



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

JUN 26 2019

Office of the Regional Administrator

The Honorable Wilfred Herrera, Jr.
Governor of the Pueblo of Laguna
22 Capital Road
Laguna, New Mexico 87026

Re: Notification of Pueblo of Laguna's complete application for eligibility under Clean Air Act Section 301(d)

Dear Governor Herrera:

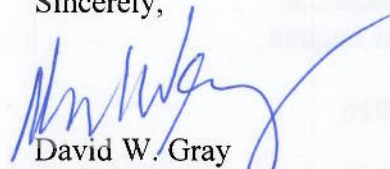
This letter is in response to the Pueblo of Laguna's (Pueblo) April 1, 2019, application for an eligibility determination under section 301(d) of the Clean Air Act (CAA) for treatment in a manner similar to a state (TAS) for CAA sections 107(d)(2) and 126. The U.S. Environmental Protection Agency (EPA) has initially reviewed the application and supplemental information provided by the Pueblo and is pleased to inform you that your application is complete for purposes of the next steps in the review process as outlined in 40 CFR 49.9.

Once the EPA determines that an application is complete, the agency must then notify other governmental entities specifying the geographic boundaries of the Pueblo's lands included in the application. Attached are copies of the notification letters that the EPA will send to governmental entities that have land contiguous to the parcels included in the application. In accordance with the EPA regulations, the EPA must provide these governmental entities an opportunity to comment on the tribe's assertion of authority over the parcels included in the application. In addition, EPA will be notifying the City of Albuquerque since they are a permitting authority within 50 miles which would be required to notify the Pueblo pursuant to section 126. Finally, in accordance with the EPA policy, we will publish a notice in *The Albuquerque Journal* to allow the public an opportunity to comment. The comment and consultation period is scheduled to conclude on July 30, 2019. If an extension to the public comment and consultation period is requested, the EPA will coordinate with the Pueblo prior to deciding on the request.

Should we receive written comments, we will share the comments with you. If necessary, the EPA may request additional information from you prior to taking further steps in the approval process. If a conflicting jurisdictional claim is raised and cannot be promptly resolved, the Regional Administrator may approve that portion of the application addressing undisputed areas. Assuming the EPA receives no comments that would prevent approval of the application, the agency will prepare a letter to the Pueblo conveying its decision regarding the CAA TAS eligibility determination.

We appreciate your continued cooperation and patience as we proceed through the review process of your application. If you have any questions, please contact me at (214) 665-2100 or your staff may contact Mr. Jeffrey Robinson, Branch Chief, Air Permits, Monitoring, and Grants Branch, Region 6 Air and Radiation Division, at (214) 665-6435.

Sincerely,



David W. Gray
Acting Regional Administrator

Enclosures

cc: Mr. Steven Etter, Director, Environmental and Natural Resources Department, Pueblo of Laguna



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

JUN 26 2019

Office of the Regional Administrator

The Honorable Brian Vallo
Governor of the Pueblo of Acoma
25 Pinsbaari
Acoma, New Mexico 87034

Re: Notification of Pueblo of Laguna's application for eligibility under Clean Air Act Section 301(d)

Dear Governor Vallo:

We are pleased to notify you that we have received an application by the Pueblo of Laguna (Pueblo) for Treatment in a Manner Similar to a State (TAS) status in accordance with section 301(d) of the Clean Air Act (CAA). The Pueblo seeks the U.S. Environmental Protection Agency's (EPA) authorization under two non-regulatory provisions of the CAA:

- Section 107(d)(3) to receive notices from the EPA of the need for redesignation of an area or portion of an area within the Pueblo's boundaries for which it receives TSA authorization; and
- Section 126 (a) and (b) to receive written notices of the construction of new or modified major stationary sources and of existing major stationary sources which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in any air quality control region outside the state in which such source intends to locate (or make such modification); and petition the EPA for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the applicable state implementation plan.

In October 2011, the EPA approved the Pueblo for TAS for CAA sections 105 (grants) and 505(a)(2) (affected state notifications) covering the Pueblo of Laguna's Reservation and trust lands outside of the Reservation boundary. The current application seeks to add non-regulatory programs under sections 107(d)(3) and 126, as described above, covering those same lands. The prior approval and the current application may be viewed in their entirety at <https://www.epa.gov/caa-permitting/tribal-nsr-implementation-epas-south-central-region#TIP>.

