

US EPA ARCHIVE DOCUMENT



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

03 DEC 2003

REPLY TO THE ATTENTION OF
R-19J

Donald Moore, Tribal Chairman
Bad River Band of Lake Superior Tribe
of Chippewa Indians
Post Office Box 39
Odanah, Wisconsin 54861

Dear Chairman Moore:

Thank you for your Band's July 10, 2003, letter from Eugene Bigboy, Sr., submitting your recommendation on the air quality designations for the 8-hour national health-based standard for ground-level ozone for your lands. We reviewed your Band's recommendation and, consistent with Section 107(d)(1) of the Clean Air Act (CAA), by this letter inform you that the United States Environmental Protection Agency (EPA) does not intend to modify your recommendation. We intend to designate Ashland and Iron Counties in Wisconsin, and all Indian country land therein, as attainment/unclassifiable.

The EPA is obligated by the CAA to designate the air quality for all areas of the United States, including Indian country. It is EPA's responsibility under Section 107(d)(1) to determine if the population within a given area is exposed to unhealthy levels of specific air pollutants, in this case ground-level ozone. We implement this responsibility by identifying the areas that experience the unhealthy air and any nearby areas that are contributing to the air quality problem. The enclosure to this letter provides a table in which we identify the areas in Wisconsin that EPA is currently intending to designate as nonattainment.

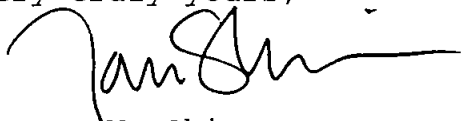
The EPA has also been tracking 2003 ozone monitoring data and their impact on your areas' designations. If the data should support a change to the recommended designations, EPA will coordinate closely with you to determine the appropriate course of action.

We look forward to continued discussions with your Tribe as we work to finalize the designations for the 8-hour ozone standard. We appreciate your efforts in recommending the designation status of your lands and will review any future supporting information

you wish to submit on these recommendations. Please provide this information by February 6, 2004, so that we can move forward to make final designations by April 15, 2004.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tom Skinner', with a long horizontal flourish extending to the right.

Thomas V. Skinner
Regional Administrator

Enclosure

cc: Lynn Hall, Air Quality Specialist
Natural Resources Department

Enclosure

The following table identifies the individual areas and counties comprising those areas within Wisconsin that the United States Environmental Protection Agency (EPA) intends to designate as nonattainment. EPA intends to designate as attainment/unclassifiable all counties not identified in the table below.

We intend to designate Ashland and Iron Counties in Wisconsin, including all Bad River Band of Lake Superior Tribe of Chippewa Indians' Indian country land therein, as attainment/unclassifiable.

Area	EPA Recommended Nonattainment Counties
Door County Area	Door
Kewaunee County Area	Kewaunee
Manitowoc County Area	Manitowoc
Milwaukee-Racine Area	Kenosha Milwaukee Ozaukee Racine Washington Waukesha
Sheboygan Area	Sheboygan