

Swinomish Tribal Implementation Plan for Open Burning

Part I: Introduction

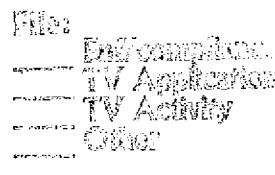
The Purpose of the Tribal Implementation Plan (TIP) for Open Burning on the Swinomish Reservation is to provide a coordinated Plan to address all aspects of open burning regulation on the Swinomish Reservation under Tribal ordinance and to implement certain provisions of the Clean Air Act.

Pollution Reduction

It is the Tribe's goal to minimize open burning disposal practices, to encourage the development of alternative disposal methods where such methods are feasible and practicable, to emphasize resource recovery, and to encourage utilization of the best practicable burning methods to minimize emissions where other disposal practices are not feasible and practicable.

Permitting Process

The Swinomish Planning Department uses a fully developed and implemented permitting system. All open burn permits and subsequent permit actions will be documented and entered into a permit activity tracking program. The permit activity tracking system is initiated when an application is submitted with a burn plan and burn permit fees. The paper burn plan and permit are placed in the burn permit filing system and are kept active for three years in the Swinomish Planning Department, then archived



indefinitely. The electronic version of the permit is kept active in the permitting software for a minimum of three years. During the permit application process there is ample opportunity for the permittee to ask questions regarding compliance requirements for burn permits in order to avoid permit violations after ignition.

The Department shall keep and maintain for 5 years records on burn bans enacted on the Reservation.

Fire Suppression

Skagit County Fire District #13 responds to all fires posing an imminent danger to public health and safety on the Reservation, including providing fire suppression assistance to the Tribe's Open Burning program. Additionally, the Swinomish Police Department may respond to fires on the Reservation in order to assist S.C.F.D. #13 with fire suppression.

Compliance and Enforcement

Enforcement and compliance procedures currently in place for the Swinomish Open Burning permit program, which are described below, will be continued under the TIP for Open Burning, as detailed in Title 19, Chapter 2 of the Swinomish Tribal Code as amended (Part II of this TIP). Complaints are received by the Swinomish Planning Department either through direct calls or referrals from the Swinomish Police Department or Skagit County Sheriff's Office. Air program staff from the Planning Department will respond and investigate the complaint immediately during regular business hours or as soon as practicable if the complaint was related to a burn after hours

or on a weekend. Investigation includes observation at the burn site. If an unpermitted burn, burning during a burn ban or other violations related to open burning are observed, Planning Department staff may issue a verbal order to put out the fire immediately. Otherwise, a written Notice of Violation may be issued. A fine may also be issued, the amount of which will depend on severity of the violation, history of violations, cooperation in rectifying the situation and other factors as detailed in STC 19-02.200. If further civil enforcement process is required, because for example the actions continue or fines are not paid after repeated reminders, the matter will be forwarded to the Swinomish Legal Department for further action if appropriate.

Outreach

Outreach activities by the Tribe on Open Burning rules have been done through occasional articles in the Tribal Newsletter (which reaches all resident Tribal members), and informational brochures at various public events such as Earth Day and the Annual Health Fair. Residents in the Shelter Bay Community, which does not allow open burning, will be notified via their newsletter or mailers in cooperation with the Tribe. Once we have an approved TIP for Open Burning, the Planning Department will send a mailing to all other Reservation residents with information on our Open Burn program and rules.

Public Notification

In accordance with 40 C.F.R. § 51.285, the Tribe will at least annually publish in a local paper of general circulation notification regarding any instances in which any

primary standard was exceeded during any portion of the preceding calendar year. Such notice shall include periods of any such exceedance, advice on the potential health hazards associated with the exceedance, potential measures to prevent exceedance and ways to participate in regulatory and other efforts to improve air quality. The Tribe may also provide such information in articles in the Tribal newsletter or on the Tribal website as appropriate.

~~Adoption Process and Procedure~~

~~Part II of this TIP will be included within amendments to STC Chapter 19-02 (Swinomish Clean Air Ordinance). The proposed amended Swinomish Clean Air Ordinance including Part II of this TIP is attached. Adoption of the proposed amendments to STC Chapter 19-02 is subject to the Swinomish Tribal Constitution and By laws, review and adoption by the Swinomish Indian Senate, and approval by the Department of Interior (if required). The Tribe will follow all requirements of 40 C.F.R. § 51.102 requiring notice and a public hearing prior to adoption of the TIP, and develop and maintain a record of the hearing.~~

Conflicts of Interest

In accordance with Section 128 of the Clean Air Act, any board or individual exercising approval authority over permits or enforcement orders issued pursuant to this TIP, (1) shall have at least a majority of the members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Chapter (provided however, that elected officials or

employees of the Tribe who receive income from the Tribe for the performance of their official duties may exercise approval authority over permits or enforcement orders issued to the Tribe); and (2) shall adequately disclose any potential conflicts of interest. Any such disclosures will be in writing to the Planning Commission and will become a part of the record of the permit or enforcement order.

Resources

Resources needed annually to implement the TIP for open burning over a 5-year period include staff time of .10 FTE for the Air Quality Analyst and .05 FTE for the Air Quality Technician to cover PM monitoring and analysis for the burn program, permitting and enforcement. In addition, supplies to maintain the equipment, as well as travel and training and indirect costs are included.

Resources needed to implement the TIP

Item	Cost
Salary Air Quality Analyst (.10FTE)	\$8,160
Salary Air Quality Tech (.05FTE)	\$1,540
Tribal Match	\$1,468
Fringe	\$4.657
Supplies	\$ 500
Travel and Training	\$1,000
Indirect	\$5,996
Total	\$23,321

Swinomish Indian Tribal Community
November 5, 2013

We anticipate receiving funding from EPA as part of our Section 105 Air Program grant, in addition to the Tribal match, to cover these costs. However, that is not assured at this time. Should Section 105 EPA grant funding not be sufficient to cover these costs, we will seek funding from other sources as needed, including, but not limited to, seeking additional support through the Tribal budget process.

The following provisions are not part of the TIP being submitted to EPA for approval.

The EPA will not review or approve the following sections of the Swinomish Clean Air Ordinance, which are promulgated pursuant to the Tribe's inherent authority:

- a) Subchapter I – Operating Permits;
- b) Section 19-02.090(D), Nuisance; and
- c) Section 19-02.130(B), Carbon emission fees.