Federal regulations require the EPA to notify "appropriate governmental entities" and provide 30 days for written comment "regarding any dispute concerning the boundary of the reservation." See 40 C.F.R. § 49.6(c). The EPA interprets the term "appropriate governmental entities" to include those "states, tribes, and other federal entities located contiguous to the tribe applying for eligibility." See 63 Fed. Reg. 7254, 7267 (February 12, 1998). The EPA has identified the Pueblo of Acoma as an appropriate

governmental entity and is therefore requesting comments from the Pueblo of Acoma on the Pueblo's assertion of authority over the lands identified in the TAS application. Enclosed is a map of the Pueblo's exterior boundaries for which it seeks TAS approval.

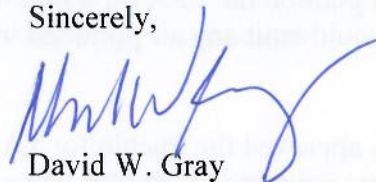
In addition, the EPA is initiating consultation with the Pueblo of Acoma on this application. This consultation process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (<https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>). The EPA invites you and your designated consultation representative(s) to participate in this process. The EPA's anticipated timeline for the consultation and coordination period is expected to extend from the date of receipt of this letter until the close of the comment period.

If you wish to engage in government-to-government consultation or have any questions regarding the process, please contact Mr. Randy Gee, Associate Director, Office of Communities, Tribes and Environmental Assessment, (214) 665-8355. If you have any concerns about these boundaries, please provide your written comments by July 30, 2019. Comments may be submitted to the EPA Region 6 by email (R6TAScomments@epa.gov) or mail to the following address:

Wren Stenger, Director
Air & Radiation Division
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

If you have any questions, please contact me at (214) 665-2100 or your staff may contact Mr. Jeffrey Robinson, Branch Chief, Air Permits, Monitoring, and Grants Branch, Region 6 Air and Radiation Division, at (214) 665-6435.

Sincerely,



David W. Gray
Acting Regional Administrator

Enclosure

cc: The Honorable Wilfred Herrera, Jr, Governor, Pueblo of Laguna
Mr. Steven Etter, Director, Environmental and Natural Resources Department, Pueblo of Laguna
Ms. Donna Martinez, Environmental Contact, Environmental Protection Agency, Pueblo of Acoma



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

JUN 26 2019

Office of the Regional Administrator

The Honorable Michelle Lujan Grisham
Governor of New Mexico
490 Old Santa Fe Trail, Room 400
Santa Fe, New Mexico 87501

Re: Notification of Pueblo of Laguna's application for eligibility under Clean Air Act Section 301(d)

Dear Governor Lujan Grisham:

We are pleased to notify you that we have received an application by the Pueblo of Laguna (Pueblo) for Treatment in a Manner Similar to a State (TAS) status in accordance with section 301(d) of the Clean Air Act (CAA). The Pueblo seeks the U.S. Environmental Protection Agency's (EPA) authorization under two non-regulatory provisions of the CAA:

- Section 107(d)(3) to receive notices from the EPA of the need for redesignation of an area or portion of an area within the Pueblo's boundaries for which it receives TAS authorization; and
- Section 126 (a) and (b) to receive written notices of the construction of new or modified major stationary sources and of existing major stationary sources which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in any air quality control region outside the state in which such source intends to locate (or make such modification); and petition the EPA for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the applicable state implementation plan.

In October 2011, the EPA approved the Pueblo for TAS for CAA sections 105 (grants) and 505(a)(2) (affected state notifications) covering the Pueblo of Laguna's Reservation and trust lands outside of the Reservation boundary. The current application seeks to add non-regulatory programs under sections 107(d)(3) and 126, as described above, covering those same lands. The prior approval and the current application may be viewed in their entirety at <https://www.epa.gov/caa-permitting/tribal-nsr-implementation-epas-south-central-region#TIP>.

Should the Pueblo be deemed eligible to receive treatment as an affected state under CAA section 126, New Mexico's air permitting authority within the New Mexico Environment Department would be required to send notices to the Pueblo of construction of certain new or modified major stationary sources (section 126(a)).

