SOUTHERN UTE INDIAN TRIBE

February 25, 2003

Robert E. Roberts
Regional Administrator
U.S. Environmental Protection Agency, Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202

RE: Southern Ute Indian Tribe's Recommended Air Quality Designation for the 8-Hour Ozone National Ambient Air Quality Standard

Dear Administrator Roberts:

In response to EPA's invitation to tribes to participate in the air quality designation process for the 8-hour ozone standard on tribal lands, the Southern Ute Indian Tribe (Tribe), at this time, recommends to the United States Environmental Protection Agency, that lands within the exterior boundaries of the Southern Ute Indian Reservation be classified as attainment for the National Ambient Air Quality Standard for ozone (8-Hour). Section 107(d)(1)(A) of the Clean Air Act, including EPA documents on ozone designation ("Guidance on 8-Hour Ozone Designations for Indian Tribes" and "Guideline on Data Handling Conventions for the 8-Hour Ozone NAAQS") were used as guidance in determining the recommended designation.

The Tribe's attainment designation recommendation is based, in part on an analysis of actual air quality monitoring data collected from ambient air monitoring sites located on the Southern Ute Indian Reservation. The Tribe has monitored for gaseous and particulate pollutants since the early eighties, but for the purposes of this recommendation we have concentrated on ozone data collected from 2000 through 2002. The locations of the Reservation's ambient air monitoring sites are shown on the enclosed map of the Southern Ute Indian Reservation. Also enclosed is a chart depicting 4th Highest Daily Maximum data (including site and area computations) values from the monitoring sites. Ambient air monitoring, data handling, and data completeness have been completed in accordance with the Code of Federal Regulations, Title 40, Parts 50, 53, 58, and their respective appendices. Based on the Tribe's monitoring data, the design value for the Southern Ute Indian Reservation area is .058 parts per million (ppm), which demonstrates that the Reservation area meets the primary and secondary NAAQS 8-hour ozone standard of .084 ppm.

In addition to monitoring data, the Tribe has also considered the following factors in making its recommendation: (1) tribal lands located within a Consolidated Metropolitan Statistical Area (C/MSAs) with a violating monitor, (2) existing sources of ozone precursors or expected growth contribution to air quality in a nearby ozone nonattainment area, and (3) air quality modeling depicting that the NAAQS is being violated in Indian Country.

Regarding factor (1), the Southern Ute Indian Reservation is located in rural southwestern Colorado and has not been identified as part of C/MSAs, nor is it near any major metropolitan area. The Tribe is also unaware of any ozone violations of the NAAQS within the area. Additionally (for factors (2) and (3)), tribal lands are not located near any ozone nonattainment designated areas. In addition, the Tribe, the Bureau of Land Management and the Bureau of Indian Affairs have conducted an air quality impact analysis as part of the Final Environmental Impact Statement ("Oil and Gas Development on the Southern Ute Indian Reservation Final Environmental Impact Statement," July 2002) for oil and gas development on the Southern Ute Indian Reservation. The study concluded that maximum concentrations of air pollutants (CO,

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NO_2, PM_{10}, and SO_2) would remain well below applicable National Ambient Air Quality Standards if development occurred as proposed in the FEIS.

In conclusion, the Tribe appreciates EPA's cooperation in allowing the Tribe to participate in the designation process. We also look forward to continuing our relationship with your agency as we continue to work towards a tribal specific, yet comprehensive, Air Quality Control Program. Please do not hesitate to contact Fran King Brown (Environmental Programs Division Head) or Virgil Frazier (Air Program Manager) at 970-563-0135, should you require additional information.

