

US EPA ARCHIVE DOCUMENT



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

March 12, 2009

Mr. Bharat Mathur – Acting Regional Administrator
USEPA, Region 5
77 W Jackson Blvd.
Chicago, IL 60604-3507

Dear Mr. Mathur;

The Forest County Potawatomi Community, in accordance with Section 107 (d)(1)(A) of the Clean Air Act (CAA) is submitting recommendations on ozone designations for reservation, trust, fee, and allotment (R/T/F/A) lands throughout Wisconsin for which the Tribe has jurisdiction. These lands are located predominantly in Forest County with smaller parcels scattered in, Oconto, Oneida, Shawano, Fond du Lac and Milwaukee Counties¹ (see attachment).

While Tribes are not obligated to participate in the designation process, EPA has invited Tribes to do so by expressing its intent to follow the same process for tribes to the extent practicable pursuant to section 301(d) of the CAA and the Tribal Authority Rule, or TAR (63 FR 7254) (see Deputy Assistant Administrator Robert J. Meyer's Memorandum dated December, 4, 2008). Furthermore, the FCPC is exercising its Tribal sovereignty by proposing recommendations for ozone designation on FCPC R/T/F/A lands under its jurisdiction.

Designation Requirements

As required in 40 CFR part 58 appendix A (1.1)(c) for SLAMS and PSD air monitoring, data collected at FCPC is in accordance with Federal Reference Method (FRM) and Federal Equivalent Method (FEM) monitors, using EPA approved QAPPs and Standard Operating Procedures (SOPs) adopted from the Wisconsin Department of Natural Resources (WDNR), PQA0 - 1175.

In the letter to Tribes from the USEPA Regional Air and Radiation Director dated 12/30/2008, the USEPA states that designation will be based on the most recent three years of certified, quality assured monitoring data available. FCPC data is quality assured by the WDNR through a Memorandum of Understanding for the purpose of

¹ Forest County 15,230 acres; Oconto 200 acres, Marinette 40, Oneida 189 acres; Shawano 89 acres, Fond du Lac 80 acres, Milwaukee 19 acres.

“Facilitating mutual support and assistance in operating an air monitoring site on tribal land at Sugar Bush Hill” dated May, 2007. Data collected at this site from 2002 through 2008 anticipate will be submitted with a “Letter of Certification” to the USEPA Region 5 Administrator by March 31, 2009.

Design values are determined by averaging the fourth-highest maximum 8-hour average ozone concentration for three consecutive years. A monitoring site is classified as “in attainment” if the design value is less than or equal to 0.075 ppm. During the 3 year period, daily maximum 8-hour average ozone concentrations are required to be available for at least 90%, on average, of the days during the designated ozone monitoring season (April 15th – October 15th), with a minimum data completeness in any one year of 75% of the designated sampling days.

FCPC R/T/F/A Lands within Forest County

Ozone is monitored at the FCPC’s single air monitoring site located in its Reservation on Sugarbush Hill in the Lincoln Township within Forest County, 4.5 miles east of the City of Crandon. The data used in this recommended designation letter was collected in accordance with the requirements of 40 CFR Part 58, Appendix A.

The fourth-highest daily maximum 8-hour average ozone concentrations in 2006 through 2008 ranged from 0.066 to .073 ppm, resulting in a design value of 0.068 ppm (see attached USEPA AQS AMP450 Quick Look Report). Hence, because these values are below the 2008 0.075 ppm standard, the FCPC recommends that EPA designate the FCPC R/T/F/A lands located within Forest County as “in attainment.”

FCPC R/T/F/A Lands within Oneida, Oconto, Marinette, Shawano and Fond du Lac Counties

The FCPC does not operate ozone analyzers in Oneida, Oconto, Marinette, Shawano and Fond du Lac Counties; however, the WDNR operates an ozone analyzer in both Fond du Lac and Oneida Counties.

Utilizing the 2006 through 2008 data from the WDNR analyzers located in Oneida and Fond du Lac Counties and reported to the USEPA AQS database, the FCPC recommends that EPA designate the FCPC R/T/F parcels located within these two counties as “in attainment”.