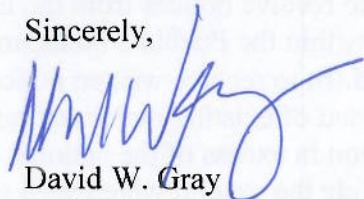
Federal regulations require the EPA to notify "appropriate governmental entities" and provide 30 days for written comment "regarding any dispute concerning the boundary of the reservation." See 40 CFR. §49.6(c). The EPA interprets the term "appropriate governmental entities" to include those "states, tribes, and other federal entities located contiguous to the tribe applying for eligibility." See 63 Fed. Reg. 7254, 7267 (February 12, 1998). The EPA has identified the state of New Mexico as an appropriate governmental entity and is therefore requesting comments from the state on the Pueblo's assertion of authority over the lands identified in the TAS application. Enclosed is a map of the Pueblo's exterior boundaries for which it seeks TAS approval.

If you have any concerns about these boundaries, please provide your written comments by July 30, 2019. Comments may be submitted to the EPA Region 6 by email (R6TAScomments@epa.gov) or mail to the following address:

Wren Stenger, Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

If you have any questions, please contact me at (214) 665-2100, or your staff may contact Ms. Carmen Assunto, State and Local Government Liaison, at (214) 665-2200.

Sincerely,



David W. Gray
Acting Regional Administrator

Enclosure

cc: The Honorable Wilfred Herrera, Jr, Governor, Pueblo of Laguna
Mr. Steven Etter, Director, Environmental and Natural Resources Department, Pueblo of Laguna
Mr. James Kenney, Secretary, New Mexico Environmental Department



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

JUN 26 2013

Office of the Regional Administrator

The Honorable Max A. Zuni
Governor of the Pueblo of Isleta
117 A Tribal Road #40
Isleta, New Mexico 87022

Re: Notification of Pueblo of Laguna's application for eligibility under Clean Air Act Section 301(d)

Dear Governor Zuni:

We are pleased to notify you that we have received an application by the Pueblo of Laguna (Pueblo) for Treatment in a Manner Similar to a State (TAS) status in accordance with section 301(d) of the Clean Air Act (CAA). The Pueblo seeks the U.S. Environmental Protection Agency's (EPA) authorization under two non-regulatory provisions of the CAA:

- Section 107(d)(3) to receive notices from the EPA of the need for redesignation of an area or portion of an area within the Pueblo's boundaries for which it receives TAS authorization; and
- Section 126 (a) and (b) to receive written notices of the construction of new or modified major stationary sources and of existing major stationary sources which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in any air quality control region outside the state in which such source intends to locate (or make such modification); and petition the EPA for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the applicable state implementation plan.

In October 2011, the EPA approved the Pueblo for TAS for CAA sections 105 (grants) and 505(a)(2) (affected state notifications) covering the Pueblo of Laguna's Reservation and trust lands outside of the Reservation boundary. The current application seeks to add non-regulatory programs under sections 107(d)(3) and 126, as described above, covering those same lands. The prior approval and the current application may be viewed in their entirety at <https://www.epa.gov/caa-permitting/tribal-nsr-implementation-epas-south-central-region#TIP>.

Federal regulations require the EPA to notify "appropriate governmental entities" and provide 30 days for written comment "regarding any dispute concerning the boundary of the reservation." See 40 C.F.R. § 49.6(c). The EPA interprets the term "appropriate governmental entities" to include those "states, tribes, and other federal entities located contiguous to the tribe applying for eligibility." See 63 Fed. Reg. 7254, 7267 (February 12, 1998). The EPA has identified the Pueblo of Isleta as an appropriate

governmental entity and is therefore requesting comments from the Pueblo of Isleta on the Pueblo's assertion of authority over the lands identified in the TAS application. Enclosed is a map of the Pueblo's exterior boundaries for which it seeks TAS approval.

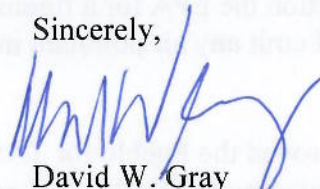
In addition, the EPA is initiating consultation with the Pueblo of Isleta on this application. This consultation process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (<https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>). The EPA invites you and your designated consultation representative(s) to participate in this process. The EPA's anticipated timeline for the consultation and coordination period is expected to extend from the date of receipt of this letter until the close of the comment period.

