

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

“Putting Our People First”

Stephen Roe Lewis
Governor



Monica Lynn Antone
Lieutenant Governor

September 9, 2016

Alexis Strauss, Acting Regional Administrator
USEPA Region 9
75 Hawthorne Street
Mail Code: ORA-1
San Francisco, CA 94105

Re: Gila River Indian Community’s Recommended Area Designations for the 2015 Ozone National Ambient Air Quality Standards

Dear Acting Regional Administrator,

The Gila River Indian Community (“Community”), a Federally-recognized Indian Nation located south of Phoenix, Arizona, with reservation lands encompassing approximately 372,000 acres and approximately 21,000 enrolled members, respectfully submits its recommended area designation, as **Attainment**, under the United States Environmental Protection Agency’s (“EPA”) Revised 2015 Ozone National Ambient Air Quality Standards (“NAAQS”):

- Area Designations for the 2015 Ozone National Ambient Air Quality Standards, Memorandum from Janet McCabe, Acting Assistant Administrator, to Regional Administrators, Regions 1-10. February 25, 2016. Available at <https://www.epa.gov/sites/production/files/2016-02/documents/ozone-designations-guidance-2015.pdf>

The Community appreciates the opportunity to submit a recommendation on the EPA Revised 2015 Ozone NAAQS, and requests that EPA carefully consider the Community’s interests and recommendation.

I. Interests of the Community

In 1999, 2000, and 2003, the Community recommended that their reservation lands in Maricopa and Pinal Counties be designated as “unclassifiable” for the 1997 Ozone NAAQS (letter from Mary Thomas, Governor, Gila River Indian Community, to Felicia Marcus, Regional Administrator, U.S. EPA Region IX, September 2, 1999; Letter from Donald Antone, Governor, Gila River Indian Community, to Felicia Marcus, Regional Administrator, U.S. EPA Region IX, October 31, 2001; Letter from Richard Narcia, Governor, Gila River Indian Community, to Wayne Nastri, Regional Administrator, U.S. EPA Region IX, July 3, 2003).

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In 2003, EPA indicated they agreed with the Community's recommendations and intended to designate the geographic area covered in those recommendations as attainment/unclassifiable (letter from Wayne Nastri, Regional Administrator, U.S. EPA Region IX, to Richard Narcia, Governor, Gila River Indian Community, December 3, 2003).

In 2004, EPA established the Phoenix-Mesa nonattainment area boundaries for the 1997 ozone NAAQS that excluded the portions of Maricopa and Pinal Counties that encompass the Community.

In 2005, EPA stated in the Federal Register the Community is not a significant source area for ozone precursor emissions and has not violated or contributed to a violation of the Ozone NAAQS (EPA, 70 Fed. Reg. 68339, Nov. 10, 2005).

In March 2009, the Community again recommended that portions of Community in Maricopa and Pinal Counties be designated as "attainment" for the 2008 ozone NAAQS (letter from William Rhodes, Governor, Gila River Indian Community, to Laura Yoshii, Acting Regional Administrator, U.S. EPA Region IX, March 11, 2009).

II. Community's Attainment Area Designation Recommendations

The Community's recommendations are based upon the *Area Designations for the 2015 Ozone National Ambient Air Quality Standards*, which serves as an EPA guidance document for States and Tribes, intended to support the area designation process when preparing their recommendations on area designations for the 2015 Ozone NAAQS.

The 2015 Ozone NAAQS Memo includes several recommendations for identifying nonattainment and attainment areas. The recommendations are identified in italic text below and are followed by the Community's response:

Identifying Nonattainment Areas

Guidance: *For designations for the 2015 Ozone NAAQS, the EPA intends to evaluate areas using the most recent complete three consecutive calendar years of quality-assured, certified air quality data in the USEPA Air Quality System (AQS).*

Response: The Community's recommendation is based upon certified quality assured monitoring data from the (3) three most recent years, 2013 to 2015, as the 2015 Ozone NAAQS relies on a (3) three year average. The data is certified in accordance with USEPA requirements and is current within the EPA Air Quality System ("AQS"). Attached is Figure 1, a chart that illustrates the Community's (3) three year average.

Guidance: *Section 107(d)(1) of the CAA directs EPA to designate an area "nonattainment" if it is violating the NAAQS or if it is contributing to a violation of the NAAQS in a nearby area. Thus, the first step in the designation process is to identify air quality monitoring sites with data*

Response: *that show a violation of the 2015 Ozone NAAQS.*
Within the specified time-frame, 2013 to 2015, the Community's air quality data shows that both the 2008 Ozone NAAQS (0.075) and 2015 Ozone NAAQS (0.070) were not violated. Furthermore, previous actions under the Ozone NAAQS, as stated in the Interests of the Community, confirm the Community is not a significant source area for ozone precursor emissions and has not violated or contributed to a violation of any past or present Ozone NAAQS.

Attainment Areas

Guidance: *EPA requests that Tribes recommend how they would like the boundaries drawn for their unclassifiable/attainment areas.*

Response: The Community recommends EPA set the **Attainment** area boundaries consistent to the boundaries stated within the Community's Treatment as the State for purposes of administering the Air Quality Management Plan and other Clean Air Act authorities on October 21, 2009.

The Community is committed to working with EPA to find the optimum strategies for protecting human health and the environment from the effects of air pollution within the Community. We hope that you will agree with this recommendation and designate the Community boundaries as Attainment for the 2015 Ozone NAAQS. 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 Robert Deleon, Acting Director of the GRIC Department of Environmental Quality, at (520) 562-2234.

Sincerely,



Stephen R. Lewis, Governor
Gila River Indian Community

Attachments: Figure 1. Gila River Indian Community's Annual Design Values, comparison against the 8-hour ozone standard (NAAQS) from 2013 – 2015.

Cc: GRIC Council members
Doug Ducey, Governor, State of Arizona
Deborah Jordan, EPA Region 9
Colleen McKaughan, EPA Region 9
Wienke Tax, EPA Region 9
Lauren Magrhan, EPA Region 9
Misael Cabrera, ADEQ
Michael Sundblom, Pinal County AQCD

Figure 1. Gila River Indian Community's Annual Design Values, comparison against the 8-hour ozone standard (NAAQS) from 2013 – 2015.

