

11/15/11
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Forest County Potawatomi Community
P.O. Box 340, Crandon, Wisconsin 54520

December 20, 2010

Ms. Susan Hedman - Regional Administrator
USEPA, Region 5
77 W Jackson Blvd.
Chicago, IL 60604-3507

Dear Ms. Hedman;

The Forest County Potawatomi Community (FCPC), in accordance with Section 107 (d)(1)(A) of the Clean Air Act (CAA) is submitting recommendations on nitrogen dioxide (NO₂) designations for reservation, trust, fee, and allotment (R/T/F/A) lands throughout Wisconsin for which the Tribe has jurisdiction. These lands are located predominantly in Forest County with smaller parcels scattered in, Oconto, Oneida, Shawano, Fond du Lac, Walworth and Milwaukee Counties¹ (see attachments).

While Tribes are not obligated to participate in the designation process, the U.S. Environmental Protection Agency (USEPA) has invited Tribes to do so in the letter from the USEPA Regional Administrator dated 11/15/2010. Furthermore, the FCPC is exercising its Tribal sovereignty by proposing recommendations for NO₂ designation on FCPC R/T/F/A lands under its jurisdiction.

The USEPA states that designation is based the January 22, 2010 supplementation of the existing National Ambient Air Quality Standard (NAAQS) for NO₂ of 53 parts per billion (ppb) with a 1-hour primary standard of 100 ppb (3-year average of the 98th percentile daily maximum 1-hour concentration (75 FR 6474; February 9, 2010)

FCPC R/T/F/A Lands within Forest County

The FCPC has operated an air monitoring station on reservation property at Sugarbush Hill in Forest County beginning in 2002. Parameters monitored at this site include, particulate matter (PM_{2.5}, PM₁₀ metals), sulfur dioxide (SO₂), ozone (O₃), vaporous mercury (Hg vapor), and meteorology. As of March, 2010, a nitrogen oxides (NO_x) sampler was added to the list of parameters. Due to the limited operation time and hence the lack of data, the FCPC would like to recommend the designation of attainment-unclassifiable for the supplemented NO₂ NAAQS at this time.

¹ Forest County 15,230 acres; Oconto 200 acres, Marinette 40, Oneida 189 acres; Shawano 89 acres, Fond du Lac 80 acres, Milwaukee 19 acres and a small city lot in Walworth County.

FCPC R/T/F/A Lands within Oneida, Oconto, Marinette, Shawano, Fond du Lac and Walworth Counties

The FCPC does not operate a NO₂ sampler in Oneida, Oconto, Marinette, Shawano, Fond du Lac or Walworth Counties. FCPC recommends that EPA designate these lands as “attainment-unclassifiable”, based on the lack of NO₂ analyzers in these counties.

FCPC R/T/F Lands within Milwaukee County

While the WDNR operates one NO₂ sampler within Milwaukee County (Wisconsin Department of Natural Resources – South East Region, 2300 N. Martin Luther King Jr. Drive. - AIRS ID: 550790026), the FCPC does not operate a NO₂ analyzer on any of its lands within Milwaukee County

It appears from data obtained from the USEPA’s AQS website, that the state operated sampler located in Milwaukee County has met the necessary criteria to determine whether the County is in attainment for the NO₂ supplemental 1-hour primary standard of 100 ppb with a 3-year average of the 98th percentile daily maximum 1-hour concentration of 47.66 ([2007]50.0% + [2008]44.0% + [2009]49.0% = 143%/3 = 47.66%, see attached).

The FCPC makes no comment or recommendation regarding the attainment designation of lands under State jurisdiction in Milwaukee County at this time. However, FCPC does recommend that FCPC R/T/F parcels under the Tribe’s jurisdiction in Milwaukee County be designated as “attainment-unclassifiable” for the NO₂ standard, and that the Tribe be notified of any discussions and/or decisions regarding the designation of Milwaukee County.

Please feel free to contact Natalene Cummings, FCPC Air Resources Program Director at 715-478-7211 with any questions you might have.

Sincerely,



James A. Crawford
Vice-Chairman
Forest County Potawatomi Community

Attachments

- Map of Tribal Lands
- Spreadsheet of Milwaukee County NO₂ sampling results, prepared from AQS data