



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
RESEARCH TRIANGLE PARK, NC 27711

OFFICE OF  
AIR QUALITY PLANNING  
AND STANDARDS

November 7, 2016

Dear Tribal Leader:

On November 3, 2016, the Environmental Protection Agency (EPA) issued proposed requirements for implementing the National Ambient Air Quality Standards (NAAQS) for ozone in areas that are designated nonattainment for these standards, and the Ozone Transport Region (OTR). The proposed requirements would apply to state, local and tribal air agencies developing plans that outline how states with nonattainment areas and states in the OTR will meet and maintain current and future ozone standards, including those established in 2015.

The purpose of this letter is to invite you to consult on this proposal. We provided updates on the proposed rule on the National Tribal Air Association calls on April 28 and October 27, 2016. We can be available to discuss the proposed revisions in other settings as well.

This proposal action largely retains and updates the implementing regulations that apply for the 2008 ozone NAAQS, for purposes of the 2015 ozone standards. We are seeking public comment on a number of proposals, including:

- Nonattainment area classification thresholds and deadlines for areas to attain the 2015 ozone standards;
- Milestone compliance demonstrations to address reasonable further progress requirements;
- Planning and implementation deadlines for reasonably available control technology;
- Consideration of pollution sources within a state but outside of a nonattainment area for purposes of attainment planning;
- Reconsideration of the optional ozone NAAQS trading provisions for pollutants that react to form ozone, which would allow either volatile organic compounds (VOC) or oxides of nitrogen (NO<sub>x</sub>) emissions reductions to satisfy nonattainment New Source Review permitting emissions offset requirements for VOC or NO<sub>x</sub> emissions increases; and
- Requirements for emissions inventories and emissions statements.

Upon its publication in the *Federal Register* (anticipated shortly), the proposal will offer the public the opportunity to submit written comments, which must be received on or before the date 60 days from its publication. The EPA has not scheduled a public hearing, however, if anyone contacts the EPA requesting a hearing on or before the date 15 days from its publication, we will hold a hearing. For more information on the rule, please visit: <https://www.epa.gov/ozone-pollution/implementation-2015-national-ambient-air-quality-standards-naaqs-ozone-state>.

The EPA expects that this rule, when finalized, will help improve environmental protection within Indian country and nationwide and does not believe the proposed rule will have adverse implications for tribes. However, to ensure that your lands and interests are protected, we are offering to consult with you or your designee should you desire. We welcome any additional information about the implementation of the ozone standards or potential impacts that you would like to share. If you desire government-to-government consultation with the EPA, we kindly request that you notify us by December 12, 2016, by contacting Toni Colón at (919) 541-0069; email: colon.toni@epa.gov.

We strive to conduct our efforts with sensitivity to the needs and culture of your tribe, and with attention to the potential effect of our actions. We look forward to receiving your input.

Sincerely,

A handwritten signature in black ink that reads "Anna Marie Wood". The signature is written in a cursive style and extends to the right with a long, thin horizontal stroke.

Anna Marie Wood  
Director  
Air Quality Policy Division

cc: Tribal Environmental Director  
Tribal Environmental Staff