

US EPA ARCHIVE DOCUMENT

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

William R. Rhodes
Governor



Joseph Manuel
Lieutenant Governor

March 11, 2009

Lauri Yoshii
Acting Regional Administrator
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: The Gila River Indian Community's Recommended Area Designation for the 8-Hour Ozone NAAQS

Dear Ms. Yoshii,

Thank you for the opportunity to submit this recommendation under Section 107(d) of the Clean Air Act for the area designation for the Gila River Indian Community (the "Community" or "GRIC") under the March 12, 2008, 8-hour ozone standard promulgated by EPA. This letter recommends that the area within the exterior boundaries of the reservation should be designated as **attainment** for the 8-hour ozone standard. The boundaries of the Community are those defined in GRIC's October 6, 2008 letter to EPA supplementing GRIC's Treatment as a State (TAS) application, pursuant to 40 CFR § 49.7(a)(3).

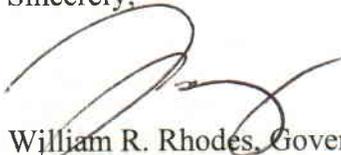
The Community previously submitted letters to EPA Region IX on the subject of attainment designations for ozone on September 2, 1999; October 31, 2000; and July 3, 2003. In those letters we provided detailed documentation supporting our previous recommendation that the area within the boundaries of the reservation be designated as unclassifiable for the 8-hour ozone standard. On July 18, 2000, EPA issued the "Guidance on 8-hour Ozone Designations for Indian Tribes" (the "Guidance") which describes the process Tribes must follow when making a designation recommendation. The Guidance states that metropolitan statistical areas (MSA's) with monitors that show violations are presumed to be nonattainment for the 8-hour standard. However, the Guidance also lists eleven mitigating factors that will be considered by EPA in determining whether tribal areas located within a nonattainment MSA should be excluded from the nonattainment designation. In addition, the Guidance states that Indian country with an air quality monitor showing that the NAAQS is being met generally should be designated attainment. The previous letters submitted by GRIC as noted above addressed

each of the eleven mitigating factors.¹ On December 3, 2003, the EPA issued a letter informing GRIC that EPA agreed with GRIC's recommendation, and therefore the areas within the boundaries described by GRIC would be designated as attainment/unclassifiable. The reasons previously cited with respect to the 8-hour ozone NAAQS continue to apply to this designation recommendation.

This letter contains supplemental information of a chart showing the 2004-2008 trend of the 8-hour ozone monitoring results with the annual fourth highest daily maximum concentrations (attached). This chart clearly shows that both the previous 8-hour standard of .08 and the new standard of .075 were continuously being met at the ozone monitors on Community lands. In accordance with the Guidance, this data further strengthens GRIC's justification for designating the Community as attainment for the 8-hour ozone NAAQS. The GRIC recommendation letters dated September 2, 1999; October 31, 2000; and July 3, 2003, as well as the supplemental information in this letter, need to be reviewed as a whole to have a full understanding of the Community's position and its justification.

The Community continues to be committed to working with EPA to find the optimum strategies for protecting human health and the environment from the effects of air pollution at GRIC. We hope that you will agree with this recommendation and designate Community lands as attaining the 8-hour ozone standard. We feel this recommendation is fully consistent with § 107(d)(1) of the CAA. If you have questions about any aspect of this letter or need more information, please contact Margaret Cook, Director of the GRIC Department of Environmental Quality, at (520)562-2234, extension 2246.

Sincerely,



JCR
William R. Rhodes, Governor
Gila River Indian Community

cc: GRIC Council members
Jan Brewer, Governor, State of Arizona
Debra Jordan, EPA Region 9
Colleen McKaughan, EPA Region 9
Wienke Tax, EPA Region 9
Nancy Wrona, ADEQ
Don Gabrielson, Pinal County AQCD
Lawrence Odle, MCAQD
Margaret Cook, GRIC DEQ

¹ In addition, EPA has also provided nine factors that states must consider when recommending boundaries for attainment, nonattainment, and unclassifiable areas. The major factors include consideration of sources of ozone precursor emissions, meteorological conditions, jurisdictional boundaries, and monitors currently measuring ozone at nonattainment levels. GRIC believes that the information previously provided also meets these factors within the boundaries of the Community to support a designation of unclassifiable.

2004-2008 Trend of the 8-Hour Ozone, Annual Fourth Highest Daily Maximum for the Gila River Indian Community

