UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 07 2017

OFFICE OF
AIR AND RADIATION

The Honorable Shaun Chapoose
Chairman
Ute Tribal Business Committee
Ute Indian Tribe of the Uintah and
Ouray Reservation
Post Office Box 190
Fort Duchesne, Utah 84026

Dear Chairman Chapoose:

This letter responds to the Ute Indian Tribe of the Uintah and Ouray Reservation's (Ute Tribe) submittal of August 23, 2016, claiming that a stratospheric ozone intrusion elevated ozone levels at the Myton, Whiterocks, Ouray and Redwash tribal ozone monitors and caused exceedances of the 2015 8-hour ozone National Ambient Air Quality Standards on June 8 and 9, 2015.

In 2016, the U.S. Environmental Protection Agency revised the Exceptional Events Rule (EER) found in sections 50.14 and 51.930 of 40 CFR parts 50 and 51 of the Clean Air Act. *See* Treatment of Data Influenced by Exceptional Events (81 FR 68216, October 3, 2016). After careful consideration of the information provided, the EPA concurs, based on the weight of evidence, that the Ute Tribe has provided sufficient information to make the demonstrations referred to in 40 CFR 50.14(a)(2) and (b)(1). In addition, the Ute Tribe has met the schedule and procedural requirements in section 50.14(c) with respect to the same information. The EPA has reviewed the documentation provided by the Ute Tribe to demonstrate that the exceedances identified in the submitted demonstration for the dates of June 8 and 9, 2015, at the Myton, Whiterocks, Ouray and Redwash tribal ozone monitors meet the criteria for an exceptional event in the EER. The basis for our concurrence is set forth in the enclosed technical support document. My staff has entered or shortly will enter "concurrence flags" for these data into the EPA's Air Quality System data repository.

The EPA's concurrence is a preliminary step in the regulatory process for actions that may rely on the dataset containing the event-influenced data and does not constitute final agency action. If the EPA takes a regulatory action that is affected by exclusion of ozone data as described by this concurrence, the EPA intends to publish notice of its proposed action in the *Federal Register*. The EPA's concurrence and accompanying technical support document will be included as part of the technical basis for that proposal. When the EPA issues that regulatory action, it will be a final agency action subject to judicial review.

If you have any questions or wish to discuss this matter further, please have your staff contact Beth Palma, (919) 541-5432 or *palma.elizabeth@epa.gov*.

Sincerely,

Sarah Dunham
Acting Assistant Administrator

Enclosure