

~~3.2 Applicability~~

~~The SRMT Air Quality Program reserves the right to apply for additional CAA Section 105/103 grants and expand its resources as necessary to conduct research, investigations, experiments, demonstrations, surveys and/or studies relating to the causes, effects, extent, prevention and control of air pollution within the exterior boundaries of the SRM reservation.~~

~~Section 4.0 Severability~~

~~If any Section of this Plan is considered invalid and as such cannot be approved, such invalidity shall not affect other Sections of the Plan that can be given effect without the invalid Section.~~

~~Section 5.0 Definitions~~

~~5.1 Purpose~~

~~5.2 Definitions~~

~~5.1 Purpose~~

~~As used in this TIP, all terms not defined herein will have the meaning given them in the CAA (42 U.S.C. 7401 et seq., as amended by Pub. L. 91-604, 84 Stat. 1676 Pubs. L. 95-95, 91 Stat., 685 and Pub. L. 95-190, 91 Stat., 1399.)~~

~~5.2 Definitions~~

~~*Administrator* means the Administrator of the Environmental Protection Agency (EPA) or an authorized representative.~~

~~*Air Quality Program* means the legal body within the St. Regis Mohawk Tribe, Environment Division.~~

~~*Area source* means any small residential, governmental, institutional, commercial, or industrial fuel combustion operations; onsite solid waste disposal facility; motor vehicles, aircraft vessels, or other transportation facilities or other miscellaneous sources identified through inventory techniques similar to those described in the "AEROS Manual series, Vol. II AEROS User's Manual," EPA-450/2-76-029 December 1976.~~

~~*Begin actual construction* means, in general, initiation of physical, on-site construction, reconstruction, or modification activities on an emissions unit, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures. Such activities do not include site clearing and grading or entering into binding agreements or contractual obligations. With respect to a change in method of operating, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change. Owners or operators that undertake these activities prior to obtaining any required permits do so at their own risk; a permit may not be issued or may not contain the terms the applicant desires.~~

~~*Compliance schedule* means the date or dates by which a source or category of sources is required to comply with specific emission limitations contained in an implementation plan and with any increments of progress toward such compliance.~~

Construction means fabrication, erection, or installation of an emission facility, emissions unit, or stationary source. Construction also includes excavation, blasting, removing rock and soil, and/or backfilling unless the administrator deems these activities to be of minimal cost, do not significantly alter the site, and are not permanent in nature. Construction does not include site clearing or grading.

Control strategy means a combination of measures designated to achieve the aggregate reduction of emissions necessary for attainment and maintenance of national standards including, but not limited to, measures such as:

- (1) Emission limitations.
- (2) Federal or Tribal emission charges or taxes or other economic incentives or disincentives.
- (3) Closing or relocation of residential, commercial, or industrial facilities.
- (4) Changes in schedules or methods of operation of commercial or industrial facilities or transportation systems, including, but not limited to, short-term changes made in accordance with standby plans.
- (5) Periodic inspection and testing of motor vehicle emission control systems.
- (6) Emission control measures applicable to in-use motor vehicles, including, but not limited to, measures such as mandatory maintenance, installation of emission control devices, and conversion to gaseous fuels.
- (7) Any transportation control measure including those transportation measures listed in section 108(f) of the CAA as amended.
- (8) Any variation of, or alternative to any measure delineated herein.
- (9) Control or prohibition of a fuel or fuel additive used in motor vehicles, if such control or prohibition is necessary to achieve a national primary or secondary air quality standard and is approved under section 211(4) of the Act.

Criteria pollutant means any of the following: sulfur dioxide, particulate matter, nitrogen oxides, carbon monoxide, ozone, lead, and any other pollutants for which national ambient air quality standards have been established in Plan of Federal Regulations, title 40, part 50, as amended, or for which tribe ambient air quality standards have been established in Section 9.0.

De minimis facility means a facility that

- (1) meets all of the following de minimis criteria:
 - (a) has actual emissions of 19.9 tons per year or less of each criteria pollutant, or has actual emissions of 2 tons per year of any one HAP or 5 tons per year of any combined HAPs;
 - (b) is not a "major source" as defined in 40 CFR Section 71; or
 - (c) is not operated in conjunction with another facility or source that is subject to air quality permitting; or
- (2) is not subject to the federal NSPS, 40 CFR Part 60; or
- (3) is not subject to the NESHAP, 40 CFR Parts 61 and 63.

Emission limitation and **emission standard** mean a requirement established by the SRMT Air Quality Program which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe

equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

Excess emissions means emissions of an air pollutant in excess of an emission standard.

Existing facility means an emission facility at which construction, modification, or reconstruction was commenced before the effective date of the applicable Tribal air pollution control rule.

Fossil fuel-fired steam generator means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

Fugitive emission means emissions of an air contaminant, which could not reasonably pass through a stack, vent, chimney or other functionally equivalent opening.

Hazardous Air Pollutant is any one of the compounds listed in 40 CFR Section 61. Note: For all listings which contain the word "compounds", and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as that chemical's infrastructure.

Modification means any physical change or change in the method of operation of an emissions unit, emission facility, or stationary source that results in an increase in the emission of a regulated air pollutant. Emissions are considered to increase if there is an increase in the rate of emissions of any regulated air pollutant, or new emissions of a regulated air pollutant not previously emitted, from any unit at the source. To determine if there is an increase in the rate of emissions, the Air Quality Program shall compare the pounds per hour of emissions at maximum capacity before and after the physical or operational change.

New facility means an emission facility on which construction, modification, or reconstruction was commenced after the effective date of the applicable tribal air pollution control rule.

Owner or operator means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation, which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect.

Point source means the following:

- (1) For Particulate matter, sulfur oxides, carbon monoxide, volatile organic compounds (VOC) and nitrogen dioxide-

Any stationary source the actual emissions of which are in excess of 90.7 metric tons (100 tons) per year of the criteria pollutant; or

- (2) For lead or lead compounds measured as elemental lead, any stationary source that actually emits a total of 4.5 metric tons (5 tons) per year or more.

Reasonably available control technology (RACT) means devices, systems, process modifications, or other apparatus or techniques that are reasonably available taking into account:

- (1) The necessity of imposing such controls in order to attain and maintain a national ambient air quality standard;

- (2) The social, environmental, and economic impact of such controls; or
- (3) Alternative means of providing for attainment and maintenance of such standard.

Secondary standard means a national secondary ambient air quality standard promulgated pursuant to section 109 of the Act.

Stack means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

Stationary source means an assemblage of all emissions units and emission facilities that belong to the same industrial grouping, are located at one or more contiguous or adjacent properties and are under the control of the same person (or persons under common control). Emissions units or emission facilities must be considered as part of the same industrial grouping if they belong to the same "major group" (that is, which have the same two-digit Plan) as described in the Standard Industrial Classification Manual.

Transportation control measure means any measure that is directed toward reducing emissions of air pollutants from transportation sources. Such measures include, but are not limited to, those listed in section 108(f) of the CAA.

Variance means the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source.

Volatile organic compounds (VOC) means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions; any compounds that EPA exempts according to 40 CFR 51.100(s).

Section 6.0 Public Participation

6.1 Purpose

6.2 Applicability

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The SRMT Air Quality Program is to provide opportunity for public comment on information submitted by owners and operators and will keep the public informed of violations and exceedances.

6.2 Applicability

(1) The SRMT Air Quality Program is to provide opportunity for public comment on proposed construction or modification plans, including the agency's proposed approval or disapproval.

Opportunity for public comment shall include, at minimum: