

Laura Yoshii,
Acting Regional Administrator
US EPA Region 9
75 Hawthorne Street -ORA-1
San Francisco, CA 94105

January 5, 2010

Subject: Area designation for 2008 Ozone NAAQS for the Bishop Paiute Reservation

Dear Ms Yoshii:

The Bishop Paiute Tribe is pleased to have the opportunity to make a recommendation to the US Environmental Protection Agency on the nonattainment boundaries for the 2008 revised National Ambient Air Quality Standard (NAAQS) for ozone.

The Bishop Paiute Tribe is federally recognized tribe and a sovereign nation. The Bishop Paiute Reservation is located in Inyo County, immediately adjacent to the town of Bishop. The area is commonly referred to as the Owens Valley and is in eastern California, near the Nevada border. Known also as "the deepest valley," the area is flanked by two 14,000-foot ranges – the Sierra Nevada to the west, and the White Mountains to the East. The Reservation consists of 875 contiguous acres, with a resident population of approximation 2,500 of which approximately 1,500 are enrolled tribal members. This is a remote rural region, known for its scenic beauty.

The Tribe is aware that the ozone designations are typically based on large units, such as counties and that Inyo County. However, Inyo County covers over 10,000 square miles and is one of the largest counties in the nation in terms of geographic are, with a population density of less than 2 persons per square mile (US Bureau of the Census, 2000).

The Tribe is also aware that the only monitor with regulatory status in Inyo County is located in Death Valley National Park and that ozone measurements from monitor have exceeded the NAAQS in recent years. However, this monitor is over 100 miles from the Bishop Reservation, and is impacted by air pollution by the South Coast and San Joaquin Valley air basins. (See the attached recommendations from the Great Basin Unified Air Pollution Control District, GBUAPCD, January 13, 2009.)

In addition, the Tribe has been operating an ozone monitor since the fall of 2007. In 2008, the Tribe's monitor had 7 days that exceeded the federal ozone standard. However, our analyses (attached) showed that all of these days were associated with exceptional events, either stratospheric intrusion associated with frontal passage in April or wildfires in June and July.

In view of the large size of the county, the distance from the nearest regulatory monitor, analyses of the Tribe's own data, and the recommendations of the Great Basin Unified Air Pollution Control District, the Bishop Paiute Reservation is recommending that the Bishop Paiute Reservation be designated as attainment/unclassifiable for ozone. A detailed discussion of the 9 factors is given below.

Review of the 9 factors for evaluating non-attainment boundaries

The staff of the Tribe's Environmental Management Office and Air Quality Program has reviewed the 9 factors recommended by EPA for evaluating non-attainment boundaries. The results of their investigations are summarized below. The order of the factors has been modified so that some of the most important considerations are discussed first.

Geography and Topography

Geography is discussed first due to the remote location of the Bishop Paiute Reservation. Figures 1a through 1c shows the location at increasing levels of detail. As noted earlier, the Reservation is located in a remote, rural region of Inyo County, on the California-Nevada border (Figure 1A). The area is flanked by 14,000-foot mountain ranges to the East and to the West (Figure 1B). These mountain ranges substantially limit transport (discussed below). The typical pattern of diurnal winds is upslope through the valley in the morning and downslope in the afternoon. During frontal passage, the region may experience extreme winds and barometric changes (also discussed below). The Reservation is immediately adjacent to the town of Bishop (Figure 1C).

FIGURE 1A. The Bishop Paiute Reservation is located in Eastern California, near the California-Nevada Border

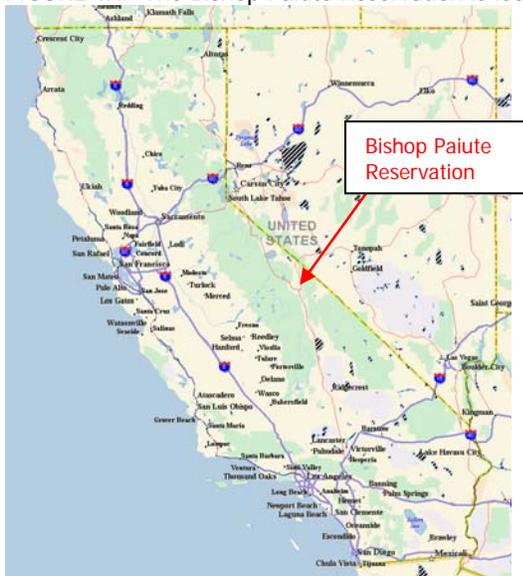


FIGURE 1B. This region, known as the Owens Valley, is also called the “deepest valley.” It is located at an elevation of approximately 4,000ft. It is located between two 14,000ft mountain ranges, the Sierra Nevada rise to the West and the White Mountains to the East.

