



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

APR 01 2011

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Dear Tribal Leader:

The purpose of this letter is to provide you with a final opportunity to consult on the U.S. Environmental Protection Agency's (EPA) development of the New Source Review rule entitled, "Review of New Sources and Modifications in Indian Country." We are in the final stages of completing this rule and we would like to circle back with the tribes to ensure appropriate consultation has been offered.

This rule was initiated by and in response to tribal input to address a significant regulatory gap in developing New Source Review (NSR) rules for Indian Country. The proposed rule establishes a preconstruction permitting program for "new" minor stationary sources throughout Indian Country and major stationary sources located in areas not meeting national clean air standards.

The purpose of the NSR program is to protect public health and the environment at the same time, allowing for economic development as *new* industrial facilities are built and existing facilities are modified or expanded. NSR is a Clean Air Act (CAA) program that requires industrial facilities to install modern pollution control equipment during the initial construction phase and when making modifications to their process or facility that increase emissions significantly. The program accomplishes this when owners or operators obtain permits limiting air emissions before they begin construction or modification.

EPA has taken extensive steps to include tribes during the planning and development stages of this rule. We have offered consultation via letters to tribal leaders, pre- and post proposal consultations, and training opportunities that have been held around the country to gather input directly from tribes. Recently, we established a workgroup with the tribes to keep them up-to-date on the rule status and will continue to assist tribes in developing a strategy for the various levels of implementation. As a tribe, you will need to know what potential impacts the proposed rule will have on businesses that are tribally owned and operated, in addition to other businesses operating on your reservation. EPA will work with tribes to provide training, technical, and resource information to tribal leaders and staff to assist in implementation decisions and determine processes regarding the finalized rule.

It is EPA's expectation that the proposed rule will *improve* environmental protection within Indian Country. However, to ensure that your area and interests are protected, we are offering to consult with you or your designee should you desire. If you would like to initiate consultation with EPA, please contact Laura McKelvey at (919) 541-5497,

mckelvey.laura@epa.gov or Angel McCormack (919) 541-3588, mccormack.angel@epa.gov.
To ensure a thorough follow up on the consultation offer, we would ask to hear from you or your tribe by April 15, 2011 whether or not you are interested in a consultation.

We endeavor to conduct our efforts with sensitivity to the unique needs of your tribe and with attention to the potential impact of our actions. We look forward to receiving your input.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gregory H. Green".

Gregory Green

cc: Tribal Environmental Staff