



*Forest County Potawatomi Community*  
*P.O. Box 340 • Crandon, Wisconsin 54520*

December 09, 2013

Ms. Susan Hedman – Regional Administrator  
USEPA, Region 5  
77 W Jackson Blvd  
Chicago, IL 60604-3507

Re: Initial Area Designations for the 2012 Revised Primary Annual Fine Particle National Ambient Air Quality Standard

Dear Ms. Hedman:

The Forest County Potawatomi Community (FCPC), in accordance with Section 107(d)(1)(A) of the Clean Air Act (CAA), is submitting recommendations for the 2012 revised primary annual fine particulate (PM<sub>2.5</sub>) national ambient air quality standard (NAAQS) for FCPC reservation, trust, and allotment lands (R/T/A) throughout Wisconsin.

While Tribes are not obligated to participate in the designation process, the Environmental Protection Agency (EPA) has invited Tribes to do so by expressing its intent to follow the same process for states to the extent practical pursuant to section 301(d) of the CAA and the Tribal Authority Rule, or TAR (63 FR 7254; February 12, 1998) (see Assistant Administrator Gina McCarthy's Memorandum dated April 16, 2013). EPA recognizes that this approach is consistent with the federal government's trust responsibilities to Tribes. As such, EPA does not require a Tribe to have Treatment in the Same Manner as a State status for purposes of designations in order for the Tribe to participate in this designation process.

The FCPC has R/T/A lands throughout the eastern half of the state of Wisconsin, including Oconto County, Marinette County, Milwaukee County and Forest County.<sup>1</sup> See Maps attached as Exhibit 1. FCPC is not hereby requesting that R/T/A lands be separately designated; instead, FCPC is providing information regarding these R/T/A lands and making recommendations for EPA to consider when EPA makes its final designation determination. FCPC, however, expressly reserves the right to request separate designation in this and future designation processes.

EPA promulgated a revised primary annual PM<sub>2.5</sub> NAAQS on December 14, 2012 (78 FR 3086, January 15, 2013) from 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) to 12.0 µg/m<sup>3</sup>, but retained the existing 24-hour PM<sub>2.5</sub> standard at 35 µg/m<sup>3</sup> and the current PM<sub>2.5</sub> secondary standards. Initial designations from States (and Tribes if they elect to submit) are required to be submitted to the Regional Administrator within one year of the promulgation of the revised NAAQS; in this case by December 13, 2013.

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<sup>1</sup> Forest County 12,863; acres; Oconto 120 acres; Marinette 40; Milwaukee 19 acres.

The EPA determines NAAQS compliance by considering the “design value” for each air quality monitoring site. The design value for the 2012 annual PM<sub>2.5</sub>NAAQS is the 3-year average of the annual mean concentrations from the most recent three calendar year period. Data must be the most recent complete three consecutive calendar years (i.e., 2010 to 2012) of quality-assured, certified air quality data in the EPA’s Air Quality System (AQS), using Federal Reference Method (FRM), Federal Equivalent Method (FEM), and/or Approved Regional Method (ARM) monitors that are sited and operated in accordance with 40 CFR Part 58.

#### **FCPC R/T/A Lands within Forest County**

In partnership with the Wisconsin Department of Natural Resources (WDNR), and operating under the same Primary Quality Assurance Organization (PQAO) (1175) with the State since September 2008, the FCPC has been operating an FRM PM 2.5 sampler at the FCPC’s air monitoring station located on Sugarbush Hill, 4.5 miles east of Crandon, Wisconsin (Site ID 550410007), beginning in March 2004. Data is collected in accordance with 40 CFR Part 58, using EPA approved (2011) Quality Assurance Project Plans (QAPPs) and Standard Operating Procedures (SOPs) adopted from the WDNR. Pursuant to the PQAO and the Amended and Re-Stated Memorandum of Understanding with the WDNR, the WDNR provides the final QA/QC of the data collected at the FCPC air monitoring site, submits it to EPA’s AQS, and certifies the data on behalf of the FCPC.

