

Gregory Mendoza
Governor



Stephen Roe Lewis
Lieutenant Governor

GILA RIVER INDIAN COMMUNITY

Executive Office

November 15, 2013

"A New Generation of Leadership Serving the People"

Jared Blumenfeld
Regional Administrator
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Designation and Boundary Recommendations by the Gila River Indian Community for the Revised Primary Annual Fine Particle (PM_{2.5}) NAAQS (78 Fed. Reg. 3086, January 15, 2013)

Dear Mr. Blumenfeld:

Under Section 107(d) and Section 301(d) of the Clean Air Act, tribes have one year after promulgation of a revised NAAQS or in the case of the revised primary annual PM_{2.5} NAAQS, until December 13, 2013, to submit designation and boundary recommendations to the EPA Administrator. There then follows a sequence of communications and events that are described in a memorandum from Stephen D. Page, Director of OAQPS to EPA Regional Administrators (December 20, 2011). The guidance memorandum describes the procedures for collaboration between tribes and EPA during the designation process. These documents and the documents they reference establish the criteria for a nonattainment/attainment designation and the five factors EPA will evaluate in determining the nonattainment area boundaries.

The Gila River Indian Community was previously designated attainment/unclassifiable on November 26, 2012 under the 2006 24 hour PM_{2.5} NAAQS. In addition, the lands within the exterior boundaries of the Community were separated from the surrounding jurisdictions (Pinal County, Maricopa County) for the purposes of establishing designation boundaries. This original designation was based on monitoring data and the facts bulleted below.

The purpose of this letter is to make both the designation and boundary recommendations under the Revised Primary Annual Fine Particle (PM_{2.5}) NAAQS (78 Fed. Reg. 3086, January 15, 2013). The designation and boundary determination process contemplated by the foregoing documents and guidance is resource intensive and complex, but that process is simply unnecessary in the case of the Gila River Indian Community. Thus, the Community believes it can make its recommendations now.

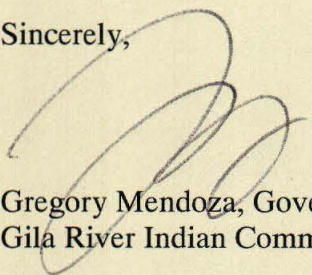
The Community's recommendations are based on the following undisputed facts:

- On September 21, 2004, EPA concurred with the Community's decision to discontinue monitoring of PM_{2.5} concentrations within the external boundaries of the Community because PM_{2.5} concentrations "are well below the NAAQS for PM_{2.5}."
- Thus, there are no measured concentrations of PM_{2.5} above the annual fine particulate NAAQS during the three-year period of concern.
- There are no significant sources of PM_{2.5} on Community land -- no combustion sources and no other significant sources of PM_{2.5}. There are sand and gravel operations but the emissions from the crushing and screening activities at these operations are of much larger particles than PM_{2.5}.
- Elevated concentrations of PM_{2.5} measured in Maricopa County to the north of and adjoining the Community are either from identified sources such as wood burning fireplaces during the Christmas season or are associated with other combustion sources associated with urban conditions.
- Elevated concentrations of PM_{2.5} measured in Pinal County to the south of and adjoining the Community are also from identified sources such as huge cattle feedlots and dairy operations.
- No activity or source on Community land is capable of making any significant contribution to elevated PM_{2.5} levels measured in either County.

In sum, there are no directly measured exceedances of the annual fine particulate NAAQS on the Community and no evidence to support a finding that sources or activities on the Community are contributing to off-Community measurements of elevated levels of PM_{2.5} in the adjoining counties.

For the foregoing reasons the undersigned, on behalf of the Gila River Indian Community, recommends that all land within the external boundaries of the Community be designated attainment for the Revised Primary Annual Fine Particle (PM_{2.5}) NAAQS (78 Fed. Reg. 3086, January 15, 2013).

Sincerely,



Gregory Mendoza, Governor
Gila River Indian Community

Cc: Ondrea Barber, DEQ
EPA R9 Air Division