

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

William Emery, Chairman
Keweenaw Bay Indian Community
Route #1, Box 45
Baraga, Michigan 49908

Dear Chairman Emery:

Thank you for the January 17, 2003, e-mail from Mike Sladewski, Environmental Specialist for the Keweenaw Bay Indian Community, submitting your Tribe's recommendation of attainment as the air quality designation for the 8-hour national health-based standard for ground-level ozone. This was in response to our January 7, 2003, letter where we provided you with the opportunity to recommend to us the designation that you believe to be appropriate for your lands. We reviewed your 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) intends to designate Baraga County, and all Indian country land therein, as attainment/unclassifiable. This slight change from your recommended designation occurs because currently EPA plans to designate areas for the 8-hour ozone standard as only either "nonattainment" or "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 Michigan that EPA is currently intending to designate as nonattainment.

The EPA has also been tracking 2003 ozone monitoring data and their potential impact on your area's designation. If the data should support a change to the recommended designation, 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: Mike Sladewski, Environmental Specialist
Environmental Services

Enclosure

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

We intend to designate Baraga County, Michigan along with all Keweenaw Bay Indian Community Indian country land therein as attainment/unclassifiable.

Area	EPA Recommended Nonattainment Counties
Benton Harbor Area - MI	Berrien
Benzie County Area - MI	Benzie
Cass County Area - MI	Cass
Detroit-Ann Arbor Area - MI	Genesee Lapeer Lenawee Livingston Macomb Monroe Oakland St. Clair Washtenaw Wayne
Grand Rapids-Muskegon-Holland Area - MI	Allegan Kent Muskegon Ottawa
Huron County Area - MI	Huron
Kalamazoo-Battle Creek Area - MI	Calhoun Kalamazoo Van Buren
Lansing-East Lansing Area - MI	Clinton Eaton Ingham
Mason County Area - MI	Mason