UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
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Ref: 8P-AR

DEC 0 3 2003

Howard Richards, Sr., Chairman
Southern Ute Indian Tribe
P.O. Box 737
Ignacio, Colorado 81137

Dear Chairman Richards:

Thank you for your February 25, 2003 letter 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 the designation you recommended, and will propose to designate the air quality of your reservation as "attainment/unclassifiable," that is, as meeting the 8-hour ozone health standard. We will continue to work with you and your Tribe as we move forward to make final designations by April 15, 2004.

The EPA is obligated by the CAA to designate the air quality of 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 jurisdiction is exposed to unhealthy levels of specific air pollutants, in this case ground-level ozone. We implement this responsibility by identifying both the people in the area that experience the unhealthy air and also those areas in which air pollutants or their precursors are formed that may cause or contribute to unhealthy air in other areas.

EPA intends to give tribal leaders the opportunity for consultation. Consistent with Executive Orders and EPA tribal policy, we intend to make tribes aware of EPA actions, even if tribes have not participated in the designations process. Accordingly, we sent a letter, dated January 3, 2003, to inform you of the designations process and to invite consultation. 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.

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We look forward to a continuing dialog with you and your Tribe as we 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 plans to promulgate designations by April 15, 2004. If you have any questions, please feel free to contact Richard Long, Director of our Air and Radiation Program, at (303) 312-6005. You or your staff may also contact Monica Morales at (303) 312-6936, or Tim Russ at (303) 312-6479, Air and Radiation Program staff, with any questions concerning the designation recommendation for your Reservation. For your convenience you may contact my staff toll-free at 1-800-227-8917.

Sincerely,

Robert E. Roberts
Regional Administrator

cc: Virgil Frazier (Environmental Programs Director, Southern Ute Indian Tribe)