



# GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

DEPARTMENT OF ENVIRONMENTAL QUALITY  
July 17, 2010

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Deborah Jordan  
Director, Air Division  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street (AIR-8)  
San Francisco, California 94105

*Re: Gila River Indian Community Tribal Implementation Plan*

Dear Ms. Jordan:


This letter responds, on behalf of the Gila River Indian Community ("Community") and its Department of Environmental Quality, to an inquiry from the United States Environmental Protection Agency ("EPA") in conjunction with EPA's review the Community's Tribal Implementation Plan ("TIP") under the federal Clean Air Act ("CAA").

The Community requests that the EPA not consider or act upon Part III, Section 3.0, captioned "Citizen Suits," of the Community's Air Quality Management Plan ("AQMP"), adopted by Ordinance GR-06-06 (December 6, 2006) as a provision of the TIP. The section is a matter of tribal law only.

The Community acknowledges, as is stated in the Preamble to EPA's adoption of its Tribal Authority rule, that "the issue of citizen suit liability would be determined based on established principles of tribal sovereign immunity and the Clean Air Act." 63 Fed. Reg. 7254, 7261; February 12, 1998. Moreover, nothing in Section 3.0 or any other section of the AQMP is intended to limit any existing federal jurisdiction over the Community, Community employees or Community-owned or controlled enterprises. Nor is it meant to contravene or be inconsistent with the Tribal Enforcement Principles issued by EPA on January 17, 2001.

I hope this clarification is responsive, and the Community looks forward to prompt action on its TIP.

Sincerely,

  
Margaret Cook, Executive Director  
Gila River Indian Community  
Department of Environmental Quality

cc: Roger K. Ferland, Quarles & Brady LL  
Thomas Murphy, GRIC Law Office