**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Hi Ingrid,

Do you know the status of the response back to the Ute Mountain Ute on their request for consultation? My management was asking me today and wanted to get an update.

Thanks,  
Scott

---

Scott Jackson, Unit Chief  
Indoor Air, Toxics and Transportation Unit  
U.S. EPA Region 8  
1595 Wynkoop Street (8P-AR)  
Denver, CO 80202-1129  
(303) 312-6107

---

**From:** Rosencrantz, Ingrid  
**Sent:** Wednesday, August 12, 2015 6:47 AM  
**To:** Rosnick, Reid; Childers, Pat; Koslow, Karin; Harris, Dona; Besougloff, Jeff; Baca, Andrew  
**Cc:** Jackson, Scott; Peake, Tom  
**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

With regard to the official request for consultation that came in through the Administrator, I'm drafting a response from the perspective of 40 CFR 192, subpart F, even though I have not seen it forwarded as a control. I expect to share a draft with my management today so that it's available in case we get the control while I'm out. I will be out of the office tomorrow and Friday but in next week.

---

**From:** Rosnick, Reid  
**Sent:** Wednesday, August 12, 2015 8:43 AM  
**To:** Childers, Pat; Koslow, Karin; Harris, Dona; Besougloff, Jeff; Baca, Andrew  
**Cc:** Rosencrantz, Ingrid; Jackson, Scott

**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Hi all,

Just to say that we should also include Scott Jackson from Region 8 (copied). Also, I will be out of pocket for the next week or so beginning tomorrow afternoon. Please keep me in the loop. Thanks

Reid

---

**From:** Childers, Pat

**Sent:** Wednesday, August 12, 2015 8:40 AM

**To:** Koslow, Karin; Harris, Dona; Besougloff, Jeff; Baca, Andrew

**Cc:** Rosencrantz, Ingrid; Rosnick, Reid

**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Hello Karin,

Im hoping to disappear for a couple days R and R between now and next Wednesday. I will have email with me throughout however. OAR is going to continue to reach out to Scott for a staff level discussion again in the near future, hopefully prior to EPA's response. Im actually unclear if the response is in your court or ours right now (or if it is even logged into the CMS) . I am including Ingrid Rosencrantz and Reid Rosnick on this email as the appropriate subject matter experts. Ingrid and Reid is there anything you would like to add?

Pat

---

**From:** Koslow, Karin

**Sent:** Friday, August 07, 2015 11:54 AM

**To:** Harris, Dona; Besougloff, Jeff; Baca, Andrew; Childers, Pat

**Subject:** Fw: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Pls see below - we can connect early next week on response.

Tnx,

K

Karin Koslow

Deputy Director, AIEO

202-564-0171

---

**From:** Scott Clow <[sclow@utemountain.org](mailto:sclow@utemountain.org)>

**Sent:** Thursday, August 06, 2015 4:22 PM

**To:** Chase, JoAnn; McGrath, Shaun

**Cc:** Rosnick, Reid; Koslow, Karin; Celene Hawkins; Malcolm Lehi; Manuel Heart; Deanne Wall; Regina Lopez-Whiteskunk; Gary Hayes; Juanita PlentyHoles; Priscilla Blackhawk; [clarrick@utemountain.org](mailto:clarrick@utemountain.org); [tnatori@utemountain.org](mailto:tnatori@utemountain.org); H. Michael Keller; [clarrick@utemountain.org](mailto:clarrick@utemountain.org); [tnatori@utemountain.org](mailto:tnatori@utemountain.org); Vance, Sam; Mitre, Alfreda

**Subject:** Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Dear JoAnn and Shaun,

It was a very pleasant and productive NTOC meeting in June. Good to see you there.

I am sending this electronically in the interest of time and planning potential meeting dates. Hard copies are in the mail. Please review and discuss in anticipation of scheduling a meeting in the near future.

An update from Reid Rosnick today indicated that the NESHAPS Subpart W rule may be finalized by the end of the calendar year or early in 2016. This should provide some more time for meaningful consultation with the Tribe.

Thanks,

Scott T. Clow  
Environmental Programs Director  
Ute Mountain Ute Tribe  
PO Box 448  
Towoac, CO 81323  
(970) 564-5432 office  
(970) 570-3546 mobile  
(970) 565-2651 fax

dept logo-small2



**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192  
**Date:** Tuesday, December 08, 2015 11:14:38 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:37 AM  
**To:** Collections.SubW  
**Subject:** FW: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

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**From:** Rosencrantz, Ingrid  
**Sent:** Tuesday, September 15, 2015 9:16 AM  
**To:** Perrin, Alan  
**Cc:** Schultheisz, Daniel; Rosnick, Reid  
**Subject:** FW: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Please see Scott's request below. I'm happy to send him the final once it goes out if you can forward it to me. Thanks!  
Ingrid

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**From:** Jackson, Scott  
**Sent:** Tuesday, September 15, 2015 9:06 AM  
**To:** Rosencrantz, Ingrid  
**Cc:** Rosnick, Reid; Daly, Carl  
**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Ingrid,

Thanks for the update. Any future updates and a copy of the letter once it's signed would be appreciated. We expect the Tribe will be contacting us once they receive it so we'd like to be ready.

Scott

---

Scott Jackson, Unit Chief  
Indoor Air, Toxics and Transportation Unit  
U.S. EPA Region 8  
1595 Wynkoop Street (8P-AR)  
Denver, CO 80202-1129

(303) 312-6107

---

**From:** Rosencrantz, Ingrid  
**Sent:** Tuesday, September 15, 2015 6:21 AM  
**To:** Jackson, Scott  
**Cc:** Rosnick, Reid  
**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Hi Scott,

It's our understanding that the letter is still in our AA's office and has not yet been sent. We are looking into it further and I'll let you know if I learn something new.

Thanks  
Ingrid

---

**From:** Jackson, Scott  
**Sent:** Monday, September 14, 2015 3:39 PM  
**To:** Rosencrantz, Ingrid  
**Cc:** Rosnick, Reid  
**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Hi Ingrid,

Do you know the status of the response back to the Ute Mountain Ute on their request for consultation? My management was asking me today and wanted to get an update.

Thanks,  
Scott

---

Scott Jackson, Unit Chief  
Indoor Air, Toxics and Transportation Unit  
U.S. EPA Region 8  
1595 Wynkoop Street (8P-AR)  
Denver, CO 80202-1129  
(303) 312-6107

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**From:** Rosencrantz, Ingrid  
**Sent:** Wednesday, August 12, 2015 6:47 AM  
**To:** Rosnick, Reid; Childers, Pat; Koslow, Karin; Harris, Dona; Besougloff, Jeff; Baca, Andrew  
**Cc:** Jackson, Scott; Peake, Tom  
**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

With regard to the official request for consultation that came in through the Administrator, I'm

drafting a response from the perspective of 40 CFR 192, subpart F, even though I have not seen it forwarded as a control. I expect to share a draft with my management today so that it's available in case we get the control while I'm out. I will be out of the office tomorrow and Friday but in next week.

