



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

AUG 22 2017

The Honorable Russell Begaye
President
Navajo Nation
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Begaye:

The purpose of this letter is to inform you of the U.S. Environmental Protection Agency's (EPA's) intended designations for the Navajo Nation for the 2010 Primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂). The designations for this NAAQS are an important part of the EPA's commitment to a clean, healthy environment. These intended designations are a response to designations-related recommendations and information the Navajo Nation submitted in two separate letters, both dated January 12, 2017.

On July 25, 2013, the EPA designated certain areas in 16 states as nonattainment, but did not at that time designate other areas. Additional areas were designated on June 30, 2016, and November 29, 2016. No areas in the Navajo Nation were designated in these previous actions. Pursuant to a March 2, 2015, court-ordered schedule,¹ the agency must complete the remaining SO₂ designations by two specific deadlines: December 31, 2017, and December 31, 2020. Accordingly, pursuant to section 107(d)(1)(B)(ii) of the Clean Air Act, this letter is to notify you of the EPA's assessment of all areas in the Navajo Nation. While we agree in part with your recommendation, some areas warrant further discussion as explained below and in the accompanying technical support document. We stand ready to assist and hope to resolve any differences regarding the proper designations for these areas within this 120-day period provided by the Clean Air Act.

To this end, if you or your staff have additional information that the EPA should consider prior to finalizing the designations, please submit it as soon as possible but no later than October 23, 2017. You may submit additional information by sending it to the EPA's public docket for these designations, EPA-HQ-OAR-2017-0003, located at www.regulations.gov, and sending a copy to EPA Region 9. The EPA also will publish a notice in the *Federal Register* announcing a 30-day comment period for the public to provide input on the EPA's intended designations.

¹ *Sierra Club v. McCarthy*, No. 3-13-cv-3953 (SI) (N.D. Cal. Mar. 2, 2015).

The Navajo Nation has recommended a designation of attainment for the areas indicated below. EPA regulations for implementing the SO₂ NAAQS require characterization of SO₂ air quality in each listed area. In considering your recommendation, we have taken into account all available information, including any current (2014-2016) air monitoring data, and any air dispersion modeling analyses provided by the Navajo Nation or by a third party. Our review of this information indicates that it is not consistent with your recommendation for the area within a 50-kilometer radius of the Navajo Generating Station due to unresolved air dispersion modeling issues, which would require a modification of the recommended designation. We invite the Navajo Nation to review the available information and further discuss this issue with the EPA in order to inform an appropriate final designation. We agree with your recommendation for the Navajo Nation portion of San Juan County, New Mexico.

Unclassifiable Area	Included lands
Navajo Nation portion of Coconino County, Arizona*	Navajo Nation portion of Coconino County, Arizona located within a 50-kilometer radius of the Navajo Generating Station
Unclassifiable/Attainment Area	Included Counties
Navajo Nation portion of San Juan County, New Mexico	Navajo Nation portion of San Juan County, New Mexico

An asterisk (*) indicates that the EPA’s review of the available information is not consistent with your recommendation for this area.

The enclosure to this letter provides the information that supports the intended designation decisions for these areas of the Navajo Nation.²

Finally, we intend to designate as unclassifiable/attainment all remaining areas of the Navajo Nation. These are areas that were not required to be characterized and for which the EPA does not have information that suggests the area may not be meeting the NAAQS or contributing to air quality in a nearby area that does not meet the NAAQS. A list of these remaining areas is included in the last section of the enclosure.

The EPA will promulgate the final designations for the areas identified in this letter by December 31, 2017. We are prepared to work with you to resolve any disagreements with respect to the available information or information gaps. Upon the completion of this designation action, there will be no remaining areas of the Navajo Nation to be designated.

We share your goal to provide cleaner air for members of the Navajo Nation. We look forward to a continued dialogue with you and your staff as we work together to complete the area designations and implement the 2010 primary SO₂ NAAQS. For additional information regarding designations under the

² The enclosure is Chapter 24 of the Technical Support Document for the designations the EPA plans to complete by December 31, 2017, that addresses areas in the Navajo Nation. The Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>.

SO₂ NAAQS, please visit our website at <https://www.epa.gov/sulfur-dioxide-designations>. Should you have any questions, please do not hesitate to call me, or have your staff contact Meredith Kurpius at (415) 947-4534 or kurpius.meredith@epa.gov.

Sincerely,



for

Alexis Strauss
Acting Regional Administrator

Enclosure

cc: Dr. Donald Benn, Executive Director, Navajo Nation Environmental Protection Agency
Eugenia Quintana, Director, Air and Toxics Division, Navajo Nation EPA (by email)