



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Ref: 8P-AR

OCT 26 2017

The Honorable Clement Frost, Chairman  
Southern Ute Indian Tribe  
P.O. Box 737  
Ignacio, Colorado 81137-0737

Dear Chairman Frost:

The purpose of this letter is to provide the Southern Ute Indian Tribe with an opportunity to submit further information regarding the U.S. Environmental Protection Agency's intended designations for the Tribe's lands for the 2010 Primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO<sub>2</sub>). The designations for this NAAQS are an important part of the EPA's commitment to a clean, healthy environment.

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 land, or of the land of any other tribe, was designated in these previous actions. Pursuant to a March 2, 2015, court-ordered schedule,<sup>1</sup> the agency must complete the remaining SO<sub>2</sub> designations by two specific deadlines: December 31, 2017, and December 31, 2020. The lands of the Southern Ute Tribe do not contain a larger source of SO<sub>2</sub> emissions for which a new monitoring network has been established, and, therefore, under the court order the EPA must designate this area by December 31, 2017. Accordingly, this letter is to provide the Tribe with the opportunity to submit information regarding the EPA's intended designations for all the lands of the Southern Ute Indian Tribe.

After carefully considering the Southern Ute Indian Tribe's recommendation contained in the May 18, 2011, letter and all available information, including any air dispersion modeling analysis and monitoring data, the EPA intends to designate all the Southern Ute Indian Tribe's lands as attainment/unclassifiable. We understand, based on the conversation between EPA Region 8 and the Southern Ute Indian Tribe Air Quality Program on October 19, 2017, that there is general agreement between the EPA and the Tribe on the EPA's intended designation of attainment/unclassifiable. The Southern Ute Indian Tribe's letter dated May 18, 2011, noted that the Tribe did not monitor SO<sub>2</sub> and that there are no large sources of SO<sub>2</sub> emissions on the reservation. The EPA agrees that the Southern Ute Indian Reservation does not contain any large SO<sub>2</sub> sources,<sup>2</sup> and finds that there are no sources on the Tribe's land that are required to be characterized under 40 CFR 51.1203(c) or (d). For this reason, and because the EPA does not have information that suggests the Southern Ute Indian Tribe may not be meeting the NAAQS or contributing to air quality in a nearby area that does not meet the NAAQS, the EPA finds the intended attainment/unclassifiable designation to be appropriate. This is the same finding we made in our intended designations of other similarly situated areas in the country.

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 December 4, 2017. We are providing

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

<sup>2</sup> The largest source of SO<sub>2</sub> within the Southern Ute Reservation emits 1.46 tons per year of SO<sub>2</sub>.

this opportunity in light of the fact that the EPA did not inform the Tribe via letter of our intended designations when we notified the other tribes and states. You may submit additional information by sending it to the EPA Region 8 office. The EPA will promulgate the final designation for your Tribe's lands by December 31, 2017.

Thank you for the Southern Ute Indian Tribe's efforts throughout the designations process. 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 SO<sub>2</sub> NAAQS. For additional information regarding designations under the SO<sub>2</sub> NAAQS, please visit our website at <https://www.epa.gov/sulfur-dioxide-designations>. Should you have any questions, please do not hesitate to contact me at (303) 312-6925, or your Air Quality Program. Your staff may contact Monica Morales, Region 8's Air Program Director, at [morales.monica@epa.gov](mailto:morales.monica@epa.gov) or (303) 312-6936.

Sincerely,



Suzanne J. Bohan  
Acting Deputy Regional Administrator

Enclosure

cc: Mark Hutson, Environmental Programs Division Head  
Southern Ute Indian Tribe

Danny Powers, Air Quality Program Manager  
Southern Ute Indian Tribe