



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 6**  
**1201 ELM STREET, SUITE 500**  
**DALLAS, TEXAS 75270**

March 1, 2023

The Honorable E. Michael Silvas  
Governor  
Ysleta del Sur Pueblo  
119 South Old Pueblo Road  
El Paso, Texas 79907

Dear Governor Silvas:

The purpose of this letter is to extend an invitation to the Ysleta del Sur Pueblo to engage in government-to-government consultation with the Environmental Protection Agency regarding our proposed rulemaking to retain the Marginal nonattainment classification for El Paso County, Texas. Specifically, EPA is proposing to determine that the El Paso – Las Cruces, Texas – New Mexico nonattainment area would have attained the 2015 ozone National Ambient Air Quality Standard by the August 3, 2021 “Marginal” area attainment date, but for emissions emanating from outside the United States. If we finalize this proposed action, the El Paso – Las Cruces, Texas – New Mexico ozone nonattainment area would no longer be subject to the Clean Air Act requirements pertaining to reclassification upon failure to attain and therefore would remain classified as a Marginal nonattainment area for the 2015 ozone NAAQS.

We intend to publish notice of the proposed rulemaking in the Federal Register as soon as possible, with a 30-day public comment period to begin on the date of the FR publication. The notice of proposed rulemaking, demonstration submittals, and all other documents pertaining to this action will be included in the public docket at Docket No. EPA-R06-OAR-2022-0927 on the [www.regulations.gov](http://www.regulations.gov) website starting on the date of the FR publication. We are providing an enclosure to this letter that provides you an overview of key information for this proposed rulemaking. A Spanish translation of this enclosed fact sheet will also be available in our rulemaking docket upon FR publication.

Tribal consultation on this action will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes*, located at <https://www.epa.gov/sites/production/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf>. The EPA’s anticipated timeline for the consultation and coordination period for our proposed rulemaking is expected to extend from the date of receipt of this letter to the end of the public comment period.

If you have any questions regarding the EPA’s proposed rulemaking, please contact our Infrastructure and Ozone Section Manager, Ms. Melanie Magee, at (214) 665-7161. If you have any questions or wish to engage in government-to-government consultation, please contact Mr. Randy Gee in our Office of Communities, Tribes, and Environmental Assessment at (214) 665-8355.

We respectfully request your response to our invitation to engage in consultation within 10 days from the date of this letter.

Sincerely,

David F. Garcia, P.E.  
Director  
Air and Radiation Division

Enclosures: Fact Sheet on EPA's Notice of Proposed Rulemaking  
Projected Consultation and Coordination Timeline

cc: Environmental Director, via email with attachments

**ENCLOSURE**  
Tribal Consultation Information

Fact Sheet will be attached to the letter prior to signature.

Review the Fact Sheet here: [FactSheet TX NM DAAD .docx](#)

## **Projected El Paso County Consultation and Rulemaking Timeline**

Determination of Attainment by the Attainment Date but for International Emissions for the 2015 Ozone National Ambient Air Quality Standard; El Paso —Las Cruces, Texas – New Mexico

<b>Step</b>	<b>Date</b>	<b>Event</b>
1	Date of this letter	Notification Letter to Tribal Nations sent- Consultation Period Starts.
2	To be determined	Federal Register Notice published; 30-day public comment period begins.
3	30 Days from Date of Publication in the Federal Register	Public comment period ends, unless EPA grants a request for public comment period extension.
4	30 Days from Date of Publication in the Federal Register	End of consultation period.
5	To be determined	EPA response to public comments document completed and final rulemaking signed.
6	30 Days from Date of Publication in the Federal Register	Final rulemaking effective.