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**From:** Rosnick, Reid

**Sent:** Wednesday, August 12, 2015 8:43 AM

**To:** Childers, Pat; Koslow, Karin; Harris, Dona; Besougloff, Jeff; Baca, Andrew

**Cc:** Rosencrantz, Ingrid; Jackson, Scott

**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Hi all,

Just to say that we should also include Scott Jackson from Region 8 (copied). Also, I will be out of pocket for the next week or so beginning tomorrow afternoon. Please keep me in the loop. Thanks

Reid

---

**From:** Childers, Pat

**Sent:** Wednesday, August 12, 2015 8:40 AM

**To:** Koslow, Karin; Harris, Dona; Besougloff, Jeff; Baca, Andrew

**Cc:** Rosencrantz, Ingrid; Rosnick, Reid

**Subject:** RE: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Hello Karin,

Im hoping to disappear for a couple days R and R between now and next Wednesday. I will have email with me throughout however. OAR is going to continue to reach out to Scott for a staff level discussion again in the near future, hopefully prior to EPA's response. Im actually unclear if the response is in your court or ours right now (or if it is even logged into the CMS) . I am including Ingrid Rosencrantz and Reid Rosnick on this email as the appropriate subject matter experts. Ingrid and Reid is there anything you would like to add?

Pat

---

**From:** Koslow, Karin

**Sent:** Friday, August 07, 2015 11:54 AM

**To:** Harris, Dona; Besougloff, Jeff; Baca, Andrew; Childers, Pat

**Subject:** Fw: Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Pls see below - we can connect early next week on response.

Tnx,

K

Karin Koslow  
Deputy Director, AIEO  
202-564-0171

---

**From:** Scott Clow <[sclow@utemountain.org](mailto:sclow@utemountain.org)>

**Sent:** Thursday, August 06, 2015 4:22 PM

**To:** Chase, JoAnn; McGrath, Shaun

**Cc:** Rosnick, Reid; Koslow, Karin; Celene Hawkins; Malcolm Lehi; Manuel Heart; Deanne Wall; Regina Lopez-Whiteskunk; Gary Hayes; Juanita PlentyHoles; Priscilla Blackhawk; [clarrick@utemountain.org](mailto:clarrick@utemountain.org); [tnatori@utemountain.org](mailto:tnatori@utemountain.org); H. Michael Keller; [clarrick@utemountain.org](mailto:clarrick@utemountain.org); [tnatori@utemountain.org](mailto:tnatori@utemountain.org); Vance, Sam; Mitre, Alfreda

**Subject:** Consultation Request - 40 CFR Part 61, NESHAPS Subpart W and 40 CFR Part 192

Dear JoAnn and Shaun,

It was a very pleasant and productive NTOC meeting in June. Good to see you there.

I am sending this electronically in the interest of time and planning potential meeting dates. Hard copies are in the mail. Please review and discuss in anticipation of scheduling a meeting in the near future.

An update from Reid Rosnick today indicated that the NESHAPS Subpart W rule may be finalized by the end of the calendar year or early in 2016. This should provide some more time for meaningful consultation with the Tribe.

Thanks,

Scott T. Clow  
Environmental Programs Director  
Ute Mountain Ute Tribe  
PO Box 448  
Towoac, CO 81323  
(970) 564-5432 office  
(970) 570-3546 mobile  
(970) 565-2651 fax

dept logo-small2





**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: ADP TRACKER - Tiering Change Request Submittal (SAN 5281 - Down Tier 2 to Tier 3)  
**Date:** Tuesday, December 08, 2015 11:14:51 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:36 AM  
**To:** Collections.SubW  
**Subject:** FW: ADP TRACKER - Tiering Change Request Submittal (SAN 5281 - Down Tier 2 to Tier 3)

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**From:** Lee, Raymond  
**Sent:** Tuesday, September 01, 2015 3:07 PM  
**To:** Adams, Darryl  
**Cc:** Farrar, Wanda; Eagles, Tom; Rosnick, Reid  
**Subject:** Fw: ADP TRACKER - Tiering Change Request Submittal (SAN 5281 - Down Tier 2 to Tier 3)

Hi all,

Just checking in on the status of this downtiering (Tier 2 to Tier 3) request. Thanks!

Ray

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Sent by EPA Wireless E-mail Services

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**From:** Rosnick, Reid  
**Sent:** Friday, July 24, 2015 6:20 AM  
**To:** Lee, Raymond  
**Subject:** FW: ADP TRACKER - Tiering Change Request Submittal (SAN 5281 - Down Tier 2 to Tier 3)

Ray,

FYI - Reid

---

**From:** Wanda Farrar [<mailto:farrar.wanda@epamail.epa.gov>]  
**Sent:** Thursday, July 23, 2015 3:57 PM

**To:** Adams, Darryl

**Cc:** Farrar, Wanda; Eagles, Tom; Rosnick, Reid

**Subject:** ADP TRACKER - Tiering Change Request Submittal (SAN 5281 - Down Tier 2 to Tier 3)

A Tiering Change Request has been submitted for: OAR - SAN 5281: (Tier 2) NESHAP for Operating Uranium Mill Tailings - Amendments (Subpart W)



**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Need a little help on a rule-effectiveness question  
**Date:** Tuesday, December 08, 2015 11:15:02 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:36 AM  
**To:** Collections.SubW  
**Subject:** FW: Need a little help on a rule-effectiveness question

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**From:** Eagles, Tom  
**Sent:** Tuesday, September 01, 2015 3:53 PM  
**To:** Rosnick, Reid  
**Subject:** Need a little help on a rule-effectiveness question

To Reid Rosnick --

Hi there -- I'm helping Betsy Shaw keep track of the status of the rules that are part of the Rule-Effectiveness initiative. At this point, Betsy has asked me to check with workgroup chairs to see who are their Regional workgroup participants. The list shown below is who we think are the Regional members of your workgroup, but we'd like you to tell us whether the list is correct from your perspective. Could you please let me know which of these people you regard as actually on your workgroup? Of course, if there are any others not listed here, I need to know that as well. Thanks in advance for your help!

Tom Eagles

OAR/OAPPS

|                                                                                                                                                                                                                                                 | Regional Workgroup Members                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <b>NESHAP for Radon Emissions from Operating Uranium Mill Tailings</b><br><b>(40 CFR Part 61, Subpart W)</b><br><b>- Amendments</b><br>ORIA - SAN 5281<br><i>Tier 2 – OMB Significant</i><br><br>WG Chair: Reid Rosnick<br>DD: Jonathan Edwards | <b>R6</b> – George Brozowski<br><b>R7</b> - Robert Dye (primary), Charles Hooper<br><b>R8</b> – D.J. Law<br><b>R10</b> – Davis Zhen |

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Got your voicemail - OP approved the downtier to Tier 3 on 8/26/15.  
**Date:** Tuesday, December 08, 2015 11:15:29 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:35 AM  
**To:** Collections.SubW  
**Subject:** FW: Got your voicemail - OP approved the downtier to Tier 3 on 8/26/15.

