UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

DEC - 3 2003

Honorable Barry Dana
Chief
Penobscot Indian Nation
6 River Rd.
Indian Island Reservation
Old Town, ME 04468

Dear Chief Dana:

Thank you for the July 14, 2003 letter from Mr. John Banks submitting your tribe's recommendation on the air quality designation for the 8-hour national health-based standard for ground-level ozone, a major constituent of smog. We reviewed your recommendation and consistent with Section 107(d)(1) of the Clean Air Act (CAA), this letter is to inform you that the United States Environmental Protection Agency (EPA) agrees with your recommendation. We intend to designate the area covered by your recommendation as attainment.

The EPA is obligated by the Clean Air Act to designate the air quality for all areas of the United States, including Indian country. It is EPA's responsibility under Section 107 (d)(1) to determine if the population within a given area is exposed to unhealthy levels of specific air pollutants, in this case ground-level ozone. We implement this responsibility by identifying the areas that experience the unhealthy air and any nearby area that is contributing to the air quality problem.

EPA has studied 2003 ozone monitoring data and the data do not support a change to the recommended designation.

We are encouraged to see your tribe participating in the national designations process for the 8 hour ozone standard and we want to continue to work with you. We look forward to a continued dialogue as we work to finalize the designations for the 8-hour ozone standard. We appreciate your efforts and will review any future supporting information you wish to submit on these recommendations keeping in mind that EPA will promulgate designations by April 15, 2004.

If you have any questions, please do not hesitate to call me or have your staff call Mr. David Conroy of my staff at (617) 918-1661.

Very truly yours,

Hope to see you soon!

Bob

Robert W. Varney
Regional Administrator

cc: John Banks, Dir. Of Natural Resources