

Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146



September 30, 2016

Chairman
Kevin R. Dupuis, Sr.

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Representative
Vanessa L. Northrup

Dist. II Representative
Bruce M. Savage

Dist. III Representative
Roger M. Smith, Sr.

Executive Director,
Tribal Programs
Chuck Walt

Executive Director,
Enterprises
Michael Filmango

Robert A. Kaplan, Acting Regional Administrator
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604

Dear Acting Regional Administrator Kaplan:

The Fond du Lac Reservation was established by the Treaty of LaPointe (1854) between the Fond du Lac Band of Lake Superior Chippewa ("the Band") and the United States Government, with established boundaries located in Northeastern Minnesota. The Band retains all rights in the Ceded Territories that were not specifically ceded by treaty. The Band is a sovereign nation and has Treatment as an Affected State status under the Clean Air act. The Band appreciates the opportunity to recommend the Ozone Designation within the reservation boundaries.

The Band's ozone monitoring site was established in 2001 at the Cloquet Forestry Center in cooperation with the Minnesota Pollution Control Agency. We operated our original monitor there from 2001-2013, when a new ozone analyzer was purchased and our site location was changed to the roof of the Fond du Lac-Resource Management Building. The location was changed partly for convenience of operation, partly to capture values resulting from traffic along Big Lake Road, and partly due to what was believed to be interference from terpenes at the Cloquet Forestry Center. Terpenes emitted from coniferous trees in the area appeared to be scrubbing ozone out of the air during the early morning hours, resulting in zero values that may not have been accurate. Because the Band changed the location of the monitoring site we do not have a valid 3 year design value at this time.

The Band will consider the area within the external boundaries of the reservation to be in attainment for the 2015 ozone National Ambient Air Quality Standard (NAAQS), published in the Federal Register on October 26, 2015 and effective December 28, 2015. This is based on the weight of evidence described below.

Based on the raw data for the two Fond du Lac sites our average mean for the 4th highest daily max value for the years 2013-2015 was 58 ppb for the 8-hr ozone design value, which is well below the ozone National Ambient Air Quality Standard value of 70 ppb. Further, the State of Minnesota is recommending the entire state be designated in attainment. In particular, the AQS site id 271377550 which is located in Duluth MN reported a design value of 52 ppb. Attached are the EPA calculated design values for 2015 see table 5, AQS-IDs, 270177416 and 270177417.

There is extensive scientific evidence that shows ozone exposure to sensitive groups can have adverse health effects. Human exposure from ozone must be considered, in order to protect public health for our community. The Band values our children and elders because they are the wealth of knowledge and our future. The Band appreciates EPA's ongoing efforts to regulate ozone with respect to public health and the environment.

If you have any questions, please contact Joy Wiecks (218-878-7108) or Phil DeFoe (218-878-7112) Fond Du Lac Environmental Air Program.

Respectfully,

Kevin R. DuPuis, Sr.
Chair, Fond du Lac Reservation Business Committee

c.c.

Sean Copeland, Fond du Lac Legal Counsel

Ben Giwojna, EPA Region 5

John Summerhays, EPA Region 5