---

**From:** Farrar, Wanda  
**Sent:** Tuesday, September 08, 2015 2:01 PM  
**To:** Adams, Darryl  
**Cc:** Rosnick, Reid; Lee, Raymond; Eagles, Tom  
**Subject:** RE: Got your voicemail - OP approved the downtier to Tier 3 on 8/26/15.

Thanks so much, Darryl.

From the desk of:  
Wanda Farrar

---

**From:** Adams, Darryl  
**Sent:** Tuesday, September 08, 2015 12:30 PM  
**To:** Farrar, Wanda  
**Subject:** Got your voicemail - OP approved the downtier to Tier 3 on 8/26/15.

I've updated 5281 in Tracker to Tier 3 and waived the three Final milestones for EG, OS and FAR. I was waiting on OGC to send out the tier approval report.

Darryl Adams  
Regulatory Management Division  
Office of Policy, U.S. EPA  
202 564-6569  
Mail Code 1803A, Room 3512D WJC North

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Need a little help on a rule-effectiveness question  
**Date:** Tuesday, December 08, 2015 11:15:42 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:35 AM  
**To:** Collections.SubW  
**Subject:** FW: Need a little help on a rule-effectiveness question

---

**From:** Eagles, Tom  
**Sent:** Wednesday, September 02, 2015 11:10 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Need a little help on a rule-effectiveness question

Just what I needed. Thanks!!

**From:** Rosnick, Reid  
**Sent:** Wednesday, September 02, 2015 6:18 AM  
**To:** Eagles, Tom  
**Subject:** RE: Need a little help on a rule-effectiveness question

Hi Tom,

The list you have is correct. Chuck Hooper from Region 7 is not as active as Bob Dye, who is our rule effectiveness lead. Davis Zhen has moved into a different position in R. 10, so I don't hear from him much anymore. Also, in R. 8, Angeliue Diaz, who was terrific during the proposal, has moved into a different position, but still helps considerably when she has the time. Hope this helps.

Reid

**From:** Eagles, Tom  
**Sent:** Tuesday, September 01, 2015 3:53 PM  
**To:** Rosnick, Reid  
**Subject:** Need a little help on a rule-effectiveness question

To Reid Rosnick --

Hi there -- I'm helping Betsy Shaw keep track of the status of the rules that are part of the Rule-Effectiveness initiative. At this point, Betsy has asked me to check with workgroup chairs to see who are their Regional workgroup participants. The list shown below is who we think are the Regional members of your workgroup, but we'd like you to tell us whether the list is correct from your perspective. Could you please let me know which of these people you regard as actually on your workgroup? Of course, if there are any others not listed here, I need to know that as well. Thanks in advance for your help!

Tom Eagles

OAR/OAPPS

| NESHAP for Radon Emissions from Operating Uranium Mill Tailings                                                                                                                | Regional Workgroup Members                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <p>(40 CFR Part 61, Subpart W)</p> <p>- Amendments</p> <p>ORIA - SAN 5281</p> <p><i>Tier 2 – OMB Significant</i></p> <p>WG Chair: Reid Rosnick</p> <p>DD: Jonathan Edwards</p> | <p>R6 – George Brozowski</p> <p>R7 - Robert Dye (primary), Charles Hooper</p> <p>R8 – D.J. Law</p> <p>R10 – Davis Zhen</p> |

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Got your voicemail - OP approved the downtier to Tier 3 on 8/26/15.  
**Date:** Tuesday, December 08, 2015 11:16:01 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:34 AM  
**To:** Collections.SubW  
**Subject:** FW: Got your voicemail - OP approved the downtier to Tier 3 on 8/26/15.

---

**From:** Farrar, Wanda  
**Sent:** Tuesday, September 08, 2015 2:52 PM  
**To:** Rosnick, Reid  
**Subject:** RE: Got your voicemail - OP approved the downtier to Tier 3 on 8/26/15.

Whew! I am glad it is approved. It should make things a little easier. Thanks for all you do, Reid.  
Enjoy the rest of your day. ☺

From the desk of:  
Wanda Farrar

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, September 08, 2015 2:03 PM  
**To:** Farrar, Wanda  
**Subject:** RE: Got your voicemail - OP approved the downtier to Tier 3 on 8/26/15.

[Thanks so much, Wanda!](#)

---

**From:** Farrar, Wanda  
**Sent:** Tuesday, September 08, 2015 2:01 PM  
**To:** Adams, Darryl  
**Cc:** Rosnick, Reid; Lee, Raymond; Eagles, Tom  
**Subject:** RE: Got your voicemail - OP approved the downtier to Tier 3 on 8/26/15.

Thanks so much, Darryl.

From the desk of:  
Wanda Farrar

---

**From:** Adams, Darryl

**Sent:** Tuesday, September 08, 2015 12:30 PM

**To:** Farrar, Wanda

**Subject:** Got your voicemail - OP approved the downtier to Tier 3 on 8/26/15.

I've updated 5281 in Tracker to Tier 3 and waived the three Final milestones for EG, OS and FAR. I was waiting on OGC to send out the tier approval report.

Darryl Adams

Regulatory Management Division

Office of Policy, U.S. EPA

202 564-6569

Mail Code 1803A, Room 3512D WJC North

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: OAR - SAN 5281: (Tier 2) NESHAP for Operating Uranium Mill Tailings - Amendments (Subpart W)  
**Date:** Tuesday, December 08, 2015 11:16:13 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:33 AM  
**To:** Collections.SubW  
**Subject:** FW: OAR - SAN 5281: (Tier 2) NESHAP for Operating Uranium Mill Tailings - Amendments (Subpart W)

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**From:** Fairchild, Susan  
**Sent:** Wednesday, September 23, 2015 9:27 AM  
**To:** Rosnick, Reid  
**Subject:** OAR - SAN 5281: (Tier 2) NESHAP for Operating Uranium Mill Tailings - Amendments (Subpart W)

Reid,

I have been added to this workgroup, can you fill me in on the status of the work and send me a current draft of the rule? Also, where can I find background information to look over?

Also, are you holding regular workgroup meetings? If so, please add me to the meeting invites.

