UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC - 3 2003

Mr. Rickey Armstrong
President, Seneca Nation of Indians
P.O. Box 231
Salamanca, NY 14779

Dear Mr. Armstrong:

The United States Environmental Protection Agency (EPA) is proceeding to make air quality designations for the 8-hour national health based standard for ground level ozone. We have reviewed information on air quality in your area and EPA intends to designate parts of the Seneca Nation of Indians' lands as not attaining the 8-hour ozone health standard.

EPA is obligated by the Clean Air Act to designate air quality for all areas of the United States, including Indian territories. It is EPA's responsibility to determine if the population within a given area is exposed to unhealthy levels of specific air pollutants, in this case ground level ozone. We make our determination after reviewing air quality measurements in your area. Although there are no ozone monitors on your tribal lands, we have used monitors in a number of nearby areas to determine which parts of Seneca lands should be designated as not attaining the ozone standard. Specifically, the Oil Springs and Allegany lands are in areas designated as attainment of the ozone standard. As for the Cattaraugas lands, all of the areas north of Cattaraugas Creek are nonattainment, as well as all the areas west of longitude 79 degrees 3 minutes 40 seconds. The lands which are east of 79 degrees 3 minutes 40 seconds and are south of Cattaraugas Creek are in attainment. The effect of this is to include the tribal lands as parts of the larger surrounding areas with the same designation.

EPA will continue to consult with the Tribal leaders on this issue. If you wish to provide additional information about the areas in question, please provide this information by February 6, 2004. EPA is obligated to make final designations by April 15, 2004. If you have any questions, please do not hesitate to contact me at 212-637-5000 or have your staff contact Walter Mugdan, Director of the Division of Environmental Planning and Protection at 212-637-3724.

Sincerely,

Jane M. Kenny
Regional Administrator

cc: Lisa Maybee, Director
Seneca Nation of Indians
Environmental Protection Department