If you wish to engage in government-to-government consultation or have any questions regarding the process, please contact Mr. Randy Gee, Associate Director, Office of Communities, Tribes and Environmental Assessment, at (214) 665-8355. If you have any concerns about these boundaries, please provide your written comments by July 30, 2019. Comments may be submitted to the EPA Region 6 by email (R6TAScomments@epa.gov) or mail to the following address:

Wren Stenger, Director
Air & Radiation Division
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

If you have any questions, please contact me at (214) 665-2100 or your staff may contact Mr. Jeffrey Robinson, Branch Chief, Air Permits, Monitoring, and Grants Branch, Region 6 Air and Radiation Division, at (214) 665-6435.

Sincerely,



David W. Gray
Acting Regional Administrator

Enclosures

cc: The Honorable Wilfred Herrera, Jr, Governor, Pueblo of Laguna
Mr. Steven Etter, Director, Environmental and Natural Resources Department, Pueblo of Laguna
Mr. Ruben Lucero, Manager, Environment Division, Pueblo of Isleta



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

JUN 26 2019

Office of the Regional Administrator

The Honorable Jonathan Nez
President of the Navajo Nation
Nez-Lizer Administration
100 Parkway
Window Rock, Arizona 86515

Re: Notification of Pueblo of Laguna's application for eligibility under Clean Air Act Section 301(d)

Dear President Nez:

We are pleased to notify you that we have received an application by the Pueblo of Laguna (Pueblo) for Treatment in a Manner Similar to a State (TAS) status in accordance with section 301(d) of the Clean Air Act (CAA). The Pueblo seeks the U.S. Environmental Protection Agency's (EPA) authorization under two non-regulatory provisions of the CAA:

- Section 107(d)(3) to receive notices from the EPA of the need for redesignation of an area or portion of an area within the Pueblo's boundaries for which it receives TAS authorization; and
- Section 126 (a) and (b) to receive written notices of the construction of new or modified major stationary sources and of existing major stationary sources which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in any air quality control region outside the state in which such source intends to locate (or make such modification); and petition the EPA for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the applicable state implementation plan.

In October 2011, the EPA approved the Pueblo for TAS for CAA sections 105 (grants) and 505(a)(2) (affected state notifications) covering the Pueblo of Laguna's Reservation and trust lands outside of the Reservation boundary. The current application seeks to add non-regulatory programs under sections 107(d)(3) and 126, as described above, covering those same lands. The prior approval and the current application may be viewed in their entirety at <https://www.epa.gov/caa-permitting/tribal-nsr-implementation-epas-south-central-region#TIP>.

Federal regulations require the EPA to notify "appropriate governmental entities" and provide 30 days for written comment "regarding any dispute concerning the boundary of the reservation." See 40 C.F.R. § 49.6(c). The EPA interprets the term "appropriate governmental entities" to include those "states, tribes, and other federal entities located contiguous to the tribe applying for eligibility." See 63 Fed. Reg. 7254, 7267 (February 12, 1998). The EPA has identified the Navajo Nation as an appropriate

governmental entity and is therefore requesting comments from the Nation on the Pueblo's assertion of authority over the lands identified in the TAS application. Enclosed is a map of the Pueblo's exterior boundaries for which it seeks TAS approval.

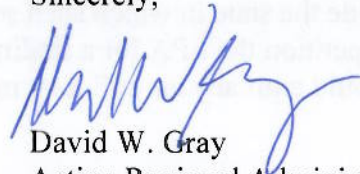
In addition, the EPA is initiating consultation with the Navajo Nation on this application. This consultation process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (<https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>). The EPA invites you and your designated consultation representative(s) to participate in this process. The EPA's anticipated timeline for the consultation and coordination period is expected to extend from the date of receipt of this letter until the close of the comment period.

