

Federal Air Rules for Reservations (FARR)



MEHRDAD KHATIBI – EPA REGION 10

NATIONAL TRIBAL FORUM ON AIR QUALITY – MAY 2017

FARR History & Overview

- ▶ **June 7, 2005: FARR became effective**
 - ▶ Planning / consultation began in 1999 ~ Increasing interest tribal air program development.
- ▶ **Purpose of the FARR:**
 - ▶ To put into place basic, federally-enforceable air quality regulations for 39 Indian reservations in Idaho, Oregon, and Washington.
 - ▶ Ensure that residents within the boundaries of reservations enjoy air quality protection similar to that existing outside of the reservation.
- ▶ **Enforcement authority rest with EPA**

Who's covered by the FARR?

- ▶ **All residents** (both tribal members and non-tribal members) **and businesses** located within the federally-recognized exterior boundaries of 39 reservations in ID, OR, and WA.

What does the FARR cover?

- ▶ Includes a number of different rules such as emissions limits, open burning rules, permitting, and registration of sources.
- ▶ FARR was a “first step” and not as comprehensive as State and local programs.

FARR Rules

- ▶ **Partial Delegation of Administrative Authority to Tribes.**
- ▶ Rules for emissions detrimental to public health and welfare (NAAQS)
- ▶ Air pollution episodes and emergencies
 - ▶ Advisories, Alerts, Warnings, Emergencies
- ▶ Registration of sources
 - ▶ Greater than 2 tons / year of emissions
- ▶ Non-Title V operating permits (synthetic minor permits)

FARR Rules:

General Outdoor Burning Rule

- ▶ Identifies materials that cannot be burned. (Allows for natural vegetation and paper)
- ▶ **Authorizes EPA** and **Delegated Tribes** to call burn bans to improve air quality during poor air quality episodes
- ▶ Cultural and traditional fires **exempt** from rule.

Residential trash burning is now the nation's leading source of dioxin emissions



FARR Rules: **Industrial Sources rules** add teeth to formerly “hollow” permits and level playing field on and off reservation.

- ▶ Visible emission limits (opacity)
- ▶ Particulate matter limits
- ▶ Fugitive emission limits
- ▶ Sulfur dioxide limits
- ▶ Sulfur in fuel limits



FARR Rules: Burn Permits

- ▶ **Nez Perce** and the **Umatilla** Reservations only:
Agricultural, Forestry, and Open Burning Permits.
 - ▶ Requires permits to be issued by Tribes.
 - ▶ Managing air quality through burn permits and burn decisions



FARR Implementation highlights

- ▶ **Five Delegation Agreements** in place (Quinault, Coeur d'Alene, Nez Perce, Umatilla and Colville).
- ▶ **FARR Burn Permit Programs** established on the Umatilla and Nez Perce Reservations. The Umatilla and Nez Perce Tribes have issued over 1,500 burn permits.
- ▶ FARR Database, Hotline, and Website established.
- ▶ 4 Tribes with **CAA Inspector Credentials** (Nez Perce, Coeur d'Alene, Shoshone Bannock, and Colville).

FARR Implementation Highlights

- ▶ **89 Burn Bans** called in partnership with Tribes.
- ▶ Approximately **150 sources registered**.
- ▶ FARR On-line Registration System developed in 2015.
- ▶ **25 Non-Title V Permits** issued, and **6 Title V Permits**.
- ▶ Over the past year, **12 Penalties, 14 Notice of Violations, and 2 Requests for Information** issued.
- ▶ Provided targeted **compliance assistance**.

FARR by the numbers

150

Facilities Registered

Under the FARR, we have approximately 150 facilities which register their emissions every year. This year, about **80% registered in FORS**, our new online reporting system.

39+2

Reservations

The FARR currently applies to 39 reservations, with two new reservations being added in the revisions.

