



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

DEC 20 2017

The Honorable Francis Steele Jr.
Chairman, Berry Creek Rancheria of Maidu Indians of California
5 Tyme Way
Oroville, California 95966

Dear Chairman Steele:

This letter is to notify you of the U.S. Environmental Protection Agency's (EPA) preliminary decision to designate Indian country of your tribe as Nonattainment for the revised 2015 ozone National Ambient Air Quality Standard, and to inform you of our approach for completing the designations for the revised ozone standards. After considering relevant technical information, including the most recent three years of certified air quality data, the EPA intends to designate the Indian country of the Berry Creek Rancheria of Maidu Indians of California as Nonattainment along with the surrounding state area.

On October 1, 2015, the EPA lowered the primary 8-hour ozone standard from 0.075 parts per million (ppm) to 0.070 ppm to provide increased protection of public health. The EPA revised the secondary 8-hour ozone standard, making it identical to the primary standard, to protect against welfare effects, including impacts on sensitive vegetation and forested ecosystems. Working closely with the tribes and states, the EPA is implementing the standards using a common sense approach that improves air quality and minimizes the burden on state and local governments. As part of this routine process, the EPA is working with the states to identify areas in the country that meet the standards and those that need to take steps to reduce ozone pollution.

As a first step in implementing the 2015 ozone standards, the EPA asked states and invited tribes to submit in the fall of 2016 their designation recommendations, including appropriate area boundaries. A first round of designations was published on November 16, 2017. Consistent with tribes' and states' recommendations, the EPA designated most of the country as Attainment/Unclassifiable, with limited areas designated as Unclassifiable. Further, consistent with EPA's "Policy for Establishing Separate Air Quality Designations for Areas of Indian Country" (December 20, 2011), the EPA designated two areas of Indian country as separate Attainment/Unclassifiable areas.

As required by the Clean Air Act, the EPA will designate an area as Nonattainment if there are certified, quality-assured air quality monitoring data showing a violation of the 2015 ozone standards or if the EPA makes a determination that the area is contributing to a violation of the standards in a nearby area. Areas designated Attainment/Unclassifiable are not measuring or contributing to a violation of the standards.

We did not receive a recommendation from the Berry Creek Rancheria. However, because the EPA is required to designate all areas of the country, we intend to promulgate an appropriate designation for the Berry Creek Rancheria. Based on 2014-2016 air quality data, as well as other relevant technical information, the EPA intends to designate your area of Indian country as Nonattainment. A Technical


Support Document, available on the EPA ozone designations website at www.epa.gov/ozone-designations/, provides a detailed analysis to support our preliminary decisions for your area of Indian country not previously designated.

The EPA will continue to work with officials regarding the appropriate boundaries for the Nonattainment areas. If you have additional information that you would like the EPA to consider, please submit it to us by February 28, 2018. Please submit additional information by sending it to the EPA's public docket for these designations, EPA-HQ-OAR-2017-0548, located at www.regulations.gov, and sending a copy to EPA Region 9. The EPA will also make its preliminary designation decisions and supporting documentation available to the general public for review and comment. We will be announcing a 30-day public comment period shortly in the *Federal Register*. After considering additional information we receive, the EPA plans to promulgate final ozone designations in spring of 2018.

We invite and encourage you to participate in the designations process. Please contact us if you are interested in consulting with us. When requested, consultation will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes*. If you choose to request consultation, we ask that you contact Ken Israels at israels.ken@epa.gov or 415-947-4102 no later than January 12, 2018.

The EPA is committed to working with the tribes and states to reduce ozone air pollution. We look forward to a continued dialogue with you and your staff as we work together to implement the 2015 ozone standards. Should you have any questions regarding this matter, please do not hesitate to contact me at 415-947-8702 or have a member of your staff contact Meredith Kurpius at 415-947-4534.

Sincerely,


Alexis Strauss 20 Dec. 2017
Acting Regional Administrator