



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

DEC 20 2017

Ref: 8P-AR

The Honorable Luke Duncan, Chairman
Ute Business Committee
P.O. Box 70
Fort Duchesne, Utah 84026

Dear Chairman Duncan:

Thank you for your recommendation dated September 27, 2016, on air quality designations for the revised 2015 National Ambient Air Quality Standards (NAAQS) for ozone on behalf of the Ute Indian Tribe. I appreciate the information the Ute Tribe shared with the U.S. Environmental Protection Agency as we move forward to improve ozone air quality. This letter is to notify you of the EPA's preliminary response to the Ute Tribe's recommendations and to inform you of our approach for completing designations for the revised ozone standards.

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 tribes and 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 tribes and states 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 tribes' and states' recommendations, the EPA designated as Attainment/Unclassifiable nearly 90 percent of the 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.

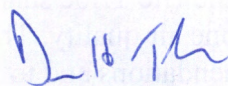
After considering the Ute Tribe's September 27, 2016 ozone designation recommendations, which were based on 2013-2015 air quality data, as well as other relevant technical information (including 2014-2016 air quality data), the EPA intends to designate portions of both Duchesne and Uintah Counties as Nonattainment - including both tribal and state land. The enclosed Technical Support Document

provides a detailed analysis to support our preliminary decisions for the areas of Indian country in these counties not previously designated.

The EPA will continue to work with Tribal officials regarding the appropriate boundaries for the Nonattainment area. If the Ute Tribe has 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 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 8. 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 the spring of 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 or a member of your staff may contact Monica Morales, Region 8's Air Program Director, at (303) 312-6936.

Sincerely,



h Douglas H. Benevento
Regional Administrator

Enclosure