Thanks

[Susan Fairchild](#)  
[Senior Environmental Scientist](#)  
[\(919\) 541-5167](#)

[USPS Address:](#)  
[OAQPS/SPPD/MMG](#)  
[Mail Code D 243-04](#)  
[Research Triangle Park, NC 27711](#)

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: I know I owe you comments...  
**Date:** Tuesday, December 08, 2015 11:16:24 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:33 AM  
**To:** Collections.SubW  
**Subject:** FW: I know I owe you comments...

---

**From:** Johnson, Ann  
**Sent:** Friday, September 25, 2015 5:04 PM  
**To:** Rosnick, Reid  
**Subject:** I know I owe you comments...

Reid,

I apologize. I have a rule being signed Tuesday and I haven't gotten other things done.

I took a quick glance and it looks really good.

Ann

**Ann Johnson** | Office of Regulatory Policy & Management | Office of Policy | Office of the Administrator  
**202.564.5966** | Mail Code 1803, Location WJCN-3512M | 1200 Pennsylvania Avenue NW | Washington, DC 20460

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: RCRA staffer for workgroup  
**Date:** Tuesday, December 08, 2015 11:16:41 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:33 AM  
**To:** Collections.SubW  
**Subject:** FW: RCRA staffer for workgroup

---

**From:** Walker, Stuart  
**Sent:** Wednesday, September 30, 2015 3:29 PM  
**To:** Rosnick, Reid  
**Cc:** Anderson, RobinM  
**Subject:** RCRA staffer for workgroup

Hi Reid, I talked with Robin and our suggestions for a RCRA person for your workgroup are:

1. Jason Mills
2. Ernie (Ernesto) Brown

I don't think we need to do a conference call. Let us know if you need any other help.

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Request for OSWER Workgroup Member SAN 5281  
**Date:** Tuesday, December 08, 2015 11:17:04 AM

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---

**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:33 AM  
**To:** Collections.SubW  
**Subject:** FW: Request for OSWER Workgroup Member SAN 5281

---

**From:** Farrar, Wanda  
**Sent:** Thursday, October 01, 2015 10:13 AM  
**To:** Rosnick, Reid; Eagles, Tom  
**Cc:** Peake, Tom; Schultheisz, Daniel  
**Subject:** RE: Request for OSWER Workgroup Member SAN 5281

Good Day Reid,

Thanks for this message. I will contact the OSWER RSC representative about this request.

Best regards,  
Wanda

From the desk of:  
Wanda Farrar

---

**From:** Rosnick, Reid  
**Sent:** Thursday, October 01, 2015 8:56 AM  
**To:** Eagles, Tom; Farrar, Wanda  
**Cc:** Peake, Tom; Schultheisz, Daniel  
**Subject:** Request for OSWER Workgroup Member SAN 5281

Good Morning,

At our last workgroup meeting we realized that we needed some RCRA advice and had lost our OSWER/RCRA member through retirement. I would like to request a replacement. In discussions with other workgroup members we would like to request one of the following people for the workgroup.

1. Jason Mills
2. Ernie (Ernesto) Brown

Thank you in advance for your consideration.

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Request for OSWER Workgroup Member SAN 5281  
**Date:** Tuesday, December 08, 2015 11:17:04 AM

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---

**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:33 AM  
**To:** Collections.SubW  
**Subject:** FW: Request for OSWER Workgroup Member SAN 5281

---

**From:** Farrar, Wanda  
**Sent:** Thursday, October 01, 2015 10:13 AM  
**To:** Rosnick, Reid; Eagles, Tom  
**Cc:** Peake, Tom; Schultheisz, Daniel  
**Subject:** RE: Request for OSWER Workgroup Member SAN 5281

Good Day Reid,

Thanks for this message. I will contact the OSWER RSC representative about this request.

Best regards,  
Wanda

From the desk of:  
Wanda Farrar

---

**From:** Rosnick, Reid  
**Sent:** Thursday, October 01, 2015 8:56 AM  
**To:** Eagles, Tom; Farrar, Wanda  
**Cc:** Peake, Tom; Schultheisz, Daniel  
**Subject:** Request for OSWER Workgroup Member SAN 5281

Good Morning,

At our last workgroup meeting we realized that we needed some RCRA advice and had lost our OSWER/RCRA member through retirement. I would like to request a replacement. In discussions with other workgroup members we would like to request one of the following people for the workgroup.

1. Jason Mills
2. Ernie (Ernesto) Brown

Thank you in advance for your consideration.

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Request for OSWER Workgroup Member SAN 5281  
**Date:** Tuesday, December 08, 2015 11:17:18 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:32 AM  
**To:** Collections.SubW  
**Subject:** FW: Request for OSWER Workgroup Member SAN 5281

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**From:** Farrar, Wanda  
**Sent:** Thursday, October 01, 2015 10:13 AM  
**To:** Rosnick, Reid; Eagles, Tom  
**Cc:** Peake, Tom; Schultheisz, Daniel  
**Subject:** RE: Request for OSWER Workgroup Member SAN 5281

Good Day Reid,

Thanks for this message. I will contact the OSWER RSC representative about this request.

Best regards,  
Wanda

From the desk of:  
Wanda Farrar

---

**From:** Rosnick, Reid  
**Sent:** Thursday, October 01, 2015 8:56 AM  
**To:** Eagles, Tom; Farrar, Wanda  
**Cc:** Peake, Tom; Schultheisz, Daniel  
**Subject:** Request for OSWER Workgroup Member SAN 5281

Good Morning,

At our last workgroup meeting we realized that we needed some RCRA advice and had lost our OSWER/RCRA member through retirement. I would like to request a replacement. In discussions with other workgroup members we would like to request one of the following people for the workgroup.

1. Jason Mills
2. Ernie (Ernesto) Brown

Thank you in advance for your consideration.

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Redesigned EPA Radiation Protection Website to Be Launched TODAY  
**Date:** Tuesday, December 08, 2015 11:17:33 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:27 AM  
**To:** Collections.SubW  
**Subject:** FW: Redesigned EPA Radiation Protection Website to Be Launched TODAY

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**From:** Nesky, Anthony  
**Sent:** Wednesday, September 16, 2015 9:57 AM  
**To:** OAR-ORIA-RPD  
**Subject:** Redesigned EPA Radiation Protection Website to Be Launched TODAY

We have finally reached the point where we will launch our revised website. The new site will completely replace our current one at [www.epa.gov/radiation](http://www.epa.gov/radiation).

In addition to a neater look, the latest EPA web design has some new functional features:

- Limited navigation— Gone are long trails of “breadcrumbs” and multiple side menus. The new template deliberately limits navigation within the website. The overwhelming majority of hits on individual webpages come directly through searches, so the “back end” of the website has new keywords and metadata fields to aid search engines. A left-side menu lists key topic areas and links back to the home page. Not all pages are linked to this menu, but users should be able to find your content with a search engine.
- Special pages for PDF documents—The new server system requires PDFs to be accessed from a specially designed document page. The page presents simple links to the PDF document. We are no longer permitted to link directly to PDFs – our webpages link to the document page where the desired PDFs are located. Like other pages, the “back end” should direct search engines directly to the document or document page. This PDF system has an advantage in that it enabled us to create a searchable library of RPD documents.
- New webpage addresses—All current webpage addresses will disappear when the new website is launched. Unfortunately, due to the server change, we are unable to keep existing web addresses for popular web pages and documents. [You may wish to inform your stakeholders of the new links.](#) All users who try to access old bookmarked links will be redirected to our new homepage.

