UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

DEC - 3 2003

Honorable Mark Brown
Tribal Chairman
Mohegan Tribe
P.O. Box 488
Uncasville, CT 06382

Dear Chairman Brown:

We want to make you aware that EPA is making air quality designation for the 8-hour national health-based standard for ground-level ozone. We have reviewed information on air quality in your area and consistent with Section 107(d)(1) of the Clean Air Act (CAA), this letter is to inform you that the United States Environmental Protection Agency (EPA) intends to designate the lands under your jurisdiction as not meeting the 8 hour ozone health standard.

The EPA is obligated by the CAA to designate air quality for all areas of the United States, including Indian country. The CAA defines a nonattainment area as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. When EPA makes a determination, it considers data from you, from states and from other third parties. In making this nonattainment designation determination for your lands we used ambient air quality monitoring data collected in Connecticut, Rhode Island and Massachusetts. All three of these states have ozone data over the eight-hour ozone standard, and all three of these states have asked to be nonattainment statewide and EPA agrees with their proposals.

EPA is giving Tribal leaders the opportunity for consultation. Consistent with Executive Orders and EPA policy, EPA intends to make tribes aware of EPA actions, even if tribes have not participated in the designations process. Accordingly, we sent a letter on April 11, 2003 to inform you about the designations process and to invite consultation with you. If you would like to discuss the proposed designation further or if you wish to provide additional information about your Tribal lands, please provide this information by December 31, 2003, so that we can move forward to make final designations by April 15, 2004.

If you have any questions, please do not hesitate to call me or have your staff call Mr. David Conroy of my staff at (617) 918-1661.

Very truly yours,

Robert W. Varney
Regional Administrator

cc: Dr. Norman Richards