If you wish to engage in government-to-government consultation or have any questions regarding the process, please contact Mr. Randy Gee, Associate Director, Office of Communities, Tribes and Environmental Assessment, at (214) 665-8355. If you have any concerns about these boundaries, please provide your written comments by July 30, 2019. Comments may be submitted to the EPA Region 6 by email (R6TAScomments@epa.gov) or mail to the following address:

Wren Stenger, Director
Air & Radiation Division
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

If you have any questions, please contact me at (214) 665-2100 or your staff may contact Mr. Jeffrey Robinson, Branch Chief, Air Permits, Monitoring, and Grants Branch, Region 6 Air and Radiation Division, at (214) 665-6435.

Sincerely,



David W. Gray
Acting Regional Administrator

Enclosure

cc: The Honorable Wilfred Herrera, Jr, Governor, Pueblo of Laguna
Mr. Steven Etter, Director, Environmental and Natural Resources Department, Pueblo of Laguna
Mr. Oliver Whaley, Director, Environmental Protection Agency, Navajo Nation
Mr. Mike Stoker, Regional Administrator, Environmental Protection Agency Region 9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

JUN 26 2019

Office of the Regional Administrator

The Honorable Timothy M. Keller
Mayor of Albuquerque
One Civic Plaza, NW, Room 3023
Albuquerque, New Mexico 87102

Re: Notification of Laguna Pueblo's application for eligibility under Clean Air Act Section 301(d)

Dear Mayor Keller:

We are pleased to notify you that we have received an application by the Pueblo of Laguna (Pueblo) for Treatment in a Manner Similar to a State (TAS) status in accordance with section 301(d) of the Clean Air Act (CAA). The Pueblo seeks the U.S. Environmental Protection Agency's (EPA) authorization under two non-regulatory provisions of the CAA:

- Section 107(d)(3) to receive notices from the EPA of the need for redesignation of an area or portion of an area within the Pueblo's boundaries for which it receives TAS authorization; and
- Section 126 (a) and (b) to receive written notices of the construction of new or modified major stationary sources and of existing major stationary sources which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in any air quality control region outside the State in which such source intends to locate (or make such modification); and petition the EPA for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the applicable state implementation plan.

In October 2011, the EPA approved the Pueblo for TAS for CAA sections 105 (grants) and 505(a)(2) (affected state notifications) covering the Pueblo of Laguna's Reservation and trust lands outside of the Reservation boundary. The current application seeks to add non-regulatory programs under sections 107(d)(3) and 126, as described above, covering those same lands. The prior approval and the current application may be viewed in their entirety at <https://www.epa.gov/caa-permitting/tribal-nsr-implementation-epas-south-central-region#TIP>.

Should the Pueblo be deemed eligible to receive treatment as an affected state under CAA sections 126 and 505(a)(2), the Air Quality Division within the City of Albuquerque (City) would be required to send notices to the Pueblo of construction of certain new or modified major stationary sources (section 126(a)).

Federal regulations require the EPA to notify "appropriate governmental entities" and provide 30 days for written comment "regarding any dispute concerning the boundary of the reservation." See 40 C.F.R. § 49.6(c). The EPA interprets the term "appropriate governmental entities" to include those "states,

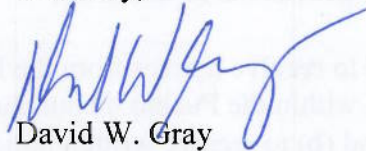
tribes, and other federal entities located contiguous to the tribe applying for eligibility." See 63 Fed. Reg. 7254, 7267 (February 12, 1998). As a courtesy, the EPA is informing the City of this application even though the City does not have lands contiguous to the Pueblo of Laguna's trust lands.

Enclosed is a map of the Pueblo's exterior boundaries for which it seeks TAS approval. If you have any concerns about these boundaries, please provide your written comments by July 30, 2019. Comments may be submitted to the EPA Region 6 by email (R6TAScomments@epa.gov) or mail to the following address:

Wren Stenger, Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

If you have any questions, please contact me at (214) 665-2100 or your staff may contact Ms. Carmen Assunto, State and Local Government Liaison, at (214) 665-2200.

