



**REGION 9 ADMINISTRATOR**

SAN FRANCISCO, CA 94105

September 29, 2026

The Honorable Kevin Osuna  
Chairman of the Iipay Nation of Santa Ysabel  
P.O. Box 130  
Santa Ysabel, California 92070

Dear Chairman Osuna:

The purpose of this letter is to inform you of the U.S. Environmental Protection Agency's (the EPA or the Agency) intended approach for finalizing area designations for the 2024 primary annual fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS or standard).

On February 7, 2024, the EPA promulgated a revised primary annual PM<sub>2.5</sub> NAAQS of 9.0 micrograms per cubic meter (µg/m<sup>3</sup>).<sup>1</sup> The EPA's promulgation of the NAAQS initiated the designations process in accordance with Clean Air Act (CAA) section 107, which is intended to identify areas of the country as either meeting or not meeting the NAAQS.<sup>2</sup> Under CAA section 107(d)(1)(A), the Governor of each State was required to submit a list of initial designations for all areas in their State to the EPA by February 7, 2025. While not required under the CAA, Tribes are encouraged to submit initial area designations for their lands. The EPA did not receive a letter from your Tribal Nation.

On July 17, 2026, the Northern District Court of California ordered the EPA to publish final designations for all areas of the country no later than February 6, 2027.<sup>3</sup> The EPA is appealing that court order. On November 24, 2025, the EPA filed a motion asking the U.S. Court of Appeals for the D.C. Circuit to vacate the 2024 PM<sub>2.5</sub> NAAQS thereby relieving the EPA of the obligation to make designations in furtherance of an unlawful standard. The D.C. Circuit subsequently upheld the 2024 PM<sub>2.5</sub> NAAQS, but on August 28, 2026, State and industry petitioners filed two petitions with the United States Supreme Court for writ of certiorari, seeking to appeal that decision. Absent relevant action from the judiciary, the EPA intends to finalize designations for the 2024 annual PM<sub>2.5</sub> NAAQS

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<sup>1</sup> 89 FR 16202 (Mar. 6, 2024).

<sup>2</sup> CAA section 107(d)(1)(A)(i)–(iii) defines: (i) nonattainment, any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the NAAQS, (ii) attainment, any area (other than an area identified in clause (i)) that meets the NAAQS, or (iii) unclassifiable, any area that cannot be classified on the basis of available information as meeting or not meeting the NAAQS. The EPA uses the category of attainment/unclassifiable for an area that is meeting the NAAQS and does not contribute to ambient air quality in a nearby area that does not meet the NAAQS.

<sup>3</sup> *All. of Nurses for Healthy Env'ts v. Zeldin*, No. 26-cv-03118-HSG.

based on the most recent monitoring data (2023-2025 data) and any other relevant information available at that time.

Our preliminary review of the 2023-2025 monitoring data indicates that your Tribal lands may be located in or adjacent to a multi-jurisdiction Core-Based Statistical Area, and/or Combined Statistical Area that has one or more monitors with design values that may not meet the 2024 annual PM<sub>2.5</sub> NAAQS. Without any further information or processing, such as a determination that air quality data was influenced by an exceptional event, these data could indicate that an area near your Tribal lands is not meeting the NAAQS and that area, including nearby areas that contribute to the area not meeting the NAAQS, may be designated as nonattainment.

Certain events, including prescribed fires and wildfires, have the potential to impact air quality monitoring data across many regions of the country. Based on a screening analysis using the EPA's exceptional events technical tools, there are over 9,000 site days that could be submitted as Tier 1 or Tier 2 exceptional events, potentially affecting the design value at every monitor with a current 2023-2025 design value over 9 µg/m<sup>3</sup>. In addition, several States and organizations have communicated to the EPA that the Teledyne T640 and T640x PM mass monitors, which are prevalent in the southern and eastern parts of the U.S., have a high bias and are affecting the ability to evaluate attainment of the 2024 PM<sub>2.5</sub> annual standard.<sup>4</sup> The EPA is working to complete an assessment of the issues raised and any potential effect on the quality of the measurements. Tribes can also request an exclusion of the monitoring data from being compared to the NAAQS if they demonstrate a high bias (*i.e.*, above 10%).<sup>5</sup>

Given the expedited deadline that the EPA is operating under, the Agency acknowledges that the EPA may be lacking relevant information or demonstrations that would lead to a different designation. As a result, the EPA is notifying you that the Agency may designate the aforementioned areas attainment/unclassifiable if sufficient and appropriate information is received or becomes available prior to February 6, 2027, to support such a designation.

