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

MAY 19 2004

Mr. Raymond Halbritter
Nation Representative
Oneida Indian Nation
5218 Patrick Road
Vernon, New York 13478

Dear Mr. Halbritter:

The United States Environmental Protection Agency (EPA) has announced its air quality designations for the 8-hour health-based standard for ground level ozone. Based on the latest information on air quality in your area, EPA considers the Oneida Nation of Indians' lands to be unclassifiable for the 8-hour ozone health standard. However, by the end of 2004 EPA will evaluate the latest air quality data and decide whether or not the ozone levels violate health-related standards.

In an April 15, 2004 letter from EPA Administrator Michael O. Leavitt, EPA indicated that the Oneida Indian Nation tribal lands would be considered to be nonattainment with regard to the 8-hour ozone health-based standard. Administrator Leavitt has asked me to let you know that this was based on outdated information, and the correct designation is unclassifiable.

EPA will continue to consult with the Oneida Nation on this matter and will inform you of our findings following the Summer 2004 ozone season. 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: Brian Patterson, Oneida Indian Nation
Clint Hill, Oneida Indian Nation

bcc: T. Helms, EPA-OAQPS
S. Reinders, EPA-OAQPS (copy of original signed letter)
W. Baker, DEPP
R. Werner, APB
R. Kelly, APB
G. Lau, APB
C. Yost, DEPP
File Copy (Green)