



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

December 20, 2017

The Honorable Kevin Brown
Chairman of the Mohegan Tribe
5 Crow Hill Road
Uncasville, CT 06382

Dear Chairman Brown:

The purpose of this letter is to notify you of the U.S. Environmental Protection Agency's (EPA) preliminary decision to designate the Mohegan Tribal Nation as Nonattainment for the revised 2015 ozone National Ambient Air Quality Standards (NAAQS), and to inform you of our approach for completing the designations for the revised ozone NAAQS.

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 states and tribes, the EPA is implementing the standards using a common sense approach that improves air quality and minimizes the burden on state, tribal and local governments. As part of this routine process, the EPA is working with the states and tribes 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 tribes to submit in the Fall of 2016 their designation recommendations, including appropriate area boundaries. In a first round of designations, published on November 16, 2017, consistent with states' and tribes' recommendations, the EPA designated as Attainment/Unclassifiable nearly 90 percent of the country. In addition, the EPA designated three counties in the state of Washington as Unclassifiable, consistent with the state's recommendation. 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.

We did not receive a recommendation letter from you. However, because the EPA is required to designate all areas of the country, we intend to promulgate an appropriate designation for your area of Indian country.

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.

After considering relevant technical information, including 2014-2016 air quality data, the EPA intends to designate the Mohegan Tribal Nation as Nonattainment along with the surrounding state area. A Technical Support Document which provides details regarding our preliminary decision can be found at: www.epa.gov/ozone-designations/2015-ozone-standards-state-recommendations. If you have information that the EPA should consider, we ask that you submit it to us by February 28, 2017.

Please notify us by January 15, 2017, if you are interested in consulting with us regarding the designations process. When requested, consultation will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (www.epa.gov/tribal/consultation/consult-policy.htm).

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, the Agency plans to promulgate final ozone designations in spring of 2018.

If your tribe is interested in consultation or participating in further discussions or meetings with the EPA about the designations process, please do not hesitate to contact David Conroy, Air Quality Program Chief, at (617) 918-1661.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Szaro', with a stylized flourish at the end.

Deborah A. Szaro
Acting Regional Administrator

cc: Jean McInnis, Environmental Protection Administrator, Mohegan Tribe
Anne Gobin, Bureau Chief, CT DEEP