



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 19 2014

REPLY TO THE ATTENTION OF:

Karen R. Diver  
Chairwoman  
Fond du Lac Band  
1720 Big Lake Road  
Cloquet, Minnesota 55720

Dear Chairwoman Diver:

Thank you for your recommendation dated December, 2013, of air quality designations for the 2012 revised primary annual fine particle (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS) on behalf of the Fond du Lac Band. I appreciate the information the Fond du Lac Band shared with the U.S. Environmental Protection Agency as we move forward to improve PM<sub>2.5</sub> air quality. This letter is to notify you of EPA's preliminary decision to designate the Fond du Lac Band area of Indian country as unclassifiable/attainment for the 2012 revised primary annual PM<sub>2.5</sub> standard and to inform you of our approach for completing the designations. Although your involvement is not required, we would like to invite you to participate in the designations process and to offer you consultation.

On December 14, 2012, EPA promulgated a revised primary annual PM<sub>2.5</sub> NAAQS (78 FR 3086, January 15, 2013). In that action, EPA revised the primary annual PM<sub>2.5</sub> 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<sub>2.5</sub> standard at 35  $\mu\text{g}/\text{m}^3$ ; retained the existing 24-hour PM<sub>10</sub> (coarse particle) standard at 150  $\mu\text{g}/\text{m}^3$ ; and retained the current suite of secondary PM standards. EPA revised the primary annual PM<sub>2.5</sub> standard based on an integrated assessment of an extensive body of new scientific evidence, which substantially strengthens our body of knowledge regarding PM<sub>2.5</sub>-related health effects. The revised primary annual PM<sub>2.5</sub> 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<sub>2.5</sub>-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, 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, 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<sub>2.5</sub> air pollution. Within one year of promulgating a new or revised air quality standard, the Clean Air Act requires the Governor of each state to submit to 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, 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.

EPA received a recommendation from the Fond du Lac Band in December, 2013, and 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 EPA and request consultation. More information regarding this designation is included below.

As required by the Clean Air Act, EPA promulgates designations for all areas across the country. 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<sub>2.5</sub> standards, EPA intends to use a designation category of “unclassifiable/attainment” for areas that are monitoring attainment or do not have monitors, but for which EPA has reason to believe are likely attainment and are not contributing to nearby violations. Additionally, EPA intends to designate as “unclassifiable” those areas where 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, EPA is proceeding with intended initial area designations using quality-assured, certified air quality monitoring data from 2011 to 2013.

EPA has reviewed designations recommendation made by the Fond du Lac Band on December 11, 2013, and other relevant technical information, including 2011–2013 air quality data, EPA agrees with the Fond du Lac Band recommended area designation and intends to designate your area of Indian country as unclassifiable/attainment along with the surrounding state area. 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 *EPA Policy on Consultation and Coordination with Indian Tribes* ([www.epa.gov/tribal/consultation/consult-policy.htm](http://www.epa.gov/tribal/consultation/consult-policy.htm)). 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 additional information we receive, EPA plans to promulgate final annual PM<sub>2.5</sub> designations in December of 2014.

EPA is committed to working with the states and tribes to share the responsibility of reducing PM<sub>2.5</sub> 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<sub>2.5</sub>-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<sub>2.5</sub>

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 or your staff may contact Ronna Beckmann or Eileen Deamer, the Region 5 Intergovernmental Liaisons, at (312) 886-3000.

Sincerely,



Susan Hedman  
Regional Administrator

cc: Wayne Dupuis  
Environmental Program Manager  
Fond du Lac Band

Alexander Jackson  
Air Program Coordinator  
Fond du Lac Band

John Linc Stine  
Commissioner  
Minnesota Pollution Control Agency

David Thornton  
Assistant Commissioner  
Minnesota Pollution Control Agency