Further, the Agency also recognizes the difficulties associated with gathering and processing the information necessary for the designation process within such an abbreviated timeline. As a result, it is possible that the Agency would determine that areas in your Tribal lands cannot be classified on the

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<sup>4</sup> See letter to the EPA from Enterprise Quality Management Division, titled "Request for Correction under the Information Quality Act of: (1) EPA's Approval of Four Modification Requests for the T640-T640x PM FEM Monitors; and (2) EPA's Retroactive Application of the Approved Modification of the T640 and T640X Monitors to Concentration Data for PM<sub>2.5</sub> in EPA's Air Quality System (AQS)", dated January 6, 2026. Available at <https://www.epa.gov/system/files/documents/2026-01/nr3-rfc-1-6-26-c.pdf>.

See also letter to the Kansas Department of Health and Environment from The City of Kansas City, MO Office of Environmental Quality and Johnson County, KS Department of Health and Environment titled "Kansas PM<sub>2.5</sub> NAAQS Designation Recommendations", dated January 28, 2025. Available at <https://www.marc.org/sites/default/files/2025-01/PM-NAAQS-Designation-Recommendation-KDHE.pdf>.

See also letter to the EPA from The Association of Air Pollution control Agencies, titled "RFC 26002 – Modification Requests for Federal Equivalent Methods (FEM) Monitors", dated March 12, 2026. Available at [https://www.epa.gov/system/files/documents/2026-03/aapca-correspondence-for-rfc-26002\\_final\\_03-12-2026.pdf](https://www.epa.gov/system/files/documents/2026-03/aapca-correspondence-for-rfc-26002_final_03-12-2026.pdf).

See also letter to the EPA from the Georgia Department of Natural Resources, titled "Georgia EPD Correspondence for RFC 26002 – Modification Requests for Federal Equivalent Methods (FEM) Monitors", dated April 15, 2026. Available at <https://www.epa.gov/quality/third-party-correspondence-rfc-26002>.

<sup>5</sup> 40 CFR 58.11(e) and Appendix A to 40 CFR Part 58.

basis of available information as meeting or not meeting the NAAQS, which would result in a designation of unclassifiable for your Tribal areas.

If you have additional information that you would like the EPA to consider for final designations, including information related to exceptional events, please submit it to the public docket for these designations, EPA-HQ-OAR-2024-0078, located at [www.regulations.gov](http://www.regulations.gov). Such additional information provided to the EPA could result in a designation of attainment/unclassifiable, nonattainment, or unclassifiable.

Should you have any questions, or desire additional EPA consultation, please contact me at (212) 637-5000. Alternatively, you may have a member of your staff reach out to Anita Lee at (415) 231-4710.

Sincerely,

MICHAEL  
MARTUCCI

Digitally signed by  
MICHAEL MARTUCCI  
Date: 2026.09.29  
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Michael Martucci  
Acting Regional Administrator

cc: Joe Wier, Environmental Director

**Enclosure 1:**

Iipay Nation of Santa Ysabel Initial Area Designation Submission for the 2024 Annual PM2.5 NAAQS  
and CBSA that Contain Violating Monitors

| <b>Identified<br/>CBSA</b>                          | <b>Tribe Initial<br/>Designation<br/>Category</b> | <b>Tribe Initial<br/>Designation<br/>Boundary</b> | <b>Does Tribal Land<br/>contain a valid<br/>monitor with a<br/>DV that may not<br/>meet the<br/>NAAQS?</b> | <b>Is the Tribal<br/>Land part of<br/>a CBSA that<br/>has a monitor<br/>that may not<br/>meet the<br/>NAAQS?</b> |
|-----------------------------------------------------|---------------------------------------------------|---------------------------------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| San<br>Diego-<br>Chula<br>Vista-<br>Carlsbad,<br>CA | No<br>designation<br>submitted.                   | No<br>designation<br>submitted.                   | No                                                                                                         | Yes                                                                                                              |