



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

John Miller, Chairman
Pokagon Band of Potawatomi
Post Office Box 180
Dowagiac, Michigan 49047

Dear Chairman Miller:

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 sent a letter in June 2003, to inform you about the $PM_{2.5}$ ambient air quality standard designation process and to invite your voluntary participation in this process by submitting a designation recommendation for your area. However, we did not receive a recommendation from the Pokagon Band of Potawatomi.

To the best of our knowledge, none of your lands are yet in Federal trust status. The Pokagon Band, however, does own land within St. Joseph and LaPorte Counties, Indiana and Berrien, Van Buren, and Cass Counties, Michigan. We have reviewed the air quality data, emissions data, and other related information for these counties. We believe that the $PM_{2.5}$ standard is not met in Elkhart County and that emissions from St. Joseph County contribute to the observed violation in Elkhart County. Consistent with section 107(d)(1) of the CAA, EPA is notifying you that it intends to designate Saint Joseph and Elkhart Counties, Indiana as nonattainment and LaPorte County, Indiana and Berrien, Van Buren, and Cass Counties, Michigan as attainment/unclassifiable for the $PM_{2.5}$ standard. The designations will include all Indian Country within these counties. The enclosures to this letter provide the geographic boundaries for the proposed Michigan and Indiana nonattainment areas.

The EPA continues to offer the Pokagon Band of Potawatomi the opportunity for consultation as we work 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,

A handwritten signature in black ink, appearing to read 'B. Mathur', written in a cursive style.

Bharat Mathur
Acting Regional Administrator

Enclosures

cc: Mark Parrish, Environmental Coordinator
Pokagon Band of Potawatomi

**Review of Designations in Indiana
For the Particulate Matter Air Quality Standard**

The following table identifies the individual areas and counties comprising those areas in Indiana, including any Indian Country within them, that EPA intends to designate as nonattainment for the fine particulate matter ("PM_{2.5}") air quality standard. EPA intends to designate as attainment/unclassifiable all areas not identified in the table below.

A monitor in Elkhart County, Indiana, has monitored violations of the PM_{2.5} air quality standard. The EPA believes that emissions in St. Joseph County contribute to these violations, and so EPA intends to designate St. Joseph County along with Elkhart County, including any Indian Country therein, as nonattainment for PM_{2.5}.

Area	Indiana Counties in Metropolitan Area	EPA's Intended Nonattainment Counties
Chicago-Northwest Indiana	Lake Porter	Lake Porter
Cincinnati	Dearborn Ohio	Dearborn- Lawrenceburg Township only
Elkhart	Elkhart	Elkhart Saint Joseph
Evansville	Vanderburgh Warrick Posey	Vanderburgh Warrick Dubois Gibson Pike Spencer
Indianapolis	Boone Hamilton Hancock Hendricks Johnson Madison Marion Morgan Shelby	Hamilton Hendricks Johnson Marion Morgan
Louisville	Clark Floyd Harrison Scott	Clark Floyd Jefferson

**Review of Designations in Michigan
For the Particulate Matter Air Quality Standard**

The following table identifies the individual areas and counties comprising those areas in Michigan, including any Indian Country within them, that EPA intends to designate as nonattainment for the fine particulate matter ("PM_{2.5}") air quality standard. The EPA intends to designate as attainment/unclassifiable all areas not identified in the table below.

Monitors in the Kalamazoo-Battle Creek area are monitoring attainment, and so EPA intends to designate the counties in this area as attainment for PM_{2.5}, including any Indian Country within them.

Area	Michigan Counties in Metropolitan Area	EPA's Intended Nonattainment Counties
Detroit-Ann Arbor-Flint	Monroe Wayne Livingston Macomb Oakland St Clair Washtenaw Genesee Lapeer Lenawee	Monroe Wayne Livingston Macomb Oakland St Clair Washtenaw