The design value results for the FCPC PM<sub>2.5</sub> air monitor for the most recent complete three consecutive calendar years, 2010 through 2012, is 5.6 µg/m<sup>3</sup>.<sup>2</sup> See spreadsheet attached as Exhibit 2. This value falls well below the 2012 PM<sub>2.5</sub> primary annual standard of 12.0 µg/m<sup>3</sup>. In addition, there are no new or modified major stationary sources on FCPC lands in Forest County, nor in Forest County generally; therefore, the FCPC cannot contribute to the possible non-attainment of any neighboring counties. FCPC recommends that EPA designate the FCPC R/T/A lands located within Forest County as “in attainment” (meeting the standard and not contributing to a nearby area that is not meeting the standard).

The USEPA provides a recommended framework for area-specific analyses to support nonattainment boundary recommendations and final determinations that include five factors: air quality data; emissions and emissions-related data; meteorology; geography/topography; and jurisdictional boundaries. FCPC is electing to submit this attainment designation recommendation based on air quality data alone as data from the FCPC PM<sub>2.5</sub> monitor indicates the area is in attainment of the 2012 PM<sub>2.5</sub> Primary Annual NAAQS. Since FCPC is not seeking separate designation of its R/T/A land at this time, it is unnecessary to analyze the additional factors.

#### **FCPC R/T/A Lands within Oconto and Marinette Counties**

FCPC does not operate a PM<sub>2.5</sub> monitor in either Oconto or Marinette Counties, and neither does the WDNR. FCPC recommends that FCPC lands within these two counties be designated “unclassifiable/attainment”<sup>3</sup> based on the lack of PM<sub>2.5</sub> data and in accordance with the CAA section 107(d) (insufficient information to determine whether the area is meeting or not meeting the standard).

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<sup>2</sup> FCPC reserves the right to update the designation if new (i.e., 2013) data becomes available prior to EPA’s final designation determination and suggests different results.

<sup>3</sup> As detailed in the “Developing Designation Recommendations for Areas of Indian Country – September 2013” guidance from EPA, the EPA has historically used a designation category of unclassifiable/attainment for areas that

#### **FCPC R/T/A Land within Milwaukee County**

FCPC does not operate a PM<sub>2.5</sub> monitor on any of the 19 acres of trust lands within Milwaukee County; however, the WDNR operates two – site ID 550790010 (16<sup>th</sup> Street Health Center) and 550790026 (WDNR SER Headquarters). The FCPC's Administration Building/Casino property is located roughly 1.0 and 2.5 miles respectively from the State's Health Center and Headquarters PM<sub>2.5</sub> monitors, while FCPC's Old Concordia College property is at 2.0 and 2.5 miles from the respective monitors.

The PM<sub>2.5</sub> design value for 2010-2012 at the WDNR's monitor located at the Health Center is 10.9 µg/m<sup>3</sup>, while the value at the WDNR Headquarter's monitor is 10.2 µg/m<sup>3</sup>. Both of these values are below the 2012 Primary Annual PM<sub>2.5</sub> standard. Additionally, the 2010-2012 design values for all PM<sub>2.5</sub> monitors within the state of Wisconsin are below the 2012 standard, including in Waukesha County with the highest value of 11.3 µg/m<sup>3</sup>. See spreadsheet attached as Exhibit 2. Based on the air quality data alone, the FCPC lands within Milwaukee County should be considered in "attainment" of the 2012 PM<sub>2.5</sub> NAAQS.

Thank you for this opportunity to provide initial designation recommendation for the 2012 Primary Annual PM<sub>2.5</sub> NAAQS for FCPC R/T/A lands. Should EPA disagree with any of the foregoing recommendations, FCPC hereby requests formal consultation to further discuss the designation process, including the possibility of separate designation. Please contact Natalene Cummings, Air Quality Program Manager, at 715-478-7211 with any questions or concerns.

