



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 14 2010

REPLY TO THE ATTENTION OF:

R-19J

Karen Diver
Chairwoman
Fond du Lac Band of Lake Superior Chippewa
1720 Big Lake Road
Cloquet, Minnesota 55720

Dear Chairwoman Diver:

Thank you for your recommendations on air quality designations for the revised National Ambient Air Quality Standards (NAAQS) for lead on behalf of the Fond du Lac Band. Lead exposure can cause a range of adverse health effects, most notably neurological effects in children. Reducing levels of lead pollution is an important part of the U.S. Environmental Protection Agency's commitment to a clean, healthy environment. This letter is to notify you of EPA's response to the Fond du Lac Band's designation recommendations, and to inform you of our approach for completing the designations for the revised lead NAAQS.

On October 15, 2008, EPA substantially strengthened NAAQS for lead to provide increased protection against adverse health effects associated with exposure to lead, particularly for at-risk groups such as children. The revised primary NAAQS was lowered from the 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) level set in 1978, to a level of 0.15 $\mu\text{g}/\text{m}^3$. In other words, the new standard allows only 1/10 as much lead as the old standard, thereby increasing the protection against exposure to lead tenfold. EPA likewise revised the secondary NAAQS to be identical in all respects to the revised primary NAAQS, thus providing additional protection against lead-related welfare effects. EPA also established new criteria for siting ambient lead monitors and new data collection requirements. EPA has determined that the pre-existing ambient lead monitoring network was inadequate for determining whether many areas are meeting the revised lead NAAQS. Monitors meeting the new network's improved siting requirements were to begin operation January 1, 2010.

The Clean Air Act requires EPA to complete the initial designation process within two years of promulgating a new or revised NAAQS. If the Administrator has insufficient information to make these designations, EPA has the authority to extend the designation process by up to one year. In light of the new monitoring network which will generate additional information in the upcoming year, EPA intends to promulgate the lead designations in two rounds. In the first round, to be completed by October, 15, 2010, EPA is designating as "nonattainment" any area that is violating the 2008 lead NAAQS based on data from the pre-2010 monitoring network. For all other areas, EPA is extending the deadline for designations by

up to one year so that data from the newly deployed monitors can be considered in making appropriate designation decisions. EPA will complete the second round of lead designations no later than October 15, 2011.

We have reviewed your recommendation on air quality designations and all the associated technical information for the 2008 lead NAAQS, including the most recent air quality data from 2007-2009, when available. However, EPA does not intend to complete the initial area designations for your Tribal lands at this time. Instead, EPA intends to designate these areas by no later than October 15, 2011, in the second round of lead designations, when the latest data from the improved monitoring network will be available. If you would like to submit updated recommendations for your areas for our consideration in the second round of lead NAAQS designations, we request that you do so by December 15, 2010. For the second round of designations, we will notify all States and Tribes of our preliminary responses to their recommendations by no later than June 17, 2011.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2008 lead NAAQS. Please let us know as soon as possible if you would like to be consulted further on this issue. If you have any questions, please do not hesitate to contact me, or Cheryl Newton, Director, Air and Radiation Division at 312-353-2212.

Sincerely,



Susan Hedman
Regional Administrator

cc: Reggie Defoe
Fond du Lac Resource Management Director

Wayne Dupuis
Fond du Lac Environmental Department Manager

Mary Munn
Fond du Lac Air Program Coordinator