KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
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March 29, 2018

Cathy Stepp
Regional Administrator
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL

RE: Keweenaw Bay Indian Community's Application for Treatment as a State Status under the Clean Air Act

Dear Ms. Stepp,

The Keweenaw Bay Indian Community (the "Community"), a federally recognized Indian Tribe, makes its application to the United States Environmental Protection Agency ("EPA") for Treatment as a State under §301(d) of the Clean Air Act for section 105 Program Funding and section 505(a)(2) Title V Notification. The Community has previously applied for Treatment as a State under §518(e) of the Clean Water Act and supplied the EPA with a narrative, application, and supporting documentation. We request that you use the same information that the Community supplied with its application for Treatment as a State under the Clean Water Act to inform your decision regarding the Community's application for Treatment as a State under the Clean Air Act. In addition, we are providing an Application Supplement which is enclosed for your consideration and approval.

Please contact Tim Dombrowski via email at tdombrowski@kbic-nsn.gov, or by phone at (906)524-5757 ext. 20, or Jane Kahkonen via email at jkahkonen@kbic-nsn.gov, or by phone at (906)524-5757 ext. 15, if you have any questions or need additional information.

Sincerely,

Warren C. Swartz
President

Enc

Keweenaw Bay Indian Community and U.S. Environmental Protection Agency Region 5
Treatment as a State for Clean Air Act, Application Supplement to TAS for Clean Water Act

Section I: Purpose, Description and Use

The purpose of this document is to provide a supplement to Keweenaw Bay Indian Community's (KBIC) application for Treatment as a State (TAS) for the Clean Water Act (CWA) so that KBIC may apply for TAS for the Clean Air Act (CAA), as well. KBIC is applying for Treatment in the Same Manner as State under Section 301 (d) of the Clean Air Act for Section 105 Program Funding and Section 505(a)(2) Title V Notification.

Section II: Governmental Duties and Functions

The KBIC Government currently employs approximately 300 people and performs essential government functions on-Reservation and within the ceded territories. The Tribal Council has delegated the day to day government operations' administrative authority and duties to the offices of the President and Chief Executive Officer, who head the executive branch of the KBIC Government. Government structure, boards, committees, and task forces are presented in Appendix F. Examples include, but are not limited to:

1. **Hunting, Fishing, Trapping, and Gathering activities:** Per its authority, the Tribal Council adopted Title 10, Hunting, Fishing, Trapping, and Gathering for the purpose of preserving and protecting hunting, fishing, trapping, and gathering rights, which were reserved by KBIC in the Treaties of 1842 and 1854 for future generations of tribal members. KBIC Law Enforcement Officers have the authority to issue citations for violations of Title 10, and the Tribal Prosecutor prosecutes these violations in Tribal Court (Appendix G).
2. **Natural Resources Department:** The KBIC Natural Resource Department (KBNRD) was formally organized in 1999. The department currently consists of seventeen full time employees and is responsible for assisting KBIC with protection, preservation, enhancement, and mitigation of natural resources and the environment, an obligation which it fulfills through a variety of programs (See Section V.A.1.a). KBNRD also formulates natural resource and environmental policy for consideration by the President and Tribal Council. In addition, KBNRD provides for various types of environmental services and technical assistance to the government. The Air Quality Specialist (AQS) is an integral part of the KBNRD and KBIC Government.
    a. **Air Quality Specialist:** Duties and responsibilities:
        i. Coordinates assignments and works closely with the Environmental Specialist
        ii. Assist the KBIC and the KBNRD with the administration of USEPA grant(s) and to implement an air quality management project, including air quality assessment, community education and outreach related to air quality, source inventory, and preparation of an emissions inventory.
        iii. Responsible for working on air quality issues, both ambient and indoor; air quality assessment; air quality data collection, quantification, and interpretation; air quality complaint review and tracking; air quality permit review; source inventory and categorization.
        iv. Assist with grant application preparation as well as grant administration, budget tracking, progress review and reporting, and grant closeout.

v. Participate in the coordination and monitoring of the air quality program budget; forecast additional funds needed for staffing, equipment, materials and supplies; recommend purchases; recommend adjustments as necessary.
vi. Participate in the development and implementation of goals, objectives, policies, and priorities for the environmental and air quality program(s); identify resource needs; recommend and implement policies and procedures.
vii. Conduct scientific research and prepare technical reports relating to air quality.
viii. Assist with the development, coordination, and implementation of education material relating to air quality and environmental protection.
ix. Attend various trainings related to air quality and environmental assessment, including air quality assessment, air monitoring.
x. Attend and participate in professional group meetings, including Tribal, Federal and local agencies and groups; stay abreast of current issues in the field of air quality.
xi. Maintain effective and professional communication and working relationships with relevant air quality professionals, environmental staff, Tribal and Federal personnel, and members of the community.
xii. Updating and maintaining the EPA Energy Star Portfolio.
xiii. Perform other duties as assigned.

3. **Tribal Conservation District:** On October 25, 2001, the KBIC Tribal Council passed Resolution KB-1020-2001 which "directs the Tribal Council Chairman to execute a mutual agreement with the United States Secretary of Agriculture for cooperative conservation of natural resources". Following passage of Resolution BK-1020-2001 KBIC and the USDA developed and approved cooperative working agreements to implement natural resource and conservation programs. In addition to Resolution KB-1020-2001, the Tribal Council adopted the KBIC Conservation District Act, establishing the KBIC Conservation District "to engage in conserving and enhancing soil, water, air, animal and plant resources," and to establish the Keweenaw Bay Natural Resource Committee for such purposes. (Relevant Conservation District documents are included in Appendix J.)
4. **Integrated Resource Management:** As part of KBIC's commitment to enhancement, preservation, and protection of existing resources the Tribal Council adopted the Integrated Resources Management Plan (IRMP: Resolution KB-1152-2003) on February 12, 2003. (Appendix K). The IRMP was subsequently approved by the BIA. This Plan provides guidance on sustainable resource use, resource enhancement, and envisions the preservation of resources for the next seven generations. The IRMP provides resource management guidance for environmental, cultural, fisheries, wild rice, native plants, wildlife, wetlands, forestry, recreation, soil, and water quality. The IRMP also provides additional guidance for enforcement management, economic development, roads and transportation, land acquisition, partnerships, and education.
5. **Public Works Department:** The Public Works Department provides for community water supply operation, road construction and maintenance, energy auditing and efficiency improvements, wastewater and septic system maintenance, building operation and maintenance, various construction services, and other infrastructure and operational needs of KBIC.
6. **Tribal Law Enforcement:** Tribal Law Enforcement provides for the enforcement of Tribal and Federal laws on Reservation lands in Ontonagon, Marquette, and Baraga Counties. This includes enforcement of Title 10, KBIC's Hunting, Fishing, Trapping, and Gathering Ordinance.
7. **Boards and Committees:** As described in Section III(B), a number of Boards, Committees, and Task Forces have been created to assist the government and the membership with various issues.

8. **Education:** The Education Department's services include providing scholarships and assistance to tribal member college students. The Education Department also coordinates a summer student internship program for KBIC member college students.
9. **Health Department:** The Health Department's programs and services include community health representatives, contract health services, a dental clinic, a diabetes program, a domestic violence prevention program, a healthy start program, a pharmacy, and health services provided through the medical clinic located in Baraga, Michigan (Appendix M). Health Department programs are funded through a combination of Self Determination Act compact funding, grant funds, and KBIC General Revenue funds.

Section III: Air Quality Specialist Training

Tribal Environmental Program Priority: Protecting Air Quality

Priority Description: Continue to build an air quality program to ensure protection of air quality resources and address air quality concerns, including nearby commercial and industrial development as well as indoor air quality.

Primary Tribal Contact: Stephanie Kozich, (906) 524-5757 x16, skozich@kbic-nsn.gov
Tim Dombrowski, (906) 524-5757 x20, tdombrowski@kbic-nsn.gov

Primary EPA Contact:

Air Quality Training	Milestones	Location	Source
1. Introduction to Tribal Air Quality	1. Dec 31, 2018	1. Flagstaff, AZ	1. NAU – ITEP
2. Indoor Air Quality (IAQ) in Tribal Communities	2. Dec 31, 2018	2. TBD	2. NAU – ITEP
3. Treatment as a State (TAS) for Air Quality	3. Dec 31, 2018	3. Classroom	3. NAU – ITEP
4. Fundamentals of Air Monitoring	4. Dec 31, 2018	4. Classroom	4. NAU – ITEP
5. Air Quality Computations	5. Dec 31, 2019	5. Phoenix, AZ	5. NAU – ITEP
6. Air Pollution Technology	6. Dec 31, 2019	6. Flagstaff, AZ	6. NAU – ITEP
7. GIS for Air Quality	7. Dec 31, 2019	7. Las Vegas, NV	7. NAU – ITEP
8. Management of Tribal Air Programs and Grants (for lower 48)	8. Dec 31, 2018	8. TBD	8. NAU – ITEP
9. National Tribal Forum on Air Quality	9. May 14-17, 2018	9. Duluth, MN	9. NAU – ITEP
10. Air Pollution and Ecosystems	10. Dec 31, 2019	10. TBD	10. NAU – ITEP

11. Air Quality Planning for Wildland Smoke (hybrid course) 12. Building Performance: Improving IAQ in Cold Climates 13. Residential Building Science Review 14. Radon Fundamentals 15. Quality Assurance (QA) Fundamentals 16. Quality Assurance Project Plan (QAPP) 17. Emissions Inventory 18. Introduction to Air Pollution Control 19. Clean Air Act 101: a) History & Title I, Part 1 b) History & Title I, Part 2 c) Mobile Sources d) Acid Rain e) Permits f) Ozone g) Enforcement 20. How to Create a Successful Air Toxics Monitoring Program	11. Mar 27-28, 2018 12. Dec 31, 2018 13. Dec 31, 2018 14. Dec 31, 2018 15. Dec 31, 2018 16. Dec 31, 2018 17. Dec 31, 2018 18. Dec 31, 2018 19. Dec 31, 2018 20. Dec 31, 2018	11. Webinar/Boise, ID 12. Online 13. Online 14. Online 15. Online 16. Online 17. Online 18. Online (click on Introduction to Air Pollution) 19. Online (click on Introduction to Air Pollution) 20. Online(click on Introduction to Air Pollution)	11. NAU – ITEP 12. NAU – ITEP 13. NAU – ITEP 14. NAU – ITEP 15. NAU – ITEP 16. NAU – ITEP 17. NAU – ITEP 18. Air Pollution Training Institute (APTI-Learn) 19. Air Pollution Training Institute (APTI-Learn) 20. Air Pollution Training Institute (APTI-Learn)
EPA Actions to Support Tribal Priority:			