This recommendation is based on the fourth-highest daily maximum 8-hour average ozone concentrations range from 2006 through 2008 of 0.062 to 0.074 ppm in Fond du Lac County and 0.063 to 0.071ppm in Oneida County. The resulting design values are 0.068 ppm and 0.066 ppm respectively (see attached USEPA AQS AMP450 Quick Look Reports).

For the remaining FCPC R/T/F parcels located in Oconto, Marinette and Shawano Counties, the FCPC recommends that EPA designate these lands as “attainment/unclassifiable”, based on the lack of ozone data (analyzers) in these two counties and following WDNR’s recommended designation for these Counties.

FCPC R/T/F Lands within Milwaukee County

While the WDNR operates four ozone analyzers within Milwaukee County, the FCPC does not operate an ozone analyzer on any of its lands within Milwaukee County. According to the WDNR's draft report entitled 2008 Daily Ozone Standard Nonattainment Designation Options, Technical Support Document (Jan. 7, 2009), (see attachment, hereinafter the "TSD Report") air quality in Milwaukee County is in attainment with the revised 8-hour ozone standard. The four monitoring stations in Milwaukee County recorded design values for the 2006-2008 time period ranging from 0.063 to 0.075 ppm. In fact, the two closest monitors to FCPC R/T/F parcels in Milwaukee County have design values of 0.063 and 0.068 [respectively, Health Center, 1337 S 16th St. (AIRS ID: 550790010) and DNR Headquarters, 2300 N M.L.K. Jr., Dr. (AIRS ID: 550790026)].

WDNR is currently in process of determining its 8-hour attainment recommendation to EPA for Milwaukee County. However, based on one option being considered by WDNR, Milwaukee County may be designated nonattainment based on its contribution to ozone pollution in Sheboygan County. WDNR has conducted an ozone transport analysis for Milwaukee County based on the nine EPA-recommended factors. See, Area Designations for the 2008 revised Ozone National Ambient Air Quality Standards, Memorandum from Robert J. Meyers, EPA to Regional Administrators, Regions I-X (Dec. 4, 2008). Based on this analysis WDNR is considering an option whereby Milwaukee County would be designated nonattainment based on Milwaukee County's status as the largest emitter of VOCs and NO_x of the twenty Wisconsin counties being considered for non attainment (Table 4.2, TDS Report, pp. 11);

The FCPC makes no comment or recommendation regarding the attainment designation of lands under State jurisdiction in Milwaukee County. However, FCPC does recommend that FCPC R/T/F parcels under the Tribe's jurisdiction in Milwaukee County, be designated as "in attainment" with the 8-hour ozone standard.

FCPC recognizes that it may be reasonable to consider smaller areas of land within a larger statistical area as one when air quality throughout the larger area is below standards (such as was the case in the past for the FCPC trust lands in Milwaukee County). However, when air quality in an area is in attainment and a nonattainment designation is considered based solely on transported contribution to a neighboring area, the differences in contributions from individual jurisdictions should be taken into account. This is especially true when lands are under the jurisdiction of different sovereigns.

In contrast to greater Milwaukee County, the FCPC R/T/F parcels are not a significant source of VOC or NO_x emissions that could contribute to ozone pollution in Sheboygan County. Therefore, in the event that Milwaukee County is designated as non-attainment because of its transported contribution to ozone pollution in Sheboygan County, FCPC respectfully suggests that lands under its jurisdiction cannot be considered as contributing to ozone pollution in Sheboygan County. As a result, FCPC recommends that its R/T/F

parcels in Milwaukee County be designated "in attainment" with the revised ozone standard regardless of whether EPA designates Milwaukee County as "in attainment" or not.

Please feel free to contact Natalene Cummings, FCPC Air Resources Program Director at 715-478-7211 with any questions you might have.

