



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 Mark Macarro
Chairman
Pechanga Band of Luiseño Indians
Post Office Box 11477
Temecula, California 92593

Dear Chairman Macarro:

The purpose of this letter is to inform you of the U.S. Environmental Protection Agency's (EPA's) intended designation for the Pechanga Band of Luiseño Indians 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. This intended designation is a response to designations-related recommendations and information your tribe submitted in a letter dated May 31, 2011.

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 portion of your tribe's lands was 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 your - recommended designation for all lands of the Pechanga Band of Luiseño Indians. We agree with your recommendation.

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.

After carefully considering your tribe's recommendation and all available information, including any air dispersion modeling analysis and monitoring data, the EPA intends to designate all lands of the Pechanga Band of Luiseño Indians unclassifiable/attainment. Because the EPA did not receive a request that the lands of the Pechanga Band be designated as a separate area, the EPA intends to designate the lands of the Pechanga Band of Luiseño Indians with the adjacent South Coast Air Basin and San Diego

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

Air Basin unclassifiable/attainment areas in which the lands of your tribe are geographically located, consistent with our tribal designation policy. The enclosure to this letter provides the information that supports the intended designation decision for your tribe's lands.²

The EPA will promulgate the final designations for the areas identified in this letter by December 31, 2017. Upon the completion of this designation action, there will be no remaining areas in your tribe's lands to be designated.

We share your goal to provide cleaner air for members of your tribe. For additional information regarding designations under the 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,



Alexis Strauss
Acting Regional Administrator

Enclosure

cc: Kelcey Stricker, Director, Environmental Department (by email)

² The enclosure is Chapter 6 of our Technical Support Document for the EPA's intended designations that addresses California and the lands of the Pechanga Band of Luiseño Indians. The full Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>.