

US EPA ARCHIVE DOCUMENT

MORONGO
BAND OF
MISSION
INDIANS



A SOVEREIGN NATION

June 18, 2009

Deborah Jordan
Director, Air Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Re: Request for Participation in Process for Designation of Separate Tribal
Nonattainment Area for the Morongo Indian Reservation

Dear Ms. Jordan:

This will respond, on behalf of the Morongo Band of Mission Indians ("Morongo" or "Tribe"), to the Regional Administrator's letter of January 13, 2009 and a more recent contact from your agency encouraging the Tribe to participate in the process for designating areas under the 2008 revised ozone national ambient air quality standards (NAAQS).

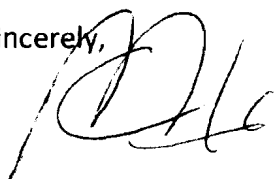
As you know, Morongo recently submitted a letter on May 29, 2009, along with supporting rationale and documentation, requesting creation of a separate nonattainment area for the Morongo Indian Reservation. In that letter, Morongo addressed in detail each of the nine factors that the Environmental Protection Agency ("EPA") plans to consider in evaluating and making decisions on nonattainment area boundaries, as discussed in EPA's December 4, 2008 memorandum entitled "Area Designations for the 2008 Revised Ozone National Ambient Air Quality Standards" ("December 2008 Memo"). Previously, Morongo had also requested consultation with your agency regarding its review of the State of California's request to reclassify ("bump-up") the ozone nonattainment classification of the South Coast Air Basin ("SOCAB"), which currently includes the Reservation, from "severe 17" to "extreme." In our letter of October 7, 2008 requesting consultation, we stated the reasons why such a reclassification would negatively impact Morongo's efforts to develop a tribal air permit program and to engage in economic development on the Reservation. Our more recent letter requesting creation of a separate nonattainment area for the Reservation elaborates on those reasons and provides additional justification for EPA to modify the State's nonattainment area designations for ozone under the 2008 Revised NAAQS by

excluding the Reservation from the SOCAB and creating a separate tribal nonattainment area. We also made it clear that, should EPA determine that creation of a separate tribal nonattainment area was not approvable, the boundary of the Coachella Valley Nonattainment Area should be adjusted to include the Reservation. In short, Morongo has significant interests at stake in both the *designation* of areas for purposes of implementing the 2008 revised primary and secondary ozone NAAQS and the *reclassification* of those nonattainment areas.

For the reasons stated above and in our recent letter of May 29, 2009, we recommend that the SOCAB ozone nonattainment boundary be adjusted to exclude the Morongo Indian Reservation and that a separate nonattainment area be created for the Reservation. Our recommendation is consistent with the December 2008 Memo's suggested framework for area-specific analyses and supports creation of a nonattainment area for the Reservation, the boundaries of which are distinct from "the presumptive area starting point." See December 2008 Memo, at p. 3.

Thank you for your attention to our concerns. We look forward to active participation and consultation with your agency as it implements the ozone nonattainment area designation and classification processes.

Sincerely,



Robert Martin, Chairman
Morongo Band of Mission Indians

cc: Liz Bogdanski, Director, Environmental Protection Department
Colleen McKaughan, EPA Region IX
Stephen Quesenberry, Karshmer & Associates
Gary Rubenstein, Sierra Research