Sincerely,



Philip Shopodock, Tribal Chairman
Forest County Potawatomi Community

Attachments

Map of Tribal Lands
AMP450 Quick Look Report for FCPC ozone analyzer
AMP450 Quick Look Reports for Ozone in Fond du Lac and Oneida Counties
Draft report, 2008 Daily Ozone Standard Nonattainment Designation Options,
Technical Support Document, WDNR (Jan. 7, 2009)

Cc:

Region 5 Air and Radiation Division Director – Cheryl Newton, Acting
Region 5 Project Officer – Monica Lacka
EPA HQ – Office of Air and Radiation – Senior Indian Program Manager,
Darrel Harmon
USEPA – RTP – Community, Tribal Programs Group - Laura McKelvey
USEPA – RTP – Office of Air Quality Planning and Standards Director –
Steve Page
WDNR – Air Management - John Melby

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AIR QUALITY SYSTEM
QUICK LOOK REPORT (AMP450)

FCAC 2006-
2008

Feb. 4, 2009

Ozone (44201)
8-HOUR

Forest County Potawatomi Community,
WI

Parts per million (007)

SITE ID	P	C	PQAO	CITY	COUNTY	ADDRESS	YEAR	METH	%OBS	VALID	NUM	1ST	2ND	3RD	4TH	DAY	CERT	EDT
	DAYS									DAYS	MAX	MAX	MAX	MAX	MAX >			
										MEAS	REQ	8-HR	8-HR	8-HR	8-HR	0.075		
TT-434-0007	1	1175	Crandon	Forest		FIRE TOWER RD, POTAWATOMI SITE	2006	087	96	176	184	.069	.067	.067	.066	0		0
TT-434-0007	1	1175	Crandon	Forest		FIRE TOWER RD, POTAWATOMI SITE	2007	087	86	159	184	.080	.073	.073	.073	1		0
TT-434-0007	1	1175	Crandon	Forest		FIRE TOWER RD, POTAWATOMI SITE	2008	087	98	181	184	.072	.069	.069	.066	0		0

0.068 avg.

Note: The * indicates that the mean does
not satisfy summary criteria.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AIR QUALITY SYSTEM
QUICK LOOK REPORT (AMP450)

Fond du Lac County
2006 - 2008

Feb. 26, 2009

Ozone (44201)

Wisconsin

Parts per million (007

8-HOUR																	
		P								VALID	NUM	1ST	2ND	3RD	4TH	DAY	
		O								DAYS	DAYS	MAX	MAX	MAX	MAX	MAX	>
SITE ID	C	PQAO	CITY	COUNTY	ADDRESS	YEAR	METH	%OBS	MEAS	REQ	8-HR	8-HR	8-HR	8-HR	0.075	CERT ED:	
55-039-0006	1	1175	Not in a city	Fond du Lac	FOND DU LAC, N3996 KELLY RD, TWN BYRON	2006	087	100	184	184	.071	.068	.067	.066	0		0
55-039-0006	1	1175	Not in a city	Fond du Lac	FOND DU LAC, N3996 KELLY RD, TWN BYRON	2007	087	99	183	184	.080	.080	.074	.074	2		0
55-039-0006	1	1175	Not in a city	Fond du Lac	FOND DU LAC, N3996 KELLY RD, TWN BYRON	2008	087	100	184	184	.069	.065	.063	.062	0		0

avg. 0.068

Note: The * indicates that the mean does not satisfy summary criteria.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AIR QUALITY SYSTEM
QUICK LOOK REPORT (AMP450)

Oneida County
Ozone *revco-2*

Feb. 26, 2009

Ozone (44201)

