

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

Robert Kewaygoshkum, Chairman
Grand Traverse Band of Ottawa
and Chippewa Indians
2605 North West Bayshore Drive
Suttons Bay, Michigan 49682

Dear Chairman Kewaygoshkum:

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 Tribe 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 Benzie County, Michigan, including all Indian country land therein, as nonattainment, i.e. 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 the 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 that 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 the location of the area relative to urban area(s); vehicular travel and future development; and finally geographical features that could affect transport pollutant patterns.

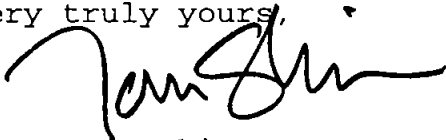
The CAA defines a nonattainment area as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. The EPA guidance indicates that the presumptive boundary for the 8-hour 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 impact on your areas' designations. If the data should support a change to the proposed designation of nonattainment for Benzie County, EPA will coordinate closely with you to determine the appropriate course of action.

If you would like to discuss the proposed designation or you wish to provide additional information about the areas in question, please provide 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 discussion 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 closing "Very truly yours,".

Thomas V. Skinner
Regional Administrator

Enclosure

cc: Kris Johnson, Director of Environmental Stewardship
Natural Resources Department

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 Benzie County, Michigan has recorded violations of the 8-hour ozone standard. Therefore, EPA intends to designate Benzie County, including all Grand Traverse Band of Ottawa and Chippewa Indians' Indian country land therein, as nonattainment, i.e. not meeting the 8-hour ozone health standard.

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