The RPD web team would like to thank you for your help and direction in creating the new site. We have taken every possible step to transfer the content you wanted to the new site. If you can't find some of your content or have any questions, please contact Tony or Angela. If you need to make changes to a web page, an email will be sent out shortly detailing the information we need to make the change.

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Message for Subpart W stakeholders  
**Date:** Tuesday, December 08, 2015 11:17:45 AM  
**Importance:** High

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:27 AM  
**To:** Collections.SubW  
**Subject:** FW: Message for Subpart W stakeholders

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**From:** Nesky, Anthony  
**Sent:** Wednesday, September 16, 2015 10:08 AM  
**To:** Rosnick, Reid  
**Subject:** Message for Subpart W stakeholders  
**Importance:** High

Dear Reid:

We are launching the new website today, and all website addresses will change. I drafted a message to your stakeholders below—I'll add the real links after we launch—we won't know them until then.

Do you have an email list to send them to?

Subject: New web address for 40 CFR 61 Subpart W documents.

EPA has updated its website, and there are now new web addresses for "Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings" (40 CFR 192). The new addresses are:

Subpart W: National Emission Standards for Radon Emissions From Operating Mill Tailings  
Subpart W Rulemaking History  
Subpart W Rulemaking Activity: Appointments with incomplete date information  
Subpart W Rulemaking Activity: 2009 Conference Calls  
Subpart W Rulemaking Activity: 2010 Conference Calls  
Subpart W Rulemaking Activity: 2011 Conference Calls  
Subpart W Rulemaking Activity: 2012 Conference Calls  
Subpart W Rulemaking Activity: 2013 Conference Calls  
Subpart W Rulemaking Activity: 2014 Conference Calls

Subpart W Rulemaking Activity: 2015 Conference Calls  
Subpart W Rulemaking Activity: Documents  
Subpart W Rulemaking Activity: Enforcement  
Subpart W Rulemaking Activity: Meetings and Presentations  
Subpart W Rulemaking Activity: 2009 Non-Privileged Records  
Subpart W Rulemaking Activity: 2010 Non-Privileged Records  
Subpart W Rulemaking Activity: 2011 Non-Privileged Records  
Subpart W Rulemaking Activity: 2012 Non-Privileged Records  
Subpart W Rulemaking Activity: 2013 Non-Privileged Records  
Subpart W Rulemaking Activity: 2014 Non-Privileged Records  
Subpart W Rulemaking Activity: 2015 Non-Privileged Records

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: New Radiation Protection Website is Live!  
**Date:** Tuesday, December 08, 2015 11:18:13 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:26 AM  
**To:** Collections.SubW  
**Subject:** FW: New Radiation Protection Website is Live!

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**From:** Nesky, Anthony  
**Sent:** Friday, September 18, 2015 9:30 AM  
**To:** Rosnick, Reid  
**Subject:** Re: New Radiation Protection Website is Live!

Thanks. We'll get this started.

---

**From:** Rosnick, Reid  
**Sent:** Friday, September 18, 2015 9:09 AM  
**To:** Nesky, Anthony  
**Cc:** Schultheisz, Daniel  
**Subject:** RE: New Radiation Protection Website is Live!

Hi Tony,

I have a correction for you to make on the Subpart W website. It currently lists April 2015 as the next stakeholder conference call. That date should be October 1, 2015 at 11 am EDT. I think we should also include a note saying that in the event of a Government shutdown we would have the call on the first Thursday after the Government is back in operation. Does that sound OK to you? Thanks for looking into this.

Reid

---

**From:** Nesky, Anthony  
**Sent:** Thursday, September 17, 2015 3:04 PM  
**To:** OAR-ORIA-RPD  
**Subject:** New Radiation Protection Website is Live!

The updated EPA Radiation Protection website has finally been launched at:  
[www.epa.gov/radiation](http://www.epa.gov/radiation).

There will be new web addresses for all content. A server change makes it impossible to keep existing web addresses for popular web pages and documents. You may wish to inform your stakeholders of the changes. All users who try to access old bookmarked links will be redirected to our new homepage.

EPA's new design deliberately limits navigation within the website. The overwhelming majority of hits on individual webpages come directly through searches, so the "back end" of the website has new keywords and metadata fields to aid search engines. A left-side menu lists key topic areas and links back to the home page. Not all pages are linked to this menu, but users should be able to find desired content with a search engine.

Once again, thank you all for your help and direction in creating the new site. We have taken every possible step to transfer the content you wanted to the new site. If you can't find some of your content or have any questions, please contact Tony or Angela. If you need to make changes to a web page, an email will be sent out shortly detailing the information we need to make the change.

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Any word on the Ute Mountain Ute Consultation letter signed by Janet? Could we get a copy? Thanks!  
**Date:** Tuesday, December 08, 2015 11:18:23 AM  
**Attachments:** [Letter to Manuel Heart signed by Janet McCabe ax-15-001-2725.pdf](#)

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:25 AM  
**To:** Collections.SubW  
**Subject:** FW: Any word on the Ute Mountain Ute Consultation letter signed by Janet? Could we get a copy? Thanks!

---

**From:** Rosencrantz, Ingrid  
**Sent:** Wednesday, September 30, 2015 11:08 AM  
**To:** Edwards, Jonathan; Perrin, Alan; Peake, Tom; Schultheisz, Daniel; Rosnick, Reid  
**Subject:** FW: Any word on the Ute Mountain Ute Consultation letter signed by Janet? Could we get a copy? Thanks!

[Attached is the final letter that went out.](#)

---

**From:** Painter, Michele  
**Sent:** Wednesday, September 30, 2015 9:20 AM  
**To:** Cherepy, Andrea  
**Cc:** Rosencrantz, Ingrid  
**Subject:** RE: Any word on the Ute Mountain Ute Consultation letter signed by Janet? Could we get a copy? Thanks!

Hi Andrea and Ingrid,

[Attached is a signed copy of the Ute Mountain letter.](#)

Thanks,  
Michele

---

**From:** Cherepy, Andrea  
**Sent:** Wednesday, September 30, 2015 8:07 AM  
**To:** Painter, Michele  
**Cc:** Rosencrantz, Ingrid  
**Subject:** FW: Any word on the Ute Mountain Ute Consultation letter signed by Janet? Could we get a

copy? Thanks!