Wisconsin

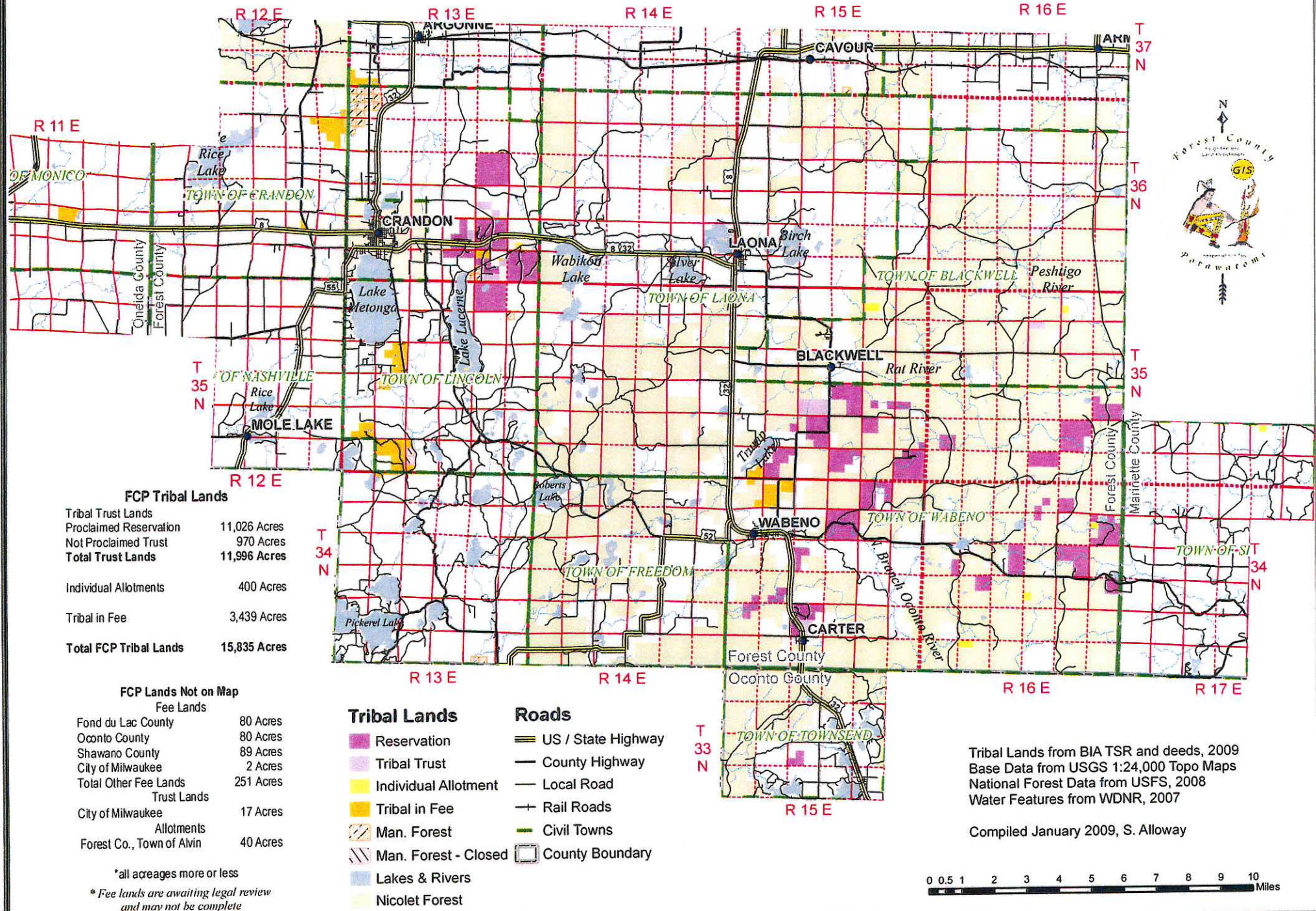
Parts per million (007)

8-HOUR																
SITE ID	P O C	PQAO	CITY	COUNTY	ADDRESS	YEAR	METH	%OBS	VALID	NUM	1ST	2ND	3RD	4TH	DAY	CERT ED
									DAYS	DAYS	MAX	MAX	MAX	MAX	MAX >	
									MEAS	REQ	8-HR	8-HR	8-HR	8-HR	0.075	
55-085-0004	1	1175	Not in a city	Oneida	HARSHAW FARM, 4398 GRACE LANE, HARSHAW	2006	087	99	182	184	.066	.066	.065	.064	0	0
55-085-0004	1	1175	Not in a city	Oneida	HARSHAW FARM, 4398 GRACE LANE, HARSHAW	2007	087	99	183	184	.081	.072	.072	.071	1	0
55-085-0004	1	1175	Not in a city	Oneida	HARSHAW FARM, 4398 GRACE LANE, HARSHAW	2008	087	96	177	184	.073	.064	.064	.063	0	0

