



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

JUN 29 2004

REPLY TO THE ATTENTION OF:

R-19J

Donald Moore Sr., Chairman
Bad River Tribal Council
Post Office Box 39
Odanah, Wisconsin 54861

Dear Chairman Moore:

Fine-particle pollution represents one of the most significant barriers to clean air facing our nation today. These tiny particles - about 1/30th the diameter of a human hair - have been scientifically linked to serious human health problems. Their ability to be suspended in air for long periods of time makes them a public health threat far beyond the source of emissions. An important part of our nation's commitment to clean, healthy air deals with reducing levels of this fine-particle (PM_{2.5}) pollution.

The Clean Air Act (CAA) defines a nonattainment area as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for that pollutant. When the United States Environmental Protection Agency (EPA) makes its determinations, it includes data from tribes, states, and other parties. In making designation determinations regarding air quality in a specific area we rely on ambient air quality monitoring data and other data including modeled air pollution levels, patterns of pollution transport, and meteorology from nearby areas, if available. We also study population, location of pollution sources and emissions of precursors in and nearby the area, location of the area relative to urban area(s), vehicular travel and future development, and geographical features that could affect pollutant transport patterns. Because PM_{2.5} is often a regional pollutant, the air quality data and the location and emissions of sources that support a given PM_{2.5} designation for areas near Indian Country may also indicate that similar ambient concentrations exist in Indian Country and support the same designation there as well.

The Bush Administration has made the reduction of fine particle pollution a critical element of a comprehensive national clean air strategy. This strategy includes EPA's recent rule to reduce pollution from nonroad diesel engines, and the proposed rule to

reduce pollution from power plants in the Eastern United States. These two rules are important components of EPA's efforts to help states, tribes, and localities meet the more protective national fine-particle and 8-hour ozone air quality standards. Together these rules will help all areas of the country achieve cleaner air.

We have reviewed your April 16, 2004, letter submitting Bad River Band's recommendation of attainment/unclassifiable for the PM_{2.5} standard, and we agree with your recommendation. Consistent with section 107(d)(1) of the CAA, this letter is to inform you that EPA intends to designate all of Ashland and Iron Counties, including all Indian country therein, as attainment/unclassifiable for the PM_{2.5} health standard. Furthermore, EPA intends to designate as attainment/unclassifiable all of the State of Wisconsin, with the exception of Kenosha County. Kenosha County is part of the Chicago-Gary-Kenosha metropolitan area, an area which contains monitors in violation of the PM_{2.5} standard. Therefore, Kenosha County is presumptively part of the Chicago-Gary-Kenosha PM_{2.5} nonattainment area.

We appreciate the effort the Tribe has made to develop and submit a recommendation. We look forward to a continued dialogue with Bad River Band as we work together to implement the PM_{2.5} standards. If you would like to provide additional information about the PM_{2.5} status of your reservation or adjoining areas for our consideration, please provide it to us by September 1, 2004. You will hear from us again in November when EPA makes its final decisions on PM_{2.5} designations determining those areas that meet or do not meet the fine particle standards.

If you have any questions on this matter or any other, please do not hesitate to contact me.

Very truly yours,



Bharat Mathur
Acting Regional Administrator

cc: Lynn Hall, Air Quality Specialist
Bad River Band of Lake Superior Tribe of Chippewa Indians