

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

"Gila River Strong"

Stephen Roe Lewis
Governor



Regina Antone
Lieutenant Governor

February 11, 2025

Cheree Peterson,
Acting Regional Administrator
U.S. EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

RE: Designation Recommendation for the Gila River Indian Community under the 2024 Revised Primary Annual Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS)

Dear Acting Regional Administrator,

On February 7, 2024, the United States Environmental Protection Agency (U.S. EPA) finalized the 2024 revised primary annual fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) of 9 µg/m³ averaged over a three-year period. U.S. EPA intends to promulgate final PM_{2.5} area designations by no later than February 6, 2026. According to Section 107(d) and Section 301 (d) of the Clean Air Act (CAA), GRIC is given an opportunity to submit to EPA the geographic areas that attain the standard, do not attain the standard, or are otherwise unclassifiable based on available information. Therefore, in response to U.S. EPA's February 7, 2024, memorandum entitled "Initial Area Designations for the 2024 Revised Primary Annual Fine Particle National Ambient Air Quality Standard," the Gila River Indian Community (GRIC or Community) is providing its designation recommendations for both the contiguous reservation boundaries and the additional trust land internally identified as Parcel M that is adjacent to the Phoenix-Mesa Gateway Airport and the Arizona State University East Polytechnic Campus in Maricopa County.

The Community requests EPA set the area boundaries consistent to the boundaries stated within the Community's Treatment as the State ("TAS") for purposes of administering the Air Quality Management Plan and other Clean Air Act authorities on October 21, 2009. This request is consistent with the EPA's September 20, 2011 memorandum titled, "Policy for Establishing Separate Air Quality Designations for Areas of Indian Country". In the memorandum, EPA states that Tribes may recommend that EPA designate areas of Indian Country separately from the adjacent state areas. Furthermore, separately designated areas of Indian Country will be identified using appropriate information included in an EPA decision on a Tribe's TAS application, if one exists, for designations or other purposes, or from other appropriate sources.

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Contiguous Reservation Boundaries

For the main Reservation boundaries, the Community requests a separately designated **attainment/unclassified** area from the adjacent proposed State of Arizona areas for the 2024 revised primary annual PM_{2.5} NAAQS, based on the available information.

Based on available information, GRIC DEQ continues to determine that an initial designation of “attainment/unclassified” is appropriate for GRIC since there continues to be no significant growth in population and PM_{2.5} sources on the Community. GRIC has no regulatory monitor or non-regulatory monitor with a complete data set for the 2021-2023 design value period since the initial monitoring and assessment of PM_{2.5} in 2002-2004 (Table 1 attachment) on the Community. The designation and boundary determination process that is presented in EPA guidance (December 2011 guidance memorandum) and policy (May 2011 Tribal Consultation Policy) documents is resource intensive and complex. GRIC has revealed to EPA the details of how the air program can use a CAA planning section to pursue these thorough evaluations and analysis to prove practicality, but that process is not necessary for GRIC. Thus, the Community believes it can make its recommendation now.

The Community’s recommendation is 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}” (of 15.0 µg/m³ at the time). See Table 1 below.

Table 1. GRIC PM_{2.5} Summary from July 2002 to Sept 2004.

Year	Site	24hr Avg. Max (µg/m ³)	24hr Avg. 2nd High (µg/m ³)	24hr Avg. 3rd High (µg/m ³)	24hr Avg. 4th High (µg/m ³)	Number of Exceed ances	Annual Avg. (µg/m ³)	Number of Samples	Notes
2002 *	Sacaton	20.5 12/4/02	19.9 12/22/02	13.0 10/20/02	12.5 12/25/02	0	8	60 of 62	*Start Date: 7/1/2002 1 in 3 day sampler
	St Johns	25.0 12/4/02	19.7 7/31/02	15.4 12/22/02	11.0 9/5/02	0	8	44 of 47	1 in 3 sampler, 1 of 6 starting Oct 8
2003	Sacaton	22.1 10/30/03	13.7 7/14/03	13.5 12/2/03	13.5 12/14/03	0	6	113 of 121	1 in 3 day sampler
	St Johns	22.6 10/30/03	17.3 1/15/03	15.1 5/15/03	13.1 12/5/03	0	7	59 of 60	1 in 6 day sampler
2004**	Sacaton	8.4 1/28/04	8.1 1/7/04	8.1 1/19/04	7.9 2/18/04	0	5	52 of 56	started as 1 in 3 sampler; changed to 1 in 6 on 4/27/04
	St Johns	9.7 1/28/04	9.0 2/15/04	8.1 4/27/04	7.4 4/21/04	0	5	41 of 45	1 in 6 day sampler **Close Date: 9/30/2004