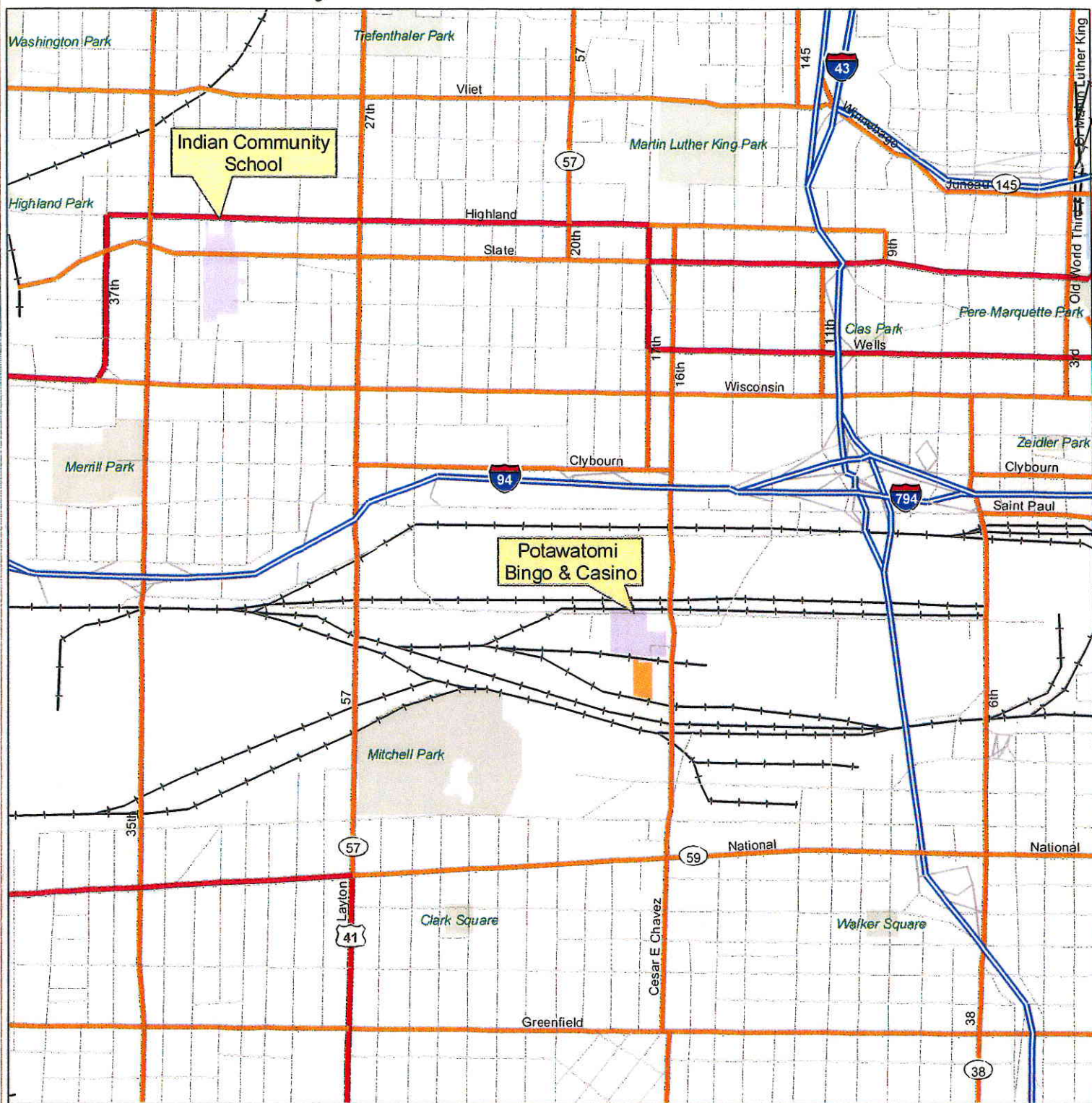
avg. .066

Note: The * indicates that the mean does not satisfy summary criteria.

Forest County Potawatomi Land Base



Forest County Potawatomi Tribal Lands - Milwaukee



Tribal Lands		Roads	
	Reservation		Limited Access
	Tribal Trust		Highway
	Allotment		Major Road
	Tribal in Fee		Local Road
	Tribal Fee, Man. Forest		Ramp
	Tribal Fee, Closed Man. Forest		



FCP GIS Program
S. Alloway, 2-09

part of City of Milwaukee
Milwaukee County

0 0.125 0.25 0.5 0.75
Miles

1 inch equals 1,725 feet

Tribal Lands from BIA TSR and deeds, 2007
Street and Hydro Data from
ESRI StreetMap USA, 2006

T.28N.-R.17E.

