



**RESOLUTION NUMBER TCR101118-04 of 06
OF THE
MASHANTUCKET PEQUOT TRIBAL COUNCIL,
THE GOVERNING BODY
OF THE
MASHANTUCKET PEQUOT TRIBE**

**Approves the MPTN Air Quality Program, Submission of the
Tribal Implementation Plan and Requests Delegation of the Title V Program**

WHEREAS, the Mashantucket Pequot Tribe (the "Tribe") also known as the Mashantucket Pequot Tribal Nation (the "Tribe") is a federally-recognized, Indian Tribe; and

WHEREAS, the Mashantucket Pequot Tribal Council (the "Council") is the duly-authorized Governing Body of the Tribe pursuant to the Constitution and By-Laws of the Tribe, and is a federally-recognized, Indian Tribal Government; and

WHEREAS, the Mission Statement of the Mashantucket Pequot Tribal Nation pursuant to TCR022499-01 states, "*...the ultimate goal is to protect and advance the Sovereign Rights of the Tribal Nation in order to build and preserve a cultural, social and economic foundation that can never be undermined or destroyed.*"; and

WHEREAS, the Mission Statement of the Tribal Council, as amended pursuant to TCR011410-03 is to, "*Preserve, protect and advance the Mission Statement of the Tribe for the benefit of the Mashantucket Pequot Tribal Nation*"; and

WHEREAS, pursuant to the Constitution and By-Laws the Tribal Council is the governing body of the Tribe and has the authority to enact legislation to regulate conduct of Tribal Members and Tribal Land Use; and

WHEREAS, on July 10, 2008, the United States Environmental Protection Agency (EPA) determined the Tribe to be "eligible for treatment in a similar manner as a state (TAS) for the purpose of administering a tribal implementation plan (TIP) under the Clean Air Act (CAA);" an action that nullified TCR011195-01 of 03 authorizing interim measures until the Tribe could

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establish TAS; and

WHEREAS, TCR102500-01 of 02 enacted the MPTN Clean Air Act, creating a Tribal Air Quality Program to administer the CAA; and TCR102600-02 of 02 approved a TIP that addressed a single pollutant of concern - nitrogen oxides (NO_x); and

WHEREAS, TCR091605-01 repealed TCR102600-02 of 02 and approved a TIP to address all "criteria pollutants" through a minor source preconstruction permitting program; and

WHEREAS, TCR060806-06 of 14, adopted a "Global Policy for Air Permitting" that specified the use of best available control technology (BACT) for sources of air pollution; and

WHEREAS, EPA's TAS determination applies to minor sources as well as "major sources under Section 110 of the CAA, 42 U.S.C. §7410, and Title V of the CAA, 42 U.S.C. §7661 et seq.;" and

WHEREAS, TCR100809-02 of 02 approved EPA grant funding for the purpose of further developing the TIP to include major sources of air pollution; and

WHEREAS, BACT, major source permitting, and provisions to address Title V have been incorporated in the new proposed Clean Air Program ("the Program"); and

WHEREAS, the Program includes both the TIP, which only applies to permitting programs under Section 110 of the CAA, 42 U.S.C. §7410, and other "tribal only rules" that are not intended to be federally enforceable; and

WHEREAS, the Program was made available for a 30-day public comment period that included the opportunity for the public to request a hearing; and

WHEREAS, no public hearing was requested and all comments received have been addressed, provided to EPA and posted as part of the public record; and

WHEREAS, adoption of the Program will provide for the sound regulation and control of sources of air pollution in Mashantucket to ensure the health, safety and general welfare of all the Tribe's members, residents, employees, and guests, and administration of the Program furthers the Tribe's sovereignty and self-government; and

WHEREAS, the Program has been structured as a proposed law (*Exhibit A* - Clean Air Program) and, pursuant to the Land Use Law (14 M.P.T.L.), a proposed Land Use Regulation (*Exhibit B* - Air Quality Regulation); and

WHEREAS, pursuant to 14 M.P.T.L., the Land Use Commission has voted in support of the proposed new Land Use Regulation; and

WHEREAS, the Mashantucket Pequot Natural Resources Protection Committee, a duly authorized Standing Committee of the Mashantucket Pequot Tribe approved NRP09218-01 of 01

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(Exhibit C) recommending adoption of the Program and submittal of the appropriate portions to EPA as the Tribe's TIP for Air Quality.