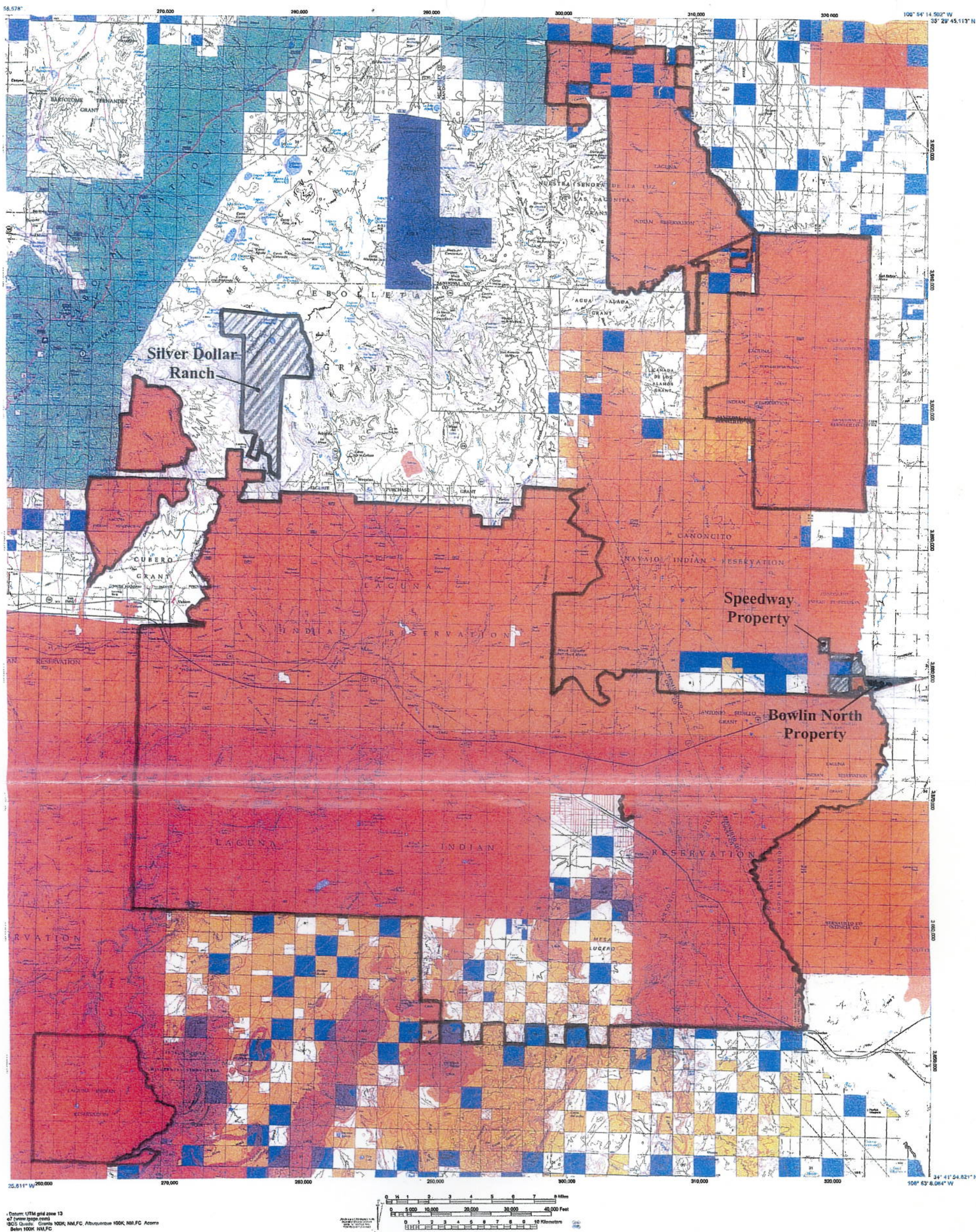
Sincerely,



David W. Gray
Acting Regional Administrator

Enclosure

cc: The Honorable Wilfred Herrera, Jr, Governor, Pueblo of Laguna
Mr. Steven Etter, Director, Environmental and Natural Resources Department, Pueblo of Laguna
Ms. Sandra Begay, Director, Environmental Health Dept., City of Albuquerque



Land Status Legend

Public Lands and Monuments
 (Admin by BLM)

National Forest
 (Admin by USFS)

National Parks and Monuments
 (Admin by USNPS)

State, County, City; Wildlife, Park
 and Outdoor Recreation Areas

Indian Land or Reservation

Indian Trust Lands

Indian Fee Lands

State Land

Private Land