



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 19 2014

The Honorable Michell Hicks
Principal Chief
Eastern Band of Cherokee Indians
PO Box 455
Cherokee, North Carolina 28719

Dear Principal Chief Hicks:

On December 14, 2012, the U.S. Environmental Protection Agency promulgated a revised primary annual fine particulate matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS) (78 FR 3086, January 15, 2013). In that action, the EPA revised the primary annual PM_{2.5} standard, strengthening it from 15.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 12.0 $\mu\text{g}/\text{m}^3$; retained the existing 24-hour PM_{2.5} standard at 35 $\mu\text{g}/\text{m}^3$; retained the existing 24-hour PM₁₀ (coarse particle) standard at 150 $\mu\text{g}/\text{m}^3$; and retained the current suite of secondary PM standards. The EPA revised the primary annual PM_{2.5} standard based on an integrated assessment of an extensive body of new scientific evidence, which substantially strengthens our body of knowledge regarding PM_{2.5}-related health effects. The revised primary annual PM_{2.5} standard will provide increased protection for children, older adults, persons with pre-existing heart and lung disease, and other at-risk populations against an array of PM_{2.5}-related adverse health effects, including premature mortality, increased hospital admissions and emergency department visits, and development and exacerbation of chronic respiratory disease.

History shows us that better health and cleaner air go hand-in-hand with economic growth. Working closely with the states and tribes, the EPA is implementing the standards using a commonsense approach that improves air quality and minimizes the burden on state, local, and tribal governments. As part of this routine process, the EPA is working with the states and tribes to identify areas in the country that meet the standards and those that need to take steps to reduce PM_{2.5} air pollution. Within one year of promulgating a new or revised air quality standard, the Clean Air Act (CAA) requires the Governor of each state to submit to the EPA a list of all areas in the state, with recommendations for whether each area meets the standard. Although tribes are not required to submit recommendations, the EPA encourages tribes to participate in the designations process, and provides them with an opportunity to submit recommendations if they choose to do so. Participating tribes are requested to follow the same schedule as states, if possible. States and tribes were asked to submit their designation recommendations, including appropriate area boundaries, by December 13, 2013.

In a letter dated May 29, 2014, the EPA encouraged you to participate in the designations process, request consultation, and submit recommendations if you chose to do so. We did not receive a recommendation letter or consultation request from you. However, because the EPA is required to

designate all areas of the country, we intend to promulgate an appropriate designation for your area of Indian country. This is not the final step in the designation process, and you still have time to provide air quality information to the EPA and request consultation. More information regarding this designation is included below.

As required by the CAA, the EPA promulgates designations for all areas across the country. The EPA designates an area as “nonattainment” if it is violating the NAAQS or if it is contributing to a violation of the NAAQS in a nearby area. Consistent with designations for previous PM_{2.5} standards, the EPA intends to use a designation category of “unclassifiable/attainment” for areas that are monitoring attainment or do not have monitors, but for which the EPA has reason to believe are likely attaining the standard and are not contributing to nearby violations. Additionally, the EPA intends to designate as “unclassifiable” those areas where the EPA either cannot determine based on available information whether the area is meeting the NAAQS, or has not determined whether the area contributes to a nearby violation. At this time, the EPA is proceeding with intended initial area designations for most areas using quality-assured, certified air quality monitoring data from 2011 to 2013.

After considering relevant technical information, including 2011–2013 air quality data, the EPA intends to designate your area of Indian country as unclassifiable/attainment along with the surrounding state area. This data does not indicate any violation of the 2012 annual PM_{2.5} NAAQS in the Eastern Band of Cherokee Indian’s area of Indian country or contribution to any nearby area. Consequently the EPA intends to designate the Eastern Band of Cherokee Indian’s entire area of Indian country as unclassifiable/attainment.

Please notify us by September 29, 2014, if you are interested in consulting with us regarding the designations process. When requested, consultation will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (www.epa.gov/tribal/consultation/consult-policy.htm).

The EPA will make its preliminary designation decisions and supporting documentation available to the general public for review and comment. We will be announcing a 30-day public comment period shortly in the *Federal Register*. After considering any additional information we receive, the EPA plans to promulgate final annual PM_{2.5} designations in December of 2014.

The EPA is committed to working with the states and tribes to share the responsibility of reducing PM_{2.5} air pollution. Current and upcoming federal standards, and safeguards - including pollution reduction rules for power plants, vehicles, and fuels, will assure steady progress to reduce PM_{2.5}-forming pollution and will protect public health in communities across the country. We look forward to working together with you and your staff to implement the 2012 annual PM_{2.5} standard. If your tribe is interested in consultation or participating in further discussions or meetings with the EPA officials

about the designations process, please do not hesitate to contact me at (404) 562-8357 or Beverly H. Banister, Director, Air Pesticides and Toxics Management Division at (404) 562-9077, or have your staff contact Scott Davis, Chief, Air Planning Branch at (404) 562-9127.

Sincerely,

A handwritten signature in blue ink, reading "Heather McTeer Toney". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Heather McTeer Toney
Regional Administrator

cc: Jamie Long, Manager, Environmental and Natural Resources
Janet G. McCabe, Acting Assistant Administrator for Air and Radiation
Stephen D. Page, Director, Office of Air Quality Planning and Standards