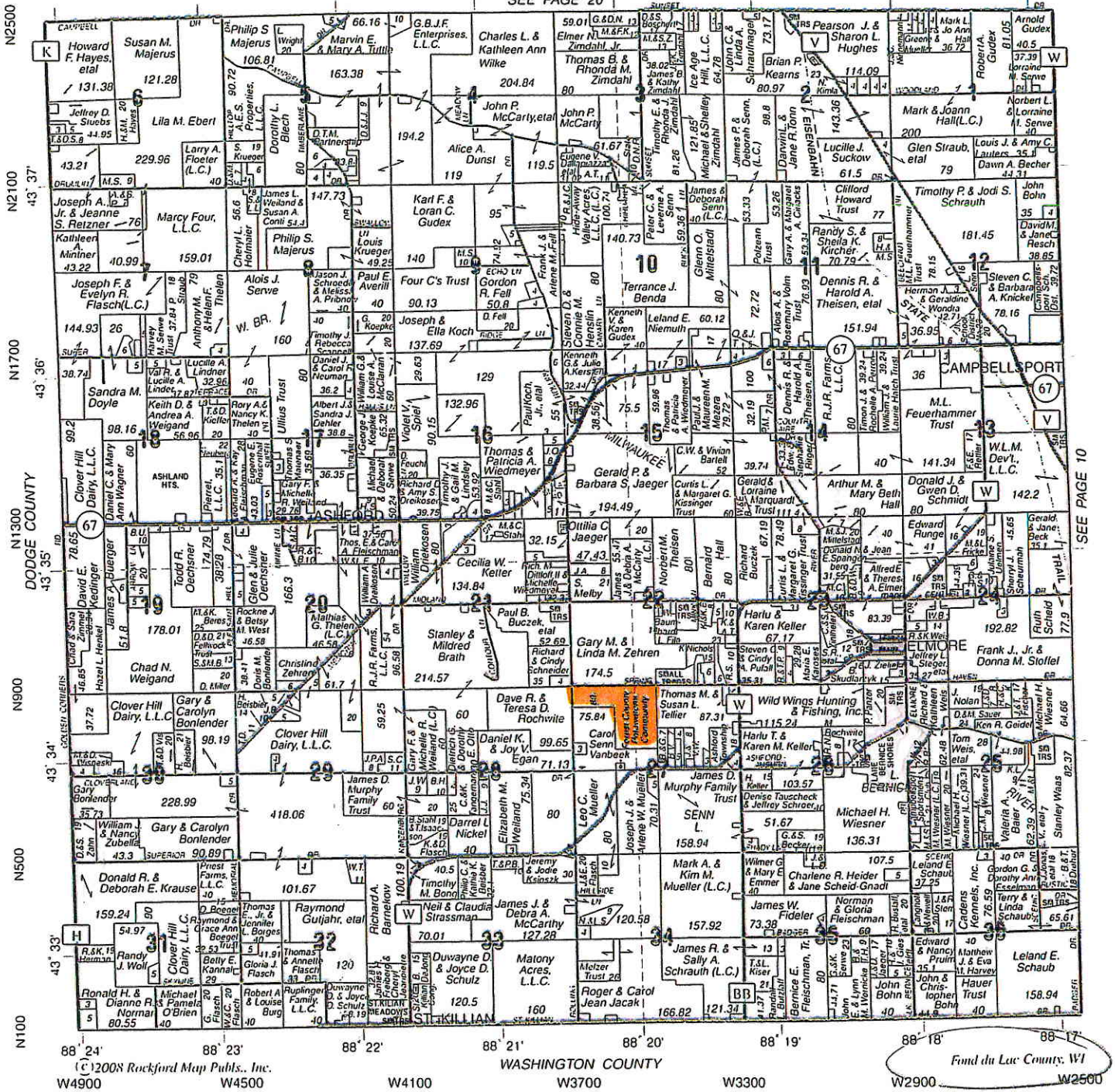
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ASHFORD

T.13N.-R.18E.

