Fond du Lac Reservation • 1720 Big Lake Road • Cloquet, MN 55720
Phone: 218-878-7108 • Fax: 218-878-7168

Fond du Lac Environmental Program

August 8, 2011

Ms. Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd
Chicago, IL 60604

RE: SO_2/NOx Designations on the Fond du Lac Reservation

Dear Ms. Hedman:

The Fond du Lac Band (the Band) hereby recommends designations for the new National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO_2) and sulfur dioxide (SO_2) on the Fond du Lac Reservation. These recommendations are made in response to letters sent from you to the Band on November 15, 2010 (NO_2) and March 31, 2011 (SO_2) inviting the Band to recommend designations for these pollutants. The Band believes that the Fond du Lac Reservation (the Reservation) should be deemed as "unclassifiable/attainment" for NO_2 and as "unclassifiable" for SO_2.

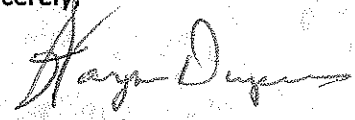
On January 22, 2010, a 100 parts per billion (ppb) 1-hour standard for NO_2 was implemented. In recommending a "non-classifiable/attainment" designation for NO_2, the Band refers to data gathered jointly on-Reservation by the Band and the Minnesota Pollution Control Agency (MPCA) and submitted to the AQS database. Printouts from AQS are included as an attachment to this letter. This data shows the Reservation to be in compliance, with a design value of 55 ppb, which is below the 1-hour standard of 100 ppb. Please see appendices A and B for details.

On June 3, 2010, the 1-hour standard for SO_2 was revised to 75 ppb. On March 24, 2011, the EPA issued a memorandum on *Area Designations for the 2010 Revised Primary Sulfur Dioxide National Ambient Air Quality Standards*. This guidance indicates that an area with no monitored violations and without an appropriate modeling analysis or other supporting information will be designated as "unclassifiable". The Band believes that the Reservation should be designated "unclassifiable" for SO_2 for the following reasons.

- While the Band co-operates an ozone monitor with the Minnesota Pollution Control Agency (MPCA) and has in the past operated a NOx monitor, we do not have an SO_2 monitor on the Reservation due to lack of funding. Although the MPCA operated an SO_2 monitor in Duluth for one monitoring year, we believe that the monitor is too distant to be used for a Reservation designation recommendation. Also, the one year of data gathered falls short of the three years' worth of data that is generally needed to make a designation recommendation.
- The Band lacks the capacity to perform a modeling analysis for designation purposes.
- There are no major sources of SO_2 within the exterior boundaries of the Reservation, although the SAPPI pulp and paper