Michele,

Connie G. is out until tomorrow and my contact in the IO is out until Columbus Day. Any chance you can go in to CMS and try and pull a copy of the signed Ute Mountain Ute letter for us? It is in the system as: AX-15-001-2725.

Thank you,  
Andrea

---

**From:** Rosencrantz, Ingrid

**Sent:** Wednesday, September 30, 2015 6:58 AM

**To:** Cherepy, Andrea

**Subject:** Any word on the Ute Mountain Ute Consultation letter signed by Janet? Could we get a copy? Thanks!

Ingrid Rosencrantz  
Senior Physical Scientist  
Radiation Protection Division  
Office of Radiation and Indoor Air  
Office of Air and Radiation  
202-343-9286  
202-579-5157



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 23 2015

OFFICE OF  
AIR AND RADIATION

Mr. Manuel Heart  
Chairman, Ute Mountain Ute Tribe  
P.O. Box JJ  
Towaoc, Colorado 81334

Dear Chairman Heart:

Thank you for your July 27, 2015 letter to Administrator McCarthy requesting initial and follow-up consultations on the 40 CFR Part 61, Subpart W (NESHAP for Uranium Mill Tailings) and 40 CFR Part 192, Subpart F (Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings) proposed rulemakings. The Administrator has asked that I respond on her behalf.

We appreciate your interest in having a single consultation meeting to address your comments regarding the proposed revisions to these rulemakings. As I described in my March 4, 2015 letter, we are happy to discuss your comments regarding both or either of these proposed rules before and after publication of the final rules. The EPA attendees at the meeting(s) will be senior agency officials with responsibility for the rules. However, please understand that we are unable to provide you with a final answer or resolution of your comments on either rulemaking until the Administrator signs the final rulemaking package. After signature of the final rules, we can speak more specifically about how the issues you have raised and the comments you have submitted were considered in the development of the final rules.

We value the input of the Ute Mountain Ute Tribe. We look forward to working with your staff to schedule a well-timed meeting and beneficial discussion of Subpart W and Part 192. Please have your staff contact Reid Rosnick ((202) 343-9563; [rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)) or Ingrid Rosencrantz ((202) 343-9321; [rosencrantz.ingrid@epa.gov](mailto:rosencrantz.ingrid@epa.gov)) to address questions and discuss timing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet G. McCabe".

Janet G. McCabe  
Acting Assistant Administrator

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: Website changes  
**Date:** Tuesday, December 08, 2015 11:18:34 AM

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**From:** Rosnick, Reid  
**Sent:** Monday, October 5, 2015 10:25 AM  
**To:** Collections.SubW  
**Subject:** FW: Website changes

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**From:** Nesky, Anthony  
**Sent:** Thursday, October 01, 2015 1:17 PM  
**To:** Rosnick, Reid  
**Subject:** RE: Website changes

Thanks for the feedback. The search function on EPA.gov works now, so they can use it. Also, we have the Gov Delivery working now, and should put the link back.

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Rosnick, Reid  
**Sent:** Thursday, October 01, 2015 1:14 PM  
**To:** Shogren, Angela; Nesky, Anthony  
**Subject:** Website changes

Hi,

I just finished a stakeholder conference call for Subpart W. I got a couple of "complaints" about our new website layout. Some said it was difficult to find the Subpart W site from the Radiation site. They asked that I mention this to you.

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division

202.343.9563

[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: CMS New Assignment - Michele Painter - AX-15-001-2725  
**Date:** Tuesday, December 08, 2015 11:18:56 AM

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From: Rosencrantz, Ingrid  
Sent: Monday, October 5, 2015 9:23 AM  
To: Collections.SubW  
Subject: FW: CMS New Assignment - Michele Painter - AX-15-001-2725

-----Original Message-----

From: Rosencrantz, Ingrid  
Sent: Wednesday, August 26, 2015 12:30 PM  
To: Rosnick, Reid  
Subject: RE: CMS New Assignment - Michele Painter - AX-15-001-2725

Yay!!

-----Original Message-----

From: Rosnick, Reid  
Sent: Wednesday, August 26, 2015 12:29 PM  
To: Rosencrantz, Ingrid  
Subject: RE: CMS New Assignment - Michele Painter - AX-15-001-2725

I'm back online. Sheesh

-----Original Message-----

From: Rosencrantz, Ingrid  
Sent: Wednesday, August 26, 2015 10:18 AM  
To: Rosnick, Reid  
Cc: Peake, Tom  
Subject: FW: CMS New Assignment - Michele Painter - AX-15-001-2725  
Importance: High

This is due next Monday (August 31). Do you think we could try to call Scott Cloud today? Want to talk about it?

Thanks.

Ingrid

-----Original Message-----

From: Perrin, Alan  
Sent: Thursday, August 20, 2015 3:09 PM  
To: Peake, Tom; Schultheisz, Daniel; Rosencrantz, Ingrid; Rosnick, Reid  
Cc: Edwards, Jonathan  
Subject: FW: CMS New Assignment - Michele Painter - AX-15-001-2725  
Importance: High

FYI, the UMUT request for consultation has arrived in CMS. Response (dx) is due by 8/31/15 (it needs to be ready a few days prior depending on whether Jon or Mike sign). -Alan

~~~~~

Alan Perrin, Deputy Director
Radiation Protection Division, USEPA

ofc (202) 343-9775 | mbl (202) 279-0376

-----Original Message-----

From: cmsadmin@epa.gov [<mailto:cmsadmin@epa.gov>]
Sent: Wednesday, August 19, 2015 3:32 PM
To: Miller, Beth; Perrin, Alan; Gillam, Connie; Ferguson, Rafaela
Subject: CMS New Assignment - Michele Painter - AX-15-001-2725

Control AX-15-001-2725 has been assigned to your office on 8/19/15 3:31 PM by Michele Painter. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-15-001-2725
Control Subject: DRF - Daily Reading File - Government-to-Government Consultation between EPA and the Ute Mountain Ute Tribe, Rulemaking Activities, 40 C.F.R. Part 61, Subpart W; 40 C.F.R. Part 192
From: Heart, Manuel

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

From: [Thornton, Marisa](#) on behalf of [Collections.SubW](#)
To: [Thornton, Marisa](#)
Subject: Fw: CMS Inactivity Notification - Sent Item(s)
Date: Tuesday, December 08, 2015 11:19:19 AM

From: Rosencrantz, Ingrid
Sent: Monday, October 5, 2015 9:23 AM
To: Collections.SubW
Subject: FW: CMS Inactivity Notification - Sent Item(s)

From: Rosencrantz, Ingrid
Sent: Wednesday, August 26, 2015 12:30 PM
To: Rosnick, Reid
Subject: RE: CMS Inactivity Notification - Sent Item(s)

I called Scott, left him a message and sent him an email. Do you have any additions to the letter?
Thanks!

From: Rosnick, Reid
Sent: Wednesday, August 26, 2015 12:28 PM
To: Rosencrantz, Ingrid
Subject: FW: CMS Inactivity Notification - Sent Item(s)

Hi Ingrid,

I'm available all day at 301-461-3848 if you want to talk.

Reid

From: Peake, Tom
Sent: Wednesday, August 26, 2015 9:58 AM
To: Perrin, Alan; Schultheisz, Daniel
Cc: Rosencrantz, Ingrid; Edwards, Jonathan; Ferguson, Rafaela; Rosnick, Reid
Subject: RE: CMS Inactivity Notification - Sent Item(s)

Ingrid and Reid were coordinating on it. They will need to touch base with Scott Clow before finishing it.

From: Perrin, Alan

Sent: Wednesday, August 26, 2015 9:08 AM
To: Peake, Tom; Schultheisz, Daniel
Cc: Rosencrantz, Ingrid; Edwards, Jonathan; Ferguson, Rafaela
Subject: Fwd: CMS Inactivity Notification - Sent Item(s)

What is the status on this response? I know Ingrid had a draft awhile back, where are we at now? Please touch base with Jon and Rafie on this today. Thanks, Alan

