UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08

Ref: 8P-AR

DEC 0 3 2003

Harold Cuthair, Vice Chairman
Ute Mountain Ute Tribe
P.O. Box 248
Towaoc, Colorado 81334

Dear Chairman Cuthair:

The United States Environmental Protection Agency (EPA) wants to make you and your Tribe aware that EPA is proceeding to make air quality designations for the 8-hour national health-based standard for ground-level ozone, a major constituent of smog. We have reviewed available information on air quality in your area and consistent with Section 107(d)(1) of the Clean Air Act (CAA), this letter is to inform you that EPA intends 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.

Printed on Recycled Paper

We will continue to provide the opportunity to dialog with you and your Tribe as we finalize the designations for the 8-hour ozone standard 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: Tom Rice (Director of Environmental Programs, Ute Mountain Ute Tribe)