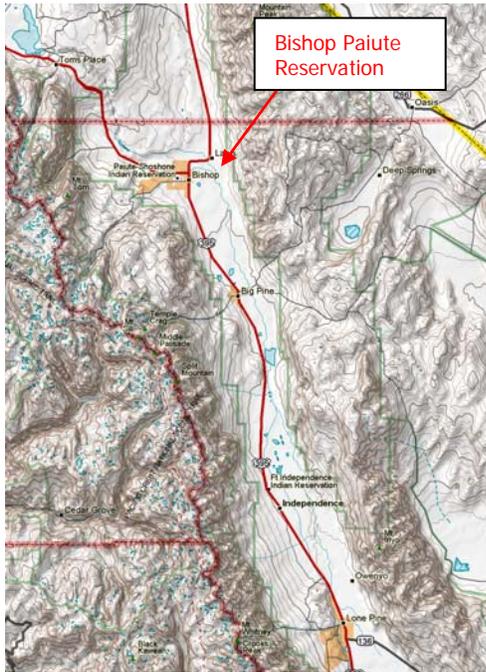
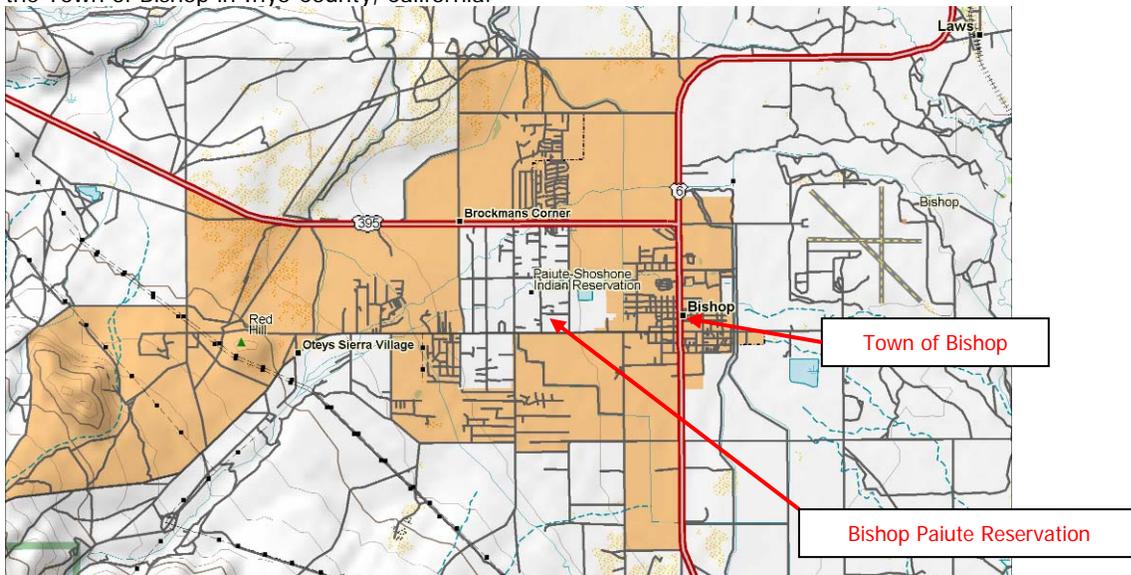


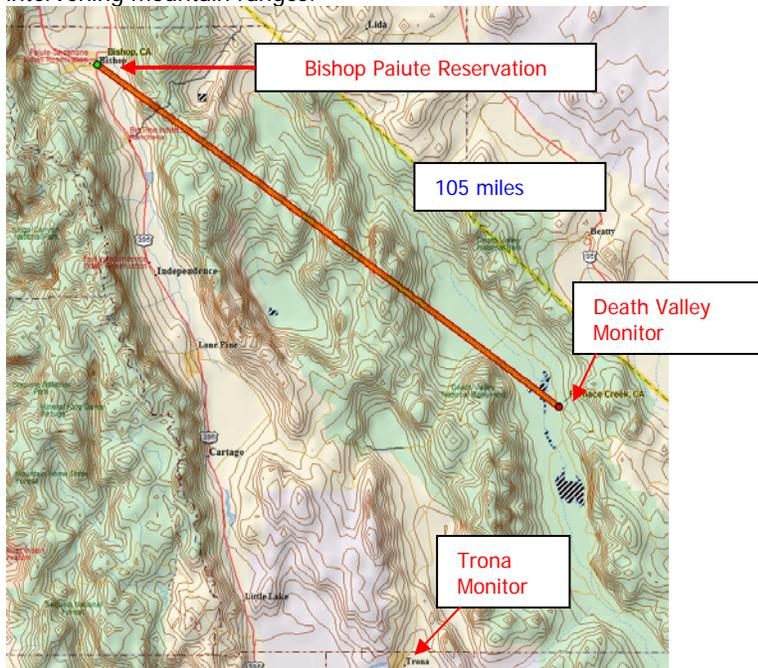
FIGURE 1C. The Bishop Paiute Reservation is comprised on 875 contiguous acres and is located immediately West of the Town of Bishop in Inyo County, California.



