

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

David Sprague, Chairman
Match-E-Be-Nash-She-Wish Band
of Pottawatomi Indians
Post Office Box 218
Dorr, Michigan 49323

Dear Chairman Sprague:

As you may know, the United States Environmental Protection Agency (EPA) is proceeding to make air quality designations for the 8-hour national health-based standard for ground-level ozone, a major constituent of smog. On January 7, 2003, and April 30, 2003, we wrote your Band about this issue and provided you with the opportunity to recommend to us the designation, attainment/unclassifiable or nonattainment, of the 8-hour ozone standard that you believe to be appropriate for your lands. As the next step in this designation process, we have reviewed the available information on the air quality in your area and, consistent with Section 107(d)(1) of the Clean Air Act (CAA), by this letter are informing you that we intend to designate Allegan County, Michigan, including all tribal lands therein, nonattainment, i.e. as not meeting the 8-hour ozone health standard.

The EPA is obligated by the CAA to designate 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 nearby 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, of the Consolidated Metropolitan Statistical Area, or the Metropolitan Statistical Area, the 1-hour ozone nonattainment area. The enclosure to this letter provides a table in which we identify the areas in Michigan that EPA is 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 proposed designation of nonattainment for Allegan County, EPA will coordinate closely with you to determine the appropriate course of action.

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

We will continue to provide you with opportunities for discussions with us 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,

A handwritten signature in black ink, appearing to read "Tom Skinner", written over the typed name.

Thomas V. Skinner
Regional Administrator

Enclosure

cc: Michael Tenebaum, Environmental Coordinator
Environmental Office

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.

Allegan County is part of the Grand-Rapids-Muskegon-Holland Area (Allegan, Kent, Muskegon, and Ottawa Counties) and the area has monitored violations of the 8-hour ozone standard. Therefore, EPA intends to designate Allegan County, including all Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians tribal land therein, as nonattainment.

| 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 |