SEE PAGE 20



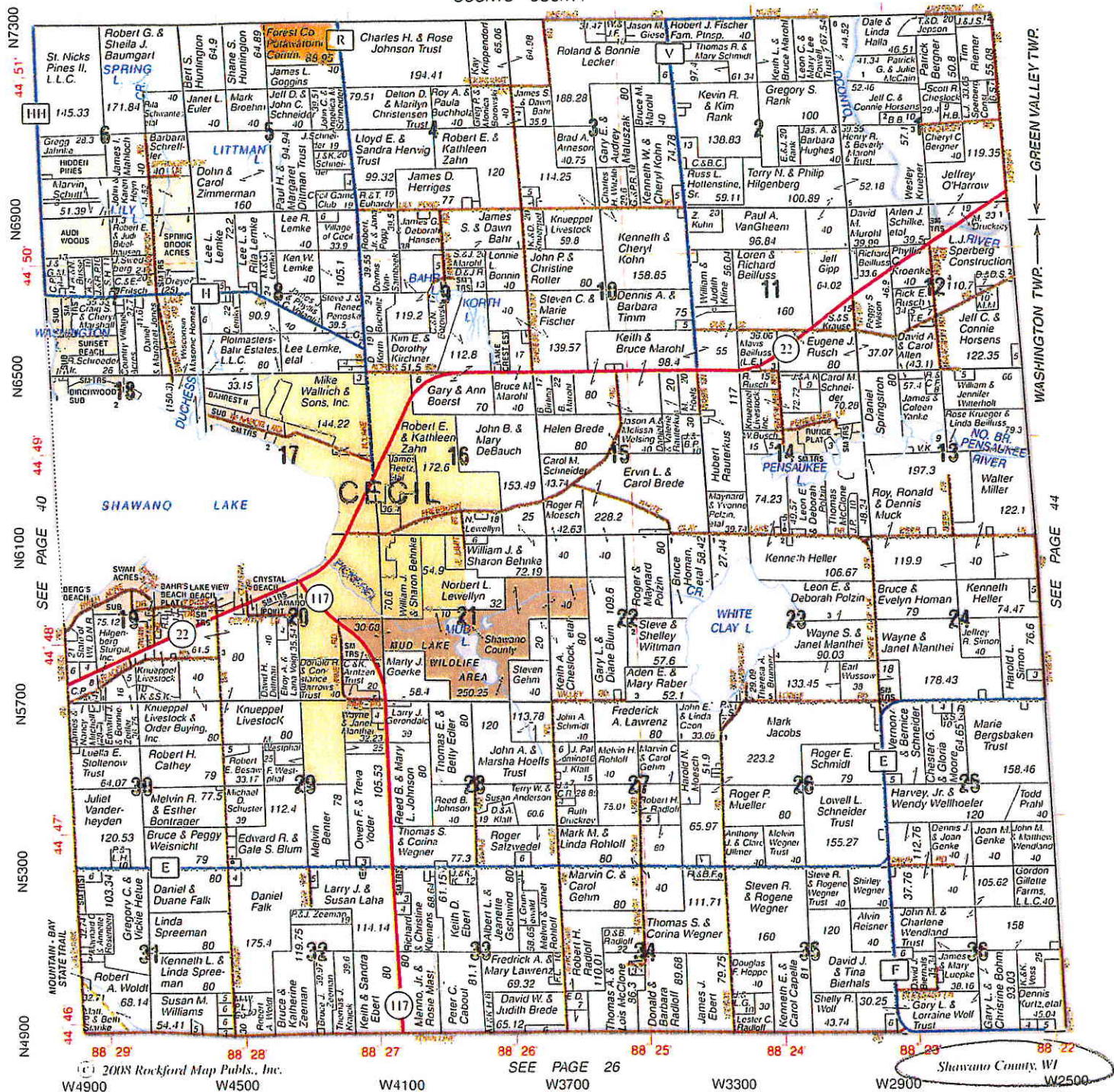
SEE PAGE 10

EAST PART WEST PART

WASHINGTON GREEN VALLEY

OCONTO COUNTY

T.27N.-R.17E.



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W4900 W4500

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W4100 W3700

W3300 W2900 W2500



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