

**SHOSHONE BANNOCK TRIBES
AIR QUALITY PROTECTION ACT**

PROPOSED FLUORIDE STANDARDS

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PROPOSED

§ 1. Purpose and Authority.

(A) These regulations establish fluoride standards for the protection of human health and the environment, including plant life, livestock, and wildlife. These standards address the permissible fluoride content of plant life and set ambient air quality standards for gaseous fluorides.

(B) These standards are promulgated by the Fort Hall Business Council pursuant to Article VI, Section 1(a), (i), (k), (l), (q), and (r) of the Constitution and Bylaws of the Shoshone-Bannock Tribes, *see* Shoshone-Bannock Tribes Air Quality Protection Act § 4.01(1)(a), codified in Shoshone-Bannock Tribes Law & Order Code, Title 22 – Environment, Natural Resources, Health & Safety, Ch. 1 – Air Quality Protection Act (“AQPA”), § 22-1-4(a)(1) (Municode), and enforced by the Shoshone Bannock Tribes Air Quality Program pursuant to AQPA § 22-1-4(b)(1)(a).

§ 2. Applicability.

(A) Pursuant to AQPA § 22-1-1(b)(2), these standards apply to all areas within the exterior boundaries of the Fort Hall Indian Reservation, regardless of ownership, and all other lands under the jurisdiction of the Shoshone-Bannock Tribes.

(B) The forage standard applies to all areas where livestock are grazed and where forage is grown for livestock feed.

(C) The vegetation standard applies to plant life other than forage, including but not limited to deciduous trees, shrubs, fruit trees, berry-yielding plants, herbs, ornamental plants, any other plants used for cultural purposes, and agricultural crops.

(D) The ambient action levels apply to all areas within the exterior boundaries of the Fort Hall Indian Reservation and all other lands under the jurisdiction of the Shoshone-Bannock Tribes. The ambient action levels are independent of the forage or vegetation standards.

§ 3. Definitions.

(A) The definitions of terms contained in AQPA § 22-1-3 are incorporated into this section by reference.

(B) Unless a different meaning is clearly required by context, the following words and phrases used in these regulations shall have the following meanings:

(1) “Cultural purpose” means a use that requires frequent and repetitive harvesting or gathering of plant life for tribal traditional lifeway purposes such as basketry, cordage, ceremony, food, or firewood.

(2) “Fluorides” means compounds of the element of fluorine. Fluorides are air contaminants under AQPA § 22-1-3.

(3) “Forage” means grasses, pasture, and other plant life that is consumed or is intended to be consumed by livestock.

(4) “Growing season” means April 1 to September 30 unless a different period is specified by the Program by an order.

(5) “Program” means the Shoshone-Bannock Tribal Air Quality Program.

(6) “Vegetation” means the plants of an area or a region and refers to all plant life, including agricultural crops. For the purpose of these regulations, vegetation does not include forage.

§ 4. Forage Standards.

(A) All sampling to determine compliance with these standards shall be conducted according to a method approved by the Program, pursuant to Section 9, and in locations and during time periods consistent with protecting livestock.

(B) The fluoride content of forage calculated by dry weight shall not exceed:

(1) Thirty-five parts per million fluoride ion (35 ppm F-) average for the growing season.

(2) Fifty parts per million fluoride ion (50 ppm F-) monthly average during the growing season.

§ 5. Vegetation Standards.

(A) All sampling to determine compliance with these standards shall be conducted according to a method approved by the Program, pursuant to Section 9, and in locations and during time periods consistent with protecting human health and the environment.

(B) The fluoride content of vegetation calculated by dry weight shall not exceed: Forty parts per million fluoride ion (40 ppm F-) average for the growing season.

§ 6. Ambient Air Quality Standards.

(A) All monitoring and sampling to determine compliance with these standards shall be conducted according to methods approved by the Program, pursuant to Section 9, and in locations and during time periods consistent with protecting human health and the environment.

(B) Gaseous fluorides in the ambient air calculated as HF at standard conditions shall not exceed:

(1) Three micrograms per cubic meter (3.0 µg/m³) average for any non-overlapping twelve consecutive hours;

(2) One and eight-tenths micrograms per cubic meter (1.8 $\mu\text{g}/\text{m}^3$) average for any non-overlapping twenty-four consecutive hours;

(3) Five-tenths micrograms per cubic meter (0.5 $\mu\text{g}/\text{m}^3$) average for any seven consecutive days;

(4) Four-tenths micrograms per cubic meter (0.4 $\mu\text{g}/\text{m}^3$) average for any thirty consecutive days.

§ 7. Compliance and Corrective Action.

(A) When requested by the Program, sources emitting fluorides shall demonstrate their compliance by conducting a monitoring or sampling program approved in writing by the Program.

(B) If an ambient action level is exceeded, the source emitting fluorides shall take corrective action approved by the Program. When evaluating corrective action, work practices shall be considered before requiring additional controls.

(C) When forage and or vegetation standards are exceeded, the source emitting fluorides shall take corrective action approved by the Program. When evaluating corrective action, work practices shall be considered before requiring additional controls.

(D) If more than one violation of the same standard is alleged, each violation must be based on a separate, non-overlapping time period.

§ 8. Enforcement Action.

In addition to requiring monitoring, sampling and corrective action, the Program may undertake other compliance or enforcement actions pursuant to AQPA § 22-1-5.

§ 9. Sampling and Analysis.

Sampling and analysis shall be performed in accordance with methods approved by and on file with the Program. Other sampling and methods of analysis that are equivalent in accuracy, sensitivity, reproducibility, and applicability under similar conditions may be used after approval by the Program.