



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 20 2017

Chairman Charles K. Smith
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969.

Dear Chairman Smith:

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 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 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.

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 Shinnecock Indian Nation. However, because the EPA is required to designate all areas of the country, we intend to promulgate an appropriate designation for the Shinnecock Indian Nation. Based on 2013-2015 air quality data, as well as other relevant technical information, the EPA intends to designate the area of Indian Country as nonattainment. The Technical Support Document can be found at <https://www.epa.gov/ozone-designations/2015-ozone-standards-state-recommendations> and provides a detailed analysis to support our preliminary decisions for the areas your area of Indian country not previously designated. In order for the EPA to consider more current (i.e., 2015-2017) air quality data in the final designation decisions for any area, the Shinnecock

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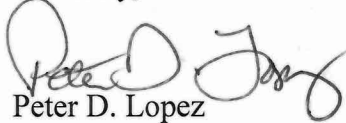
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Indian Nation must submit certified, quality-assured 2015-2017 air quality monitoring data for the area to the EPA by February 28, 2018.

The EPA will continue to work with officials regarding the appropriate boundaries for the Nonattainment areas. If the Shinnecock Indian Nation 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 2. 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.

The EPA is committed to working with the states and tribes 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 (212) 637-5050 or have a member of your staff contact John Filippelli, Director of the Clean Air and Sustainability Division, at (212) 637-3736.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter D. Lopez", written over a faint circular stamp or watermark.

Peter D. Lopez
Regional Administrator

Enclosure

cc: Shavonne F. Smith, Environmental Director
Shinnecock Indian Nation Tribal Office

Enclosure 1

Table 1. States' Recommended Nonattainment Areas and the EPA's Intended Designated Nonattainment Areas for the 2015 Ozone NAAQS in the New York Metro Area

State	State's Recommended Nonattainment Counties	EPA's Intended Nonattainment Counties
Connecticut	Fairfield, New Haven, Middlesex	Fairfield, New Haven, Middlesex
New Jersey	Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, Warren	Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, Warren
New York	Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, Westchester	Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, Westchester [Includes Shinnecock Indian Nation in Suffolk County]
Pennsylvania	None	None

Table 2. States' Recommended Nonattainment Areas and the EPA's Intended Designated Nonattainment Areas for the 2015 Ozone NAAQS in the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE Area

State	State's Recommended Nonattainment Counties	EPA's Intended Nonattainment Counties
Delaware	New Castle	New Castle
Maryland	None	Cecil
New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, Salem	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, Salem
Pennsylvania	Bucks, Chester, Delaware, Montgomery, Philadelphia	Bucks, Chester, Delaware, Montgomery, Philadelphia

