

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

Lee Sprague, Ogema  
Little River Band of Ottawa Indians  
375 River Street  
Manistee, Michigan 49660

Dear Ogema Sprague:

Thank you for the April 9, 2003, letter from Ogema Jonnie Jay Sam II, submitting the Band's recommendation on the air quality designations for the 8-hour national health-based standard for ground-level ozone. We reviewed your recommendation and, consistent with Section 107(d)(1) of the Clean Air Act (CAA), by this letter we are informing you that the United States Environmental Protection Agency (EPA) intends to designate Mason County, Michigan, including all Indian country lands therein, as nonattainment, i.e. not meeting the 8-hour ozone health standard. The EPA intends to designate Oceana and Manistee Counties in Michigan, including all Indian country lands therein, as attainment/unclassifiable. These designations appear to be consistent with the Band's April 9, 2003, letter.

However, based upon our discussions with you on December 2, 2003, the Band now appears prepared to submit a new letter recommending that Manistee County be designated as nonattainment. As mentioned below, we request that you provide any information that you wish us to consider by February 6, 2004.

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. When EPA makes its determination, it includes data from Tribes, States, and other parties. Because ozone is a regional pollutant, the conditions that support an area's designation, such as air quality data and the location of sources, may indicate that similar pollutant concentrations exist in nearby Indian country, and the Indian country should be similarly designated.

In making designation determinations regarding air quality in a specific area, we rely on ambient air quality monitoring data and other factors, 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 near the area; monitored air quality data in adjoining areas and locations of the area relative to urban area(s); vehicular travel and future development; and finally geographical features that could affect transport pollutant patterns.

The 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 the pollutant. The EPA guidance indicates that the presumptive boundary for the 8-hour ozone nonattainment areas should be the largest, if applicable, of the Consolidated Metropolitan Statistical Area, the Metropolitan Statistical Area, the 1-hour ozone nonattainment area, or the county. 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 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.

If you would like to discuss the proposed designations with us or you wish to provide additional information about the areas in question, please provide this information to us by February 6, 2004, so that we can move forward to make final designations by April 15, 2004.

We look forward to continued discussions with your Band as we work to finalize the designations for the 8-hour ozone standard. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Thomas V. Skinner  
Regional Administrator

Enclosure

cc: Paul Ripple, Environmental Coordinator  
Natural Resources Conservation Department

William Brooks, Esq.  
General Counsel

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.

The ozone monitor in Mason County, Michigan is recording violations of the 8-hour ozone standard. Therefore, EPA intends to designate Mason County, including any Little River Band of Ottawa Indians' Indian country lands therein, as nonattainment for the 8-hour ozone health standard. We do not have any monitoring data from Oceana and Manistee Counties in Michigan. Therefore, we are planning to designate them, including any Little River Band of Ottawa Indians' Indian country land therein, as attainment/unclassifiable.

<b>Area</b>	<b>EPA Recommended Nonattainment Counties</b>
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