UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC - 3 2003

Chief Leo R. Henry
Tuscarora Nation
2006 Mt. Hope Rd
Lewiston, NY 14092

Dear Chief Henry:

The United States Environmental Protection Agency (EPA) is proceeding to make air quality designations for the 8-hour national health based standard for ground level ozone. We have reviewed information on air quality in your area and EPA intends to designate the Tuscarora Nation's lands as not attaining the 8-hour ozone health standard.

EPA is obligated by the Clean Air Act to designate air quality for all areas of the United States, including Indian territories. It is EPA's responsibility 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 make our determination after reviewing air quality measurements in your area. Although there are no ozone monitors on your tribal lands, monitors in a number of nearby areas are measuring unhealthful levels of ozone. Given the regional nature of ozone air quality problems, we expect that the Tuscarora Nation's lands are not attaining the ozone standard and today we are informing you of our intent to designate them nonattainment. The effect of this is to include the tribal land as part of the larger surrounding nonattainment area.

EPA will continue to consult with the Tribal leaders on this issue. If you wish to provide additional information about the areas in question, please provide this information by February 6, 2004. EPA is obligated to make final designations by April 15, 2004. If you have any questions, please do not hesitate to contact me at 212-637-5000 or have your staff contact Walter Mugdan, Director of the Division of Environmental Planning and Protection at 212-637-3724.

Sincerely,

Jane M. Kenny,
Regional Administrator

cc: Neil Patterson,
Tuscarora Environmental Program Director
Tuscarora Nation
2006 Mt. Hope Rd
Lewiston, NY 14092