16+3

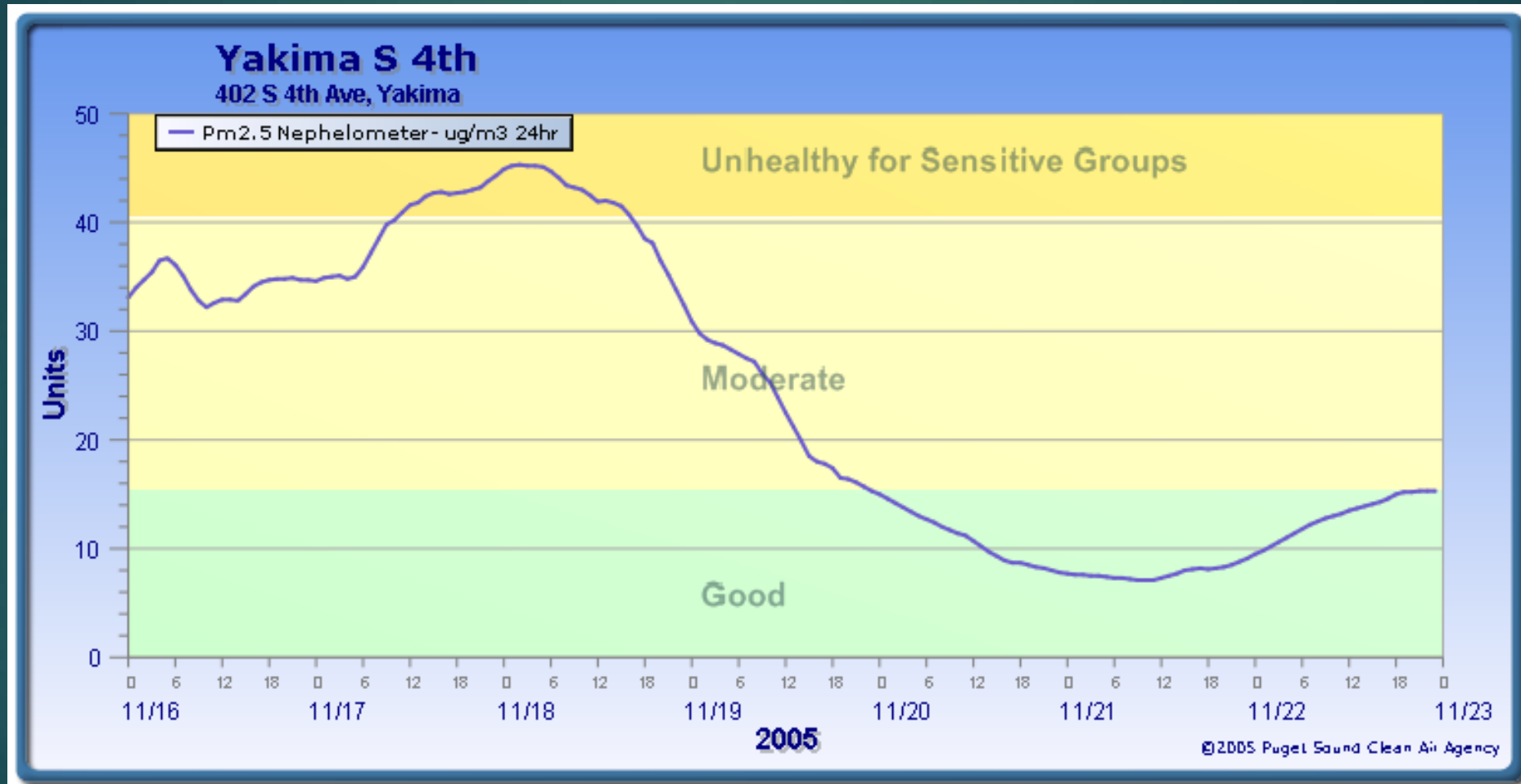
Federal Rules

The FARR has 16 rules established to manage activities that cause air pollution. With the current revisions, we hope to add three new rules.

200,000+
People Protected

The FARR applies to all residents (both tribal members and non-tribal members) located within the exterior boundaries of reservation in Idaho, Oregon, and Washington. The ownership status of land on reservation does not affect how the rules apply.

Burn Bans Protect Air Quality & Public Health



Although the air stagnation continued, PM levels dropped due to burn bans

FARR Revisions

Why revise the FARR now?

- ▶ EPA intended that the 2005 FARR rulemaking would be the **first step** to fill regulatory gap.
- ▶ After **10 years of implementing** the FARR, EPA and Tribes have experience to consider what could be improved.

Proposed FARR Revisions

- ▶ Include new federally-recognized reservations in WA
 - ▶ **Snoqualmie**
 - ▶ **Cowlitz**
- ▶ Apply to **all Indian country** in ID, OR and WA.
 - ▶ Currently the FARR does not apply to trust lands outside of reservations.
 - ▶ Almost all Federal Rules apply to all Indian Country (PSD, Title V, NSPS, NESHAPs)
- ▶ Remove non Title V operating permit rule
 - ▶ Superseded by Tribal New Source Review Rule

Proposed FARR Revisions

- ▶ Revise open burning rules to make implementation easier
- ▶ Adding a rule to phase out the use of **smudge pots**
- ▶ Adding **two rules regulating wood stoves**
 - ▶ Bans **future installation** of uncertified wood stoves,
 - ▶ Specifies what fuels may be burned in residential wood stoves



Smudge pot used by orchardist

Proposed FARR Revisions

Woodstove Curtailment

- ▶ Provides for Stage 1 and Stage 2 bans on the use of residential wood burning devices for specific areas demonstrating high PM levels.

Exemptions: residences sole source of heat or residences where the household income is less than or equal to 150 percent of the federal poverty level as defined by HHS.



Next Steps...

Consultation
Jul-Mar 2017

**Formal
Proposal Rule**
Fall 2017??

**Public
Comment**
Jan 2018??

Final Rule
March
2018??

Questions?



Tribal Biennial Meeting 2015