Sincerely,



Chairman 12-9-13

#### **Attachments**

Map of Tribal Lands and nearest PM<sub>2.5</sub> monitoring sites

Spreadsheet of Wisconsin PM<sub>2.5</sub> air monitoring site design values

#### **CC:**

Region 5 Air and Radiation - Division Director, Mr. George Czerniak

Region 5 Indian Environmental Office - Project Officer – Ms. Debra Crume-Williams

USEPA – RTP – Community, Tribal Programs Group Leader, Ms. Laura McKelvey

WDNR – Air and Waste – Division Administrator, Mr. Pat Stevens

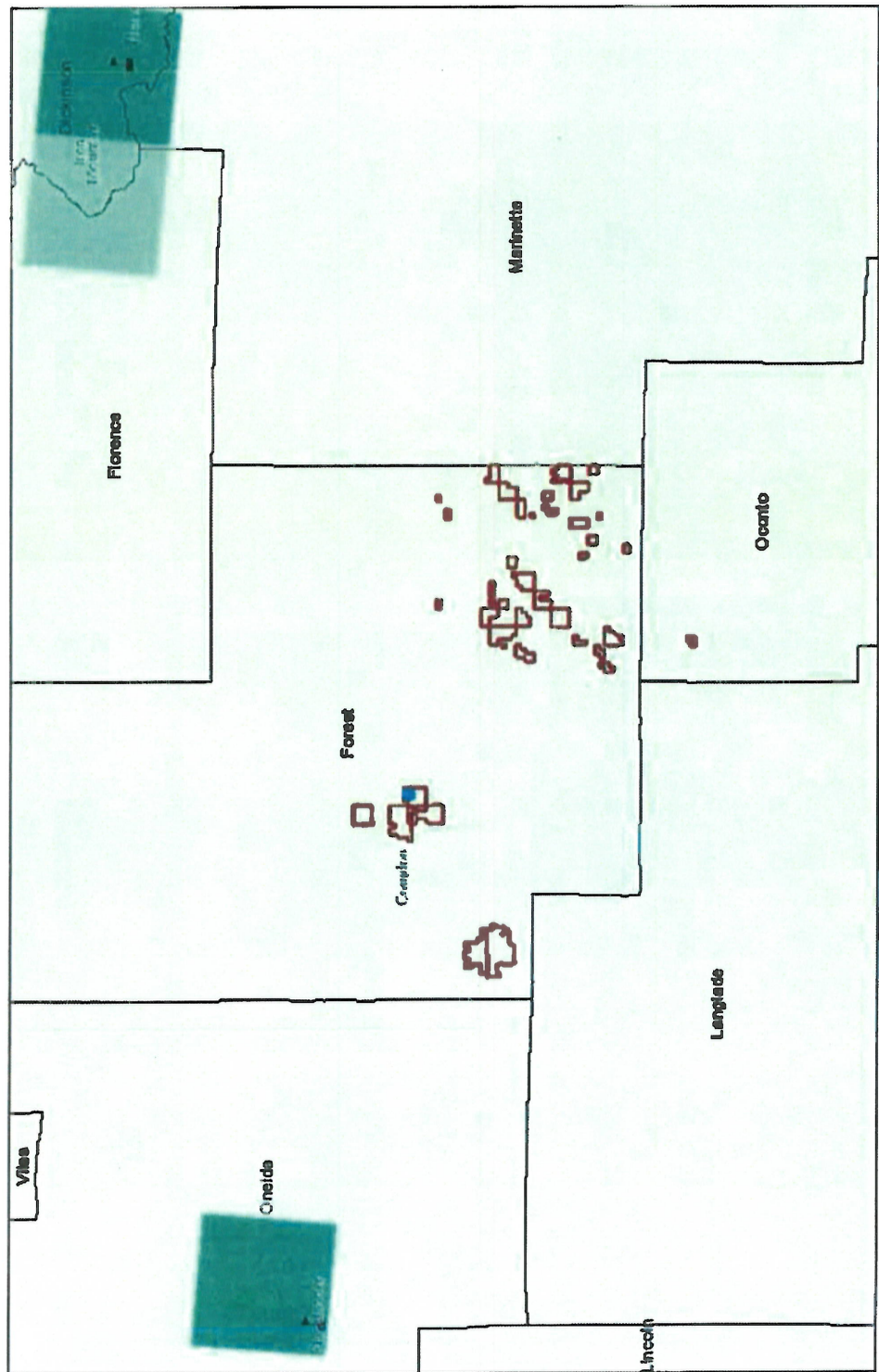
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are monitoring attainment or that do not have monitors and that are not contributing to a nearby violation. EPA expects to continue to use the unclassifiable/attainment category for future designations.