THEREFORE BE IT RESOLVED, the Tribal Council adopts both the "Clean Air Program" as shown in *Exhibit A*, and the "Air Quality Regulation," as shown in Exhibit B, collectively to be known as the "MPTN Clean Air Program."

BE IT FURTHER RESOLVED, this Program will become effective immediately and will remain in effect until the applicable law is modified by subsequent Tribal Council Resolution.

BE IT FURTHER RESOLVED, Tribal Council recognizes that minor revisions to either document may be necessary prior to final codification and authorizes changes in order to include the effective date of this resolution, make typographic corrections, or make other minor changes provided that the General Counsel of the Tribe deems them inconsequential changes to the Exhibits presented within.

BE IT FURTHER RESOLVED, Tribal Council directs the Office of Legal Counsel to codify and make public the final version of "Clean Air Program" as a new title of Mashantucket Pequot Tribal Law, and directs the Administrator of the MPTN Land Use Commission to codify and make public the final version of the "Air Quality Regulation" as a new title of the MPTN Land Use Regulations.

BE IT FURTHER RESOLVED, Tribal Council instructs the director of the Natural Resources Protection and Regulatory Affairs Department, with assistance from the Office of Legal Counsel, to prepare the appropriate request and submit the applicable elements of the Program to EPA for consideration as MPTN's Tribal Implementation Plan pursuant to Section 110 of the CAA, 42 U.S.C. §7410.

BE IT FURTHER RESOLVED, Tribal Council instructs the director of the Natural Resources Protection and Regulatory Affairs Department, with assistance from the Office of Legal Counsel, to prepare the appropriate documents, as stipulated in 40 CFR §71.10, requesting that EPA delegate authority to administer a Part 71 operating permits program (Title V) to the MPTN Air Quality Program.

BE IT FINALLY RESOLVED, that as a result of this action the following Tribal Council Resolutions are deemed to have been replaced or otherwise nullified: TCR011195-01 of 03, TCR102500-01 of 2, TCR102600-02 of 02, TCR091605-01 of 01 and TCR060806-06 of 14.

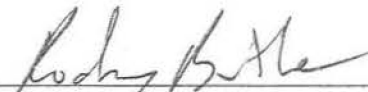
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Upon motion duly made and seconded, the foregoing Resolution was adopted by the following vote:

Number of "Nuks" (Yes) Votes	7
Number of "Mata" (No) Votes	0
Number of "Tata" (Abstentions)	0
Number of Absent Members	0

CERTIFICATION

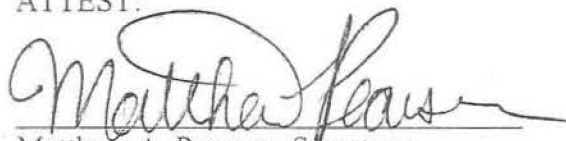
I, the undersigned, Rodney A. Butler, Chairman of the Mashantucket Pequot Tribal Council, do hereby certify that the Mashantucket Pequot Tribal Council is composed of SEVEN (7) members of whom SEVEN (7) were present, thereby constituting a quorum, at a duly called Mashantucket Pequot Tribal Council Meeting held on the 11th day of October, 2018; and that the foregoing Resolution was adopted by the affirmative vote of SEVEN (7) members.



Rodney A. Butler, Chairman
Mashantucket Pequot Tribal Council

Date: 10/25/18

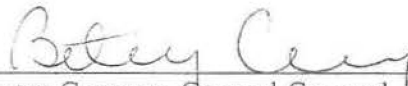
ATTEST:



Matthew A. Pearson, Secretary
Mashantucket Pequot Tribal Council

Date: 10/24/18

APPROVED AS TO FORM:



Betsy Conway, General Counsel
Office of Legal Counsel

Date: 10/22/18