~~~~~  
Alan Perrin  
dsk 202-343-9775  
mbl 202-279-0376

Begin forwarded message:

**From:** "Perrin, Alan" <[Perrin.Alan@epa.gov](mailto:Perrin.Alan@epa.gov)>  
**Date:** August 26, 2015 at 9:01:08 AM EDT  
**To:** "Painter, Michele" <[Painter.Michele@epa.gov](mailto:Painter.Michele@epa.gov)>  
**Cc:** "Ferguson, Rafaela" <[Ferguson.Rafaela@epa.gov](mailto:Ferguson.Rafaela@epa.gov)>, "Gillam, Connie" <[Gillam.Connie@epa.gov](mailto:Gillam.Connie@epa.gov)>, "Peake, Tom" <[Peake.Tom@epa.gov](mailto:Peake.Tom@epa.gov)>, "Rosencrantz, Ingrid" <[Rosencrantz.Ingrid@epa.gov](mailto:Rosencrantz.Ingrid@epa.gov)>  
**Subject: Re: CMS Inactivity Notification - Sent Item(s)**

Thanks Michele, apparently we have not grabbed the doc in CMS, but the right people have the letter and are working the response. -Alan

~~~~~  
Alan Perrin
dsk 202-343-9775
mbl 202-279-0376

On Aug 26, 2015, at 7:21 AM, Painter, Michele
<Painter.Michele@epa.gov> wrote:

Hi everyone,

I am just bringing this to your attention as it appears that nothing has been done with this control.

Thanks,
Michele

-----Original Message-----

From: cmsadmin@epa.gov [<mailto:cmsadmin@epa.gov>]
Sent: Tuesday, August 25, 2015 11:11 PM
To: Painter, Michele
Subject: CMS Inactivity Notification - Sent Item(s)

Michele Painter:

The following item(s) sent by you have not been acted upon for more than 5 days. Please contact the responsible CMS user(s) for proper action or reassign the control.

Control Number: AX-15-001-2725

Control Subject: DRF - Daily Reading File - Government-to-Government Consultation between EPA and the Ute Mountain Ute Tribe, Rulemaking Activities, 40 C.F.R. Part 61, Subpart W; 40 C.F.R. Part 192

From: Heart, Manuel

Task Name: New Assignment

Sent By: Michele Painter

Sent To: OAR-ORIA-RPD

Date Sent: Aug 19 2015

Days Inactive: 5

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

From: [Thornton, Marisa](#) on behalf of [Collections.SubW](#)
To: [Thornton, Marisa](#)
Subject: Fw: CMS New Assignment - Michele Painter - AX-15-001-2725
Date: Tuesday, December 08, 2015 11:19:29 AM
Importance: High

From: Rosencrantz, Ingrid
Sent: Monday, October 5, 2015 9:23 AM
To: Collections.SubW
Subject: FW: CMS New Assignment - Michele Painter - AX-15-001-2725

-----Original Message-----

From: Rosencrantz, Ingrid
Sent: Wednesday, August 26, 2015 10:18 AM
To: Rosnick, Reid
Cc: Peake, Tom
Subject: FW: CMS New Assignment - Michele Painter - AX-15-001-2725
Importance: High

This is due next Monday (August 31). Do you think we could try to call Scott Cloud today? Want to talk about it?

Thanks.

Ingrid

-----Original Message-----

From: Perrin, Alan
Sent: Thursday, August 20, 2015 3:09 PM
To: Peake, Tom; Schultheisz, Daniel; Rosencrantz, Ingrid; Rosnick, Reid
Cc: Edwards, Jonathan
Subject: FW: CMS New Assignment - Michele Painter - AX-15-001-2725
Importance: High

FYI, the UMUT request for consultation has arrived in CMS. Response (dx) is due by 8/31/15 (it needs to be ready a few days prior depending on whether Jon or Mike sign). -Alan

~~~~~  
Alan Perrin, Deputy Director  
Radiation Protection Division, USEPA  
ofc (202) 343-9775 | mbl (202) 279-0376

-----Original Message-----

From: cmsadmin@epa.gov [<mailto:cmsadmin@epa.gov>]  
Sent: Wednesday, August 19, 2015 3:32 PM  
To: Miller, Beth; Perrin, Alan; Gillam, Connie; Ferguson, Rafaela  
Subject: CMS New Assignment - Michele Painter - AX-15-001-2725

Control AX-15-001-2725 has been assigned to your office on 8/19/15 3:31 PM by Michele Painter. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-15-001-2725

Control Subject: DRF - Daily Reading File - Government-to-Government Consultation between EPA and the Ute Mountain Ute Tribe, Rulemaking Activities, 40 C.F.R. Part 61, Subpart W; 40 C.F.R. Part 192

From: Heart, Manuel

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

**From:** [Thornton, Marisa](#) on behalf of [Collections.SubW](#)  
**To:** [Thornton, Marisa](#)  
**Subject:** Fw: CMS New Assignment - Michele Painter - AX-15-001-2725  
**Date:** Tuesday, December 08, 2015 11:19:29 AM  
**Importance:** High

---

---

From: Rosencrantz, Ingrid  
Sent: Monday, October 5, 2015 9:23 AM  
To: Collections.SubW  
Subject: FW: CMS New Assignment - Michele Painter - AX-15-001-2725

-----Original Message-----

From: Rosencrantz, Ingrid  
Sent: Wednesday, August 26, 2015 10:18 AM  
To: Rosnick, Reid  
Cc: Peake, Tom  
Subject: FW: CMS New Assignment - Michele Painter - AX-15-001-2725  
Importance: High

This is due next Monday (August 31). Do you think we could try to call Scott Cloud today? Want to talk about it?

Thanks.

Ingrid

-----Original Message-----

From: Perrin, Alan  
Sent: Thursday, August 20, 2015 3:09 PM  
To: Peake, Tom; Schultheisz, Daniel; Rosencrantz, Ingrid; Rosnick, Reid  
Cc: Edwards, Jonathan  
Subject: FW: CMS New Assignment - Michele Painter - AX-15-001-2725  
Importance: High

FYI, the UMUT request for consultation has arrived in CMS. Response (dx) is due by 8/31/15 (it needs to be ready a few days prior depending on whether Jon or Mike sign). -Alan

~~~~~  
Alan Perrin, Deputy Director
Radiation Protection Division, USEPA
ofc (202) 343-9775 | mbl (202) 279-0376

-----Original Message-----

From: cmsadmin@epa.gov [<mailto:cmsadmin@epa.gov>]
Sent: Wednesday, August 19, 2015 3:32 PM
To: Miller, Beth; Perrin, Alan; Gillam, Connie; Ferguson, Rafaela
Subject: CMS New Assignment - Michele Painter - AX-15-001-2725

Control AX-15-001-2725 has been assigned to your office on 8/19/15 3:31 PM by Michele Painter. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-15-001-2725

Control Subject: DRF - Daily Reading File - Government-to-Government Consultation between EPA and the Ute Mountain Ute Tribe, Rulemaking Activities, 40 C.F.R. Part 61, Subpart W; 40 C.F.R. Part 192

From: Heart, Manuel

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

From: [Thornton, Marisa](#) on behalf of [Collections.SubW](#)
To: [Thornton, Marisa](#)
Subject: Fw: UMUT Consultation
Date: Tuesday, December 08, 2015 11:19:47 AM

From: Rosencrantz, Ingrid
Sent: Monday, October 5, 2015 9:21 AM
To: Collections.SubW
Subject: FW: UMUT Consultation

-----Original Message-----

From: Rosencrantz, Ingrid
Sent: Monday, August 10, 2015 9:07 AM
To: Rosnick, Reid
Subject: Re: UMUT Consultation

Thanks!!!

Sent from my iPhone

> On Aug 10, 2015, at 9:05 AM, Rosnick, Reid <Rosnick.Reid@epa.gov> wrote:

>

> Yep

>

> From: Rosencrantz, Ingrid

> Sent: Monday, August 10, 2015 8:19 AM

> To: Rosnick, Reid

> Subject: Re: UMUT Consultation

>

> I think maybe I saw a draft of the letter you are mentioning. Could you send me the final? Thanks much!

>

> Sent from my iPhone

>

> On Aug 10, 2015, at 7:45 AM, Rosnick, Reid <Rosnick.Reid@epa.gov<<mailto:Rosnick.Reid@epa.gov>>> wrote:

> Internal and deliberative Do not cite or quote

>

> All,

>

> FYI I'm trading voice messages with Scott Jackson. Region 8 would like to send the Chairman some sort of acknowledgement of the consultation request letter and a potential time frame for consultation. I told him that several months ago we communicated to the Tribe that we will not be in a position to discuss issues related to the Subpart W rule (and now the 40 CFR 192 rule) until final decisions have been made on the issues they raised. This would not be possible until the Administrator signs the final rules. I'll keep you updated on what direction is taken.

>

> Reid

>

> _____

> Reid J. Rosnick

> US Environmental Protection Agency

> Radiation Protection Division

> 202.343.9563

> rosnick.reid@epa.gov<<mailto:rosnick.reid@epa.gov>>

>

><UMUT2.docx>

From: [Thornton, Marisa](#) on behalf of [Collections.SubW](#)
To: [Thornton, Marisa](#)
Subject: Fw: Can you write a couple of paragraphs on rule effectiveness?
Date: Tuesday, December 08, 2015 11:20:00 AM

From: Schultheisz, Daniel
Sent: Tuesday, September 8, 2015 10:19 AM
To: Collections.SubW
Subject: FW: Can you write a couple of paragraphs on rule effectiveness?

From: Schultheisz, Daniel
Sent: Wednesday, August 05, 2015 11:17 AM
To: Rosnick, Reid
Subject: Can you write a couple of paragraphs on rule effectiveness?

This thing doesn't seem to be going away. Jon would like something today that he can pass along to OECA. Doesn't need to be too elaborate. Thanks.

From: [Thornton, Marisa](#) on behalf of [Collections.SubW](#)
To: [Thornton, Marisa](#)
Subject: Fw: Rule Effectiveness - NESHAP Subpart W Rule
Date: Tuesday, December 08, 2015 11:20:11 AM

From: Schultheisz, Daniel
Sent: Tuesday, September 8, 2015 10:19 AM
To: Collections.SubW
Subject: FW: Rule Effectiveness - NESHAP Subpart W Rule

From: Schultheisz, Daniel
Sent: Wednesday, August 05, 2015 11:39 AM
To: Rosnick, Reid
Subject: RE: Rule Effectiveness - NESHAP Subpart W Rule

[Thanks. I'll see if this suffices.](#)

From: Rosnick, Reid
Sent: Wednesday, August 05, 2015 11:37 AM
To: Schultheisz, Daniel
Subject: Rule Effectiveness - NESHAP Subpart W Rule

The workgroup has taken an active role in determining how rule effectiveness can improve the final rule. At the July workgroup meeting, Bob Dye (Region 7) who is our Regional lead on rule effectiveness, led the workgroup in a good discussion of the issue. Bob had asked for comment from the workgroup members (with a special emphasis on Regional members) on whether the rule as written would comply with the spirit of the rule effectiveness principles. He also introduced the RICE Screening Tool for use in making recommendations. Several members gave responses to these questions, and the best examples came from Sara Ayres of OECA.

The workgroup followed the rule effectiveness principles to make recommendations for how to incorporate several ideas into the final rule. They will be incorporated as necessary when the rule is written. Workgroup members and their management will then get the opportunity to comment on how the recommendations were addressed.

From: [Thornton, Marisa](#) on behalf of [Collections.SubW](#)
To: [Thornton, Marisa](#)
Subject: Fw: Briefing On Subpart W Comments
Date: Tuesday, December 08, 2015 11:20:22 AM

From: Schultheisz, Daniel
Sent: Tuesday, September 8, 2015 10:18 AM
To: Collections.SubW
Subject: FW: Briefing On Subpart W Comments

-----Original Appointment-----

From: Schultheisz, Daniel
Sent: Tuesday, August 11, 2015 11:07 AM
To: Flynn, Mike
Subject: Accepted: Briefing On Subpart W Comments
When: Thursday, August 13, 2015 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomWest1317; Conference Line: 866-299-3188; Conference Code: 2023439356#