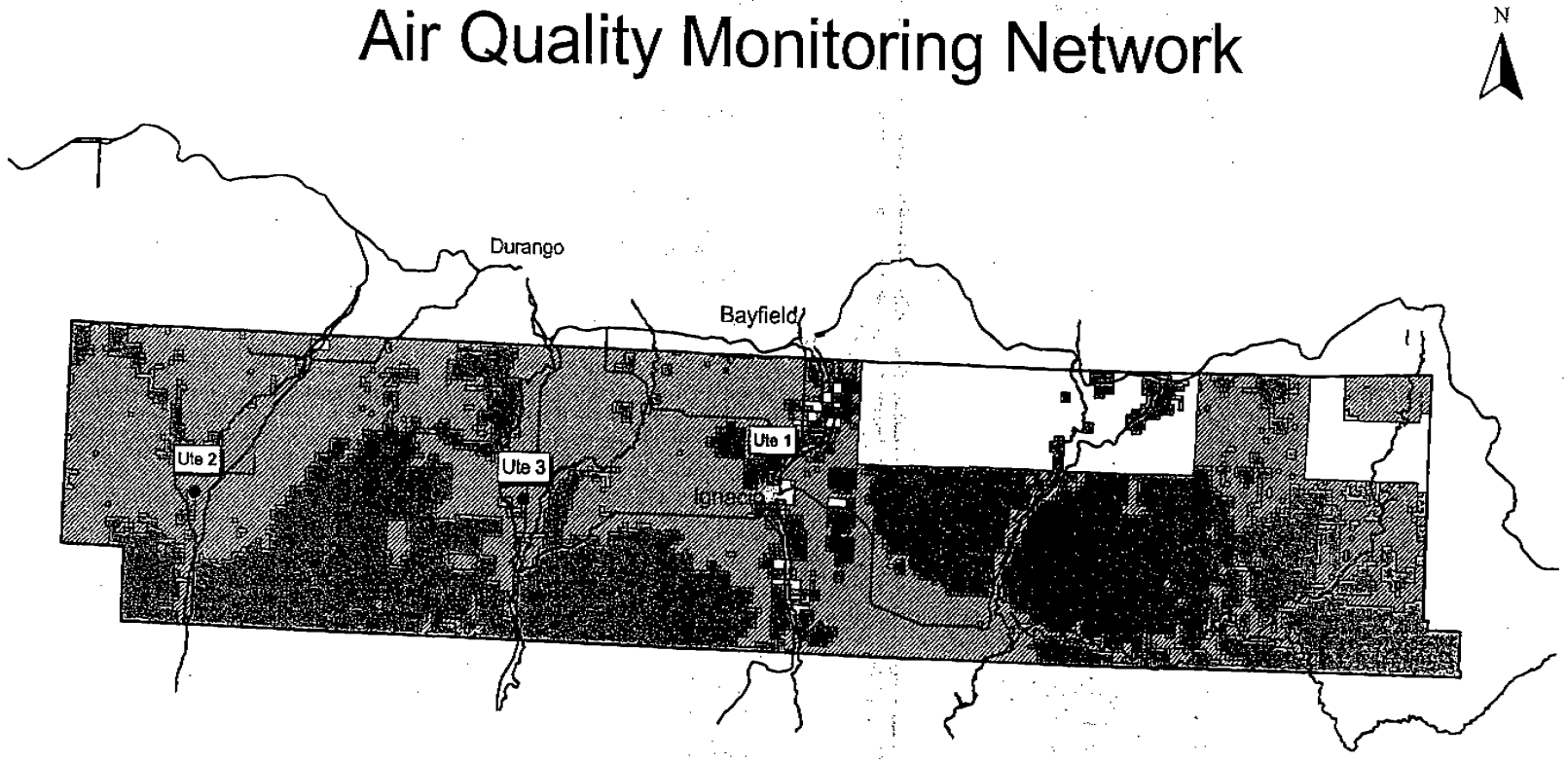
Sincerely,

for Howard D. Richards, Sr.
Chairman
Southern Ute Indian Tribe

Enclosure

Copy: Richard Long, Director – EPA Air & Radiation
Bernadette Gonzalez, Program Manager – EPA Tribal Assistance Program
David R. Ouimette, Manager, Stationary Sources Program – CO Air Pollution Control Division
Sam W. Maynes, SUIT Tribal Attorney

Southern Ute Indian Tribe
Air Quality Monitoring Network



Southern Ute Indian Tribe – Ambient Air Quality Monitoring Network
Daily Maximum Ozone Values (2000 – 2002)

Table I: Ute I (Ignacio) Highest Daily Maximum Ozone Values

AIRs Site ID# (prefix = 08)	Site Name	Year	1st Highest Daily Max 8-Hr. Conc. (PPM)	2nd Highest Daily Max 8-Hr. Conc. (PPM)	3rd Highest Daily Max 8-Hr. Conc. (PPM)	4th Highest Daily Max 8-Hr. Conc. (PPM)
067-7001	Ute I	2000	.065	.064	.063	.063
	(Ignacio)	2001	.061	.053	.053	.052
		2002	.061	.061	.061	.060
		Average				**.058**

Site (Ute I) Design Value of .058 ppm ≤ .084 ppm

Table 2: Ute III (Bondad) Highest Daily Maximum Ozone Values

AIRs Site ID# (prefix = 08)	Site Name	Year	1st Highest Daily Max 8-Hr. Conc. (PPM)	2nd Highest Daily Max 8-Hr. Conc. (PPM)	3rd Highest Daily Max 8-Hr. Conc. (PPM)	4th Highest Daily Max 8-Hr. Conc. (PPM)
067-7003	Ute III	2000	.065	.064	.062	.061
	(Bondad)	2001	.054	.052	.052	.051
		2002	.059	.058	.057	.055
		Average				**.055**

Site (Ute III) Design Value of .055 ppm ≤ .084 ppm

Area (Southern Ute Indian Reservation) Design Value of .058 ppm is less than the NAAQS for ozone (.084 ppm), thus attainment status has been accomplished.