# **EXHIBIT 1**



# Forest County Potawatomi Point Sources - Gridded Emissions 2010v2

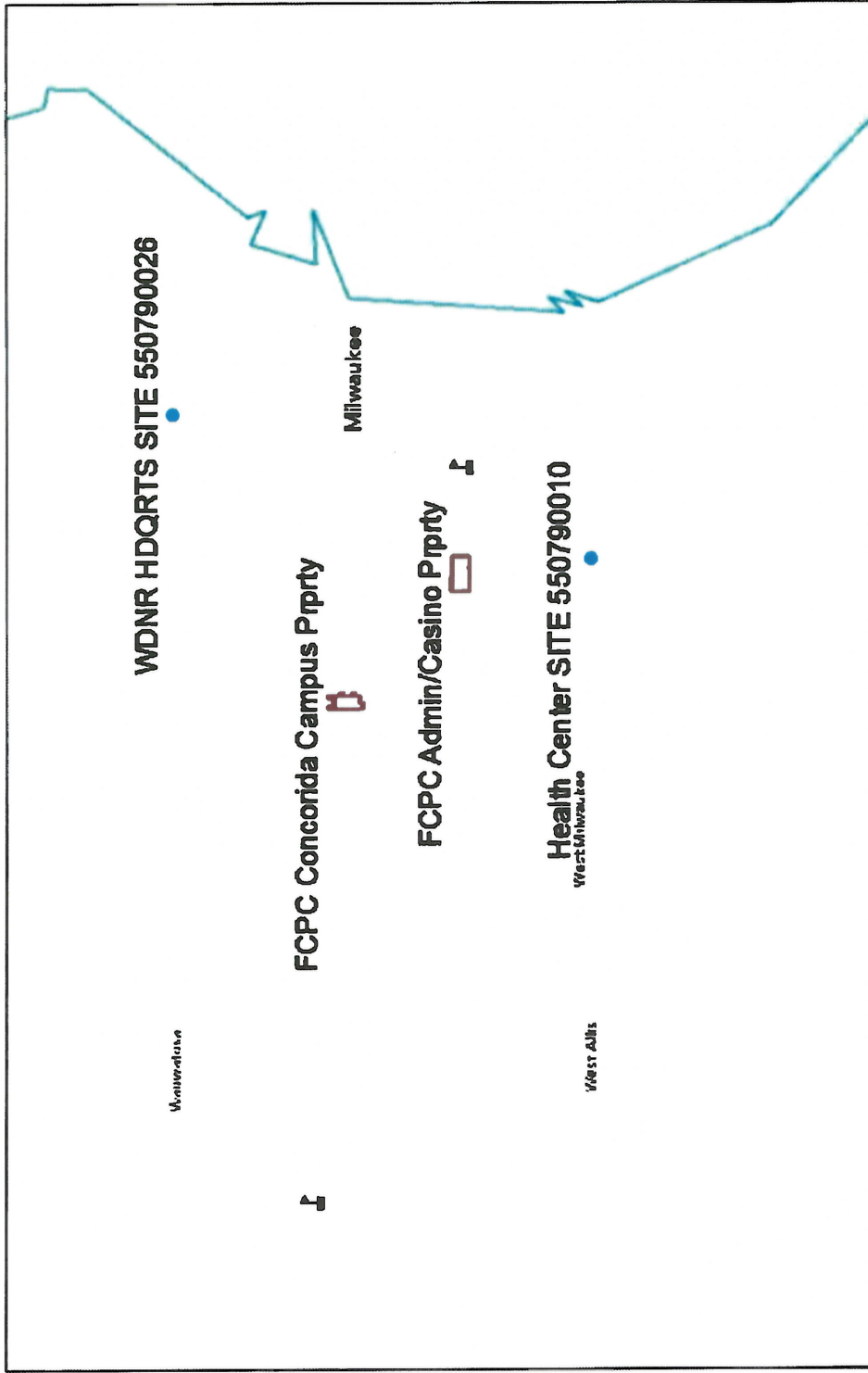


November 21, 2013

- ALASKA\_NATIVE\_VILLAGES 0 - 12.0 Annual
- ALASKA\_RESERVATIONS 12.1 - 19.0 Both
- LOWER48\_TRIBES Daily
- Point 2011v1 Emissions

1:695,275  
0 5 10 20 mi  
0 5 10 20 km  
Query: 2013 Em Summe VVTEC

# FCPC Trust Lands - Milwaukee; WDNR PM2.5 Monitors



November 25, 2013

Daily     ALASKA\_NATIVE\_VILLAGES     0 - 12.0  
 Annual     ALASKA\_RESERVATIONS     12.1 - 19.0  
 Both     LOWER48\_TRIBES     Point 2011v1 Emissions

0 0.75 1.5 3 mi  
 0 1 2 4 km  
 1:88,098  
 © 2013 ESRI, DeLorme, NAVTEQ  
 License: Custom - FCPC Air Quality Program Manager

## **EXHIBIT 2**

**PM2.5 Annual Design Values for Wisconsin Counties with PM2.5 FRM Monitors for 2009-2011 and 2010-2012**

STATE	COUNTY	SITE	PM2.5 Annual Design Value		LAT	LONG	Local Site name
			2010-2012	2009-2011			
Wisconsin	Ashland	550030010	5.3	5.5	46.60234	-90.65615	