- The PM_{2.5} sample concentrations in Table 1 were collected under an EPA-approved Quality Assurance Project Plan (QAPP) for regulatory purposes. Based on the values in Table 1, there are no measured concentrations of PM_{2.5} above the revised annual fine particulate NAAQS of 9.0 µg/m³ during the three-year period of concern.
- On November 26, 2012, EPA designated all of the Gila River Indian Community reservation "unclassifiable/attainment" for the 2006 24-hour PM_{2.5} NAAQS (77 Fed. Reg. 65310, November 26, 2012).
- On January 15, 2015, EPA designated all counties in the State of Arizona, including areas of Indian country located in each county or area, "unclassifiable/attainment" for the 2012 annual PM_{2.5} NAAQS (80 Fed. Reg. 2213, January 15, 2015).
- There continues to be no significant sources of PM_{2.5} on Community land -- no major combustion sources and no other significant sources of PM_{2.5}. There are non-metallic mineral operations (sand and gravel mines, concrete batch plants, etc.), but the emissions from these activities are generally of much larger particles than PM_{2.5} and these activities have not significantly changed since 2006.
- No GRIC-controllable activity or source on Community land is capable of making any significant contribution to elevated PM_{2.5} levels measured at the Maricopa County and Pinal County air monitors reportedly violating the 2024 revised annual PM_{2.5} NAAQS.

Parcel M

Since the TAS submittal, the Community has placed new land into trust, increasing the acreage of the Reservation. The additional 158 acres of trust land is identified internally as "Parcel M" and is adjacent to the Phoenix-Mesa Gateway Airport and the Arizona State University East Polytechnic Campus. At the time of this letter, Parcel M contains an 18-hole golf course, hotel, and gas station. Parcel M is not adjacent to the main Reservation boundaries, is small in size compared to the main reservation, encompasses no Community residents, and contains no regulatory monitors or sources that contribute significantly to the surrounding nonattainment area. The Community recommends that Parcel M be classified **attainment/unclassified**. However, the Community also recognizes that Parcel M is located in the extreme southeast portion of, and is completely surrounded by, the State of Arizona's proposed Maricopa County 2024 Annual PM_{2.5} Nonattainment Area. While the Community does not necessarily agree with the extent of the State of Arizona's proposed Maricopa County 2024 Annual PM_{2.5} Nonattainment Area, if the surrounding area is classified as nonattainment as proposed, then for designation purposes, the Community requests that Parcel M be separately listed under the surrounding Nonattainment Area. This would signify that Parcel M is located within, but GRIC is not responsible for, the proposed Maricopa County 2024 Annual PM_{2.5} Nonattainment Area. The Community requests EPA recognize the Reservation boundaries when listing Parcel M under the surrounding nonattainment area.

Emissions Inventory

In addition to the above-mentioned facts, GRIC is currently in the process of hiring a contractor to complete a revision to the Community's 2007 Emissions Inventory (EI) for criteria pollutants. The revision to the EI will include PM_{2.5} emissions from both anthropogenic and non-anthropogenic sources, which were not included in the 2007 EI. The largest source of emissions in the 2007 EI was from vehicle traffic on the Federal, State, and County highways that bisect the Community. Based on vehicle miles traveled (VMT) information in the 2007 EI and 2022 VMT obtained from the Maricopa Association of Governments (MAG), VMT per day increased from approximately 2.4 million in 2007 to over 3.1 million in 2022.

Conclusion

In summary, 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, is providing these recommendations for the Revised Primary Annual Fine Particle (PM_{2.5}) NAAQS (89 Fed. Reg. 16202, February 06, 2024).

Sincerely,



Stephen R. Lewis, Governor
Gila River Indian Community

Cc: Lisa Gover, Director, GRIC Department of Environmental Quality