The Reservation operates an ozone monitor, located in the Environmental Management Office. However, the nearest regulatory ozone monitor is located in Death Valley, approximately 100 miles away, as the crow flies. Curiously, this monitor is sometimes known as the “Bishop” monitor probably because “Bishop” is the name attached to the US Census micrometropolitan area that comprises Inyo County. Figure 1D shows the location of the Death Valley monitor and even more distant Trona monitor in relation to Bishop. The figure also reveals, the presence of a number of substantial terrain features between Bishop and the two closest

monitors. The Tribe contends that the data from these monitors are not representative of air quality on the Bishop Paiute Reservation.

FIGURE 1D. The Bishop Paiute Reservation is over 100 miles from the nearest regulatory monitors, with several intervening mountain ranges.



Air Quality Data

The attached analysis prepared by GBUAPCD reviews the data from the nearest regulatory site, located at Death Valley National Park and concluded that the exceedances at this site for the period 2004 to 2008 could not be attributed to sources from the northwestern portion of Inyo county. Figures 1A-D, just reviewed show the location of the Bishop Paiute Reservation in relation to the nearest monitors, and the intervening terrain. The Tribe contends that the data from these monitors is not representative of the Bishop Paiute Reservation.

In 2008, the Tribe's own monitor had 7 days that exceeded the 8-hour NAAQS for ozone. However, our analyses have shown that the 4 days in April were due to extreme meteorological conditions, associated with frontal passage and the 2 days in June and 1 in July were due to forest fires. (See attached reports.) The Tribe believes that the April exceedances were due to stratospheric intrusion due to the meteorological conditions and do not reflect transport because April is characteristically a low ozone month. The June and July wildfires in California are well documented. The Tribe contends that these exceedances should be classified as exceptional events. Once these exceptional events are removed, the Bishop Reservation has no exceedances of the federal standard.

Meteorology and Transport

While transport of ozone from the South Coast and San Joaquin air basins is not impossible, the Tribe's data for 2008 do not indicate that such transport has been sufficient to lead to exceedances of the NAAQS. As noted earlier, the exceedances observed were all associated with unusual natural events, some associated with the unusual regional meteorology associated with the Sierra Nevada. (See attached reports.)

Emissions Data

Because only 2 percent of the land in Inyo County is privately held, the remainder being owned by the Los Angeles Department of Water and Power, the US Forest Service, and the Bureau of Land Management, the population is extremely sparse with only 17,945 people living in the county in 2000 according to the US Census. There is little industry and no Title V sources. The principal source of emissions for ozone is primarily from motor vehicles traveling along Highway 395 which runs the length of the county. US 395 averages 10,000 vehicles per day, most of it from travelers going to and from Reno, NV, to the North and Los Angeles to the South.

Population Density and Degree of Urbanization

The Bishop Paiute Reservation is located in a remote rural area with extremely low population density.

Traffic and Commuting Patterns

Due to the remote rural area and low population density, daily commuting involves only a small number of vehicles. Most traffic is from travelers in transit through the county along the North-South route.

Growth Rates and Patterns

Due to the lack of available privately held land, the county's population is stagnant or declining. According to the US Census Bureau, the Inyo County population declined by nearly 3 percent between 2000 and 2007, the most recent year for which data are available. The Tribe is similarly constrained by an extremely small land base of 875 acres. Tribal assignments are already crowded and housing opportunities are limited. Off-reservation housing is prohibitively expensive and opportunities are extremely limited.

The Tribe operates a small Casino. As with housing and population, opportunities for economic growth are severely constrained. While improvements to the Casino are planned, substantial expansion is unlikely due to the limited local population base and the limited number of visitors who travel along 395.

Jurisdictional Boundaries

The Bishop Paiute Tribe is a federally-recognized tribe and a sovereign nation. The Reservation is comprised of 875 contiguous acres and is located immediately to the West of the town of Bishop. Both the Bishop Paiute Reservation and the Town of Bishop are located at the extreme North end of Inyo County. The Tribe has an active Air Quality Program and has adopted air quality standards for PM-10, PM-2.5, ozone and carbon monoxide. The Air Quality Program monitors PM-10, PM-2.5, ozone and meteorological conditions. GBUAPCD is responsible for monitoring and regulating air quality in Inyo, Mono and Alpine counties (excluding Tribal lands).

Level of Control of Emission Sources

Due to the remote nature of the Reservation, low population density and generally good air quality, the Bishop Paiute Tribe does not have an extensive regulatory program for air quality. However, the Air Program does operate a permitting program for open burning and cooperates with various tribal programs to reduce emissions whenever possible.

Please contact Brian Adkins, Environmental Manager or Toni Richards, Air Quality Specialist at 760 873 3584 if you have any questions.

Thank you for your consideration.

Sincerely,

Monty Bengochia,
Tribal Chairman

Cc: Deborah Jordan, US EPA Region 9, Air Division Director
John Kelly, US EPA Region 9, Air Division
Asia Yeary, US EPA Region 9, Air Division
Darrel Harmon, US EPA, OAR, Senior Indian Program Manager
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