Wisconsin	Brown	550090005	9.6	10.4	44.507	-87.99298	
Wisconsin	Dane	550250047	9.9	10.6	43.07333	-89.4358	
Wisconsin	Dodge	550270001	9.3	0	43.46611	-88.62111	
Wisconsin	Forest	550410007	5.6	6	45.56498	-88.80859	Potawatomi
Wisconsin	Grant	550430009	10	10.7	42.69301	-90.69812	
Wisconsin	Kenosha	550590019	9.5	0	42.50472	-87.8093	
Wisconsin	La Crosse	550630012	9	0	43.778	-91.22514	
Wisconsin	Milwaukee	550790010	10.9	11.1	43.01667	-87.93333	16th Street Health Center
Wisconsin	Milwaukee	550790026	10.2	10.8	43.061	-87.912	WDNR SER Headquarters
Wisconsin	Outagamie	550870009	9.2	9.8	44.30738	-88.39513	
Wisconsin	Ozaukee	550890009	9.1	9.5	43.498	-87.81002	
Wisconsin	Sauk	551110007	8.6	0	43.4351	-89.67979	
Wisconsin	Taylor	551198001	7.8	7.9	45.20389	-90.60012	
Wisconsin	Vilas	551250001	5.8	6.1	46.052	-89.65309	
Wisconsin	Waukesha	551330027	11.3	11.7	43.02008	-88.21507	

from <http://www.epa.gov/airquality/particlepollution/designations/2012standards/techinfo.htm>