



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

OFFICE OF THE  
REGIONAL ADMINISTRATOR

**JUN 29 2011**

The Honorable Marjorie Mejia  
Chairperson  
Lytton Rancheria of California  
1300 N. Dutton Avenue, Suite A  
Santa Rosa, California 95401

Dear Chairperson Mejia:

Thank you for your recommendation on the air quality designation for the revised primary National Ambient Air Quality Standard (NAAQS) for nitrogen dioxide (NO<sub>2</sub>) on behalf of the Lytton Rancheria. This letter is to notify you of the U.S. Environmental Protection Agency's (EPA's) preliminary decision to designate the Lytton Rancheria trust lands in San Pablo, California as unclassifiable/attainment and to inform you of our approach for completing the designations for the revised NO<sub>2</sub> NAAQS.

On January 22, 2010, the EPA strengthened the health-based NAAQS for NO<sub>2</sub> by setting a new 1-hour NO<sub>2</sub> standard at the level of 100 parts per billion (ppb). The EPA also retained with no change, the annual average NO<sub>2</sub> standard of 53 ppb. This suite of standards will protect public health by limiting people's exposures to short-term peak concentrations of NO<sub>2</sub> and by limiting community-wide NO<sub>2</sub> concentrations to levels below those that have been linked to respiratory-related emergency department visits and hospital admissions in the United States.

In our November 2010 letter to you requesting designation recommendations, the EPA stated that it expected to designate most areas of the country as "unclassifiable," indicating that there are insufficient data to determine whether or not an area is attaining the revised NO<sub>2</sub> NAAQS. This approach took into account that the new monitoring network requirements established with the revised NO<sub>2</sub> NAAQS will not be in place until January 2013 and that air quality data from these new monitors would not be available to inform these initial designations.

The EPA has reviewed your recommendations and intends to designate the Lytton Rancheria trust lands as "unclassifiable/attainment" rather than "unclassifiable." While the EPA acknowledges that the existing NO<sub>2</sub> monitoring network does not provide adequate evidence to determine whether or not the new NAAQS is met in all areas, there currently is no evidence of violations anywhere. The "unclassifiable/attainment" designation better reflects the current air quality conditions. The EPA intends to redesignate areas, as appropriate, after sufficient air quality data from the new monitoring network are available.

If you have additional information that you want the EPA to consider with respect to the designation of the Lytton Rancheria trust lands, please submit it to us by August 29, 2011. We are also making the EPA's preliminary designation decisions and supporting documentation available to the general public for review. We are accepting public comments on our preliminary decisions for 30 days after a notice

announcing the public comment period is published in the *Federal Register*. We will review any information we receive from you and the general public by this date, and we plan to promulgate the final designations by October 31, 2011.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2010 NO<sub>2</sub> NAAQS. Should you have any questions, please do not hesitate to call me, or have your staff contact Colleen McKaughan of my staff at 520-498-0118.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jared Blumenfeld', written over a horizontal line.

Jared Blumenfeld

Cc: Mr. Brent Gudzus, Environmental Director