PENOBSCOT NATION

DEPARTMENT OF
NATURAL RESOURCES

JOHN S. BANKS, DIRECTOR

6 RIVER ROAD
INDIAN ISLAND
OLD TOWN, ME 04468
TEL: 207/827/7776
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7/14/03

Richard Burkhart
CAQ
USEPA REGION 1
1 Congress Street
Suite 1100
Boston, MA 02114-2023

Dear Mr. Burkhart,

The Penobscot Nation (Nation) respectfully submits this letter to accept the "attainment" designation for implementing the 8-hour Ozone National Ambient Air Quality Standard (O_3) posited by the United States Environmental Protection Agency – Region 1 (EPA) for Penobscot tribal lands.

The Nation is a federally recognized tribe for whom the United States government and its agencies have a trust responsibility. The Penobscot Reservation consists of all islands in the Penobscot River (north of and including Indian Island) and appurtenant water rights. Tribal members use the Penobscot River and its islands for fishing, hunting, trapping, spiritual and cultural activities, recreation, gathering fiddlehead ferns, and other gathering activities. Therefore, any potential threats to the natural resources of the Penobscot River, through water or air pathways, are of the utmost concern to the tribe.

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The Nation would like to state for the record that, while we agree with the attainment designation based on the analysis of the O_3 monitoring data for the previous three years, we are concerned with the growing number of daily exceedances and consistently higher moderate levels found locally during heavy and moderate ozone seasons. We feel that the current designation may have to be re-evaluated, based on future O_3 seasonal data, and that a re-classification of Penobscot lands may need to be considered. This request further recognizes that the 2003 ozone season did not follow the current trend of increasing violations and higher moderate levels due to mild summer conditions and favorable wind patterns. Our concerns are additionally based on the lack of monitoring data for our general area. The Nation has begun monitoring for O_3 this season and will be closely following these local trends.

In July 1997, EPA promulgated a new 8-hour standard for ground-level ozone set at a level of 80 parts per billion (ppb). Exceedances of this standard are 8-hour monitoring averages of 85 ppb or more. The closest O_3 monitoring station is in Holden, Maine, 23 miles away from Indian Island, and is in a parallel pathway of O_3 precursor activities and shared O_3 events.[1] Holden is located in Penobscot County, as is a majority of Nation lands, and is part of the Metropolitan Statistical Area (MSA) for the designated air region. We have attached a brief summary of the Holden data from 1999 – 2003 to show the trends with which we are basing our concerns. We feel that the current trends, along with future adverse O_3 conditions, may negatively impact Penobscot lands and the

health of our people. As the number of violations increase, we posit that a wider distribution of unhealthy O_3 levels will spread further inland through our area. We anticipate an increasing number of violations due to the steady streams of NO_x and VOCs consistently being transported into this region as well. Based on these assumptions, we agree that Penobscot lands are currently in attainment, but we hope the EPA will consider our other concerns today for a possible re-evaluation of this status in the future. Thank you.

Sincerely,

John Banks
Director
Dept. of Natural Resources
Penobscot Indian Nation

1. Indian Island is the main village of the Penobscot, but there are nine other tracts of trust lands in central and western Maine. The Nation is particularly concerned about Penobscot land in the Lakeville/Springville region that is close to non-attainment areas along the coast of the state.

Appendix:

Maine State Monitoring Date from Holden, Me. Site

Date	Monitor	Max 8-hr Avg (ppb)
6/27/03	Holden	91

2003 4 days in moderate range

6/21/02	Holden	91
8/13/02	Holden	97
8/14/02	Holden	89
9/10/02	Holden	90

2002 14 days in moderate range

5/02/01	Holden	85
6/19/01	Holden	103
6/20/01	Holden	91
7/23/01	Holden	95
7/24/01	Holden	88

2001 17 days in moderate range

2000 No exceedances
2000 3 days in moderate range (with data missing from 5/1/00 – 6/7/00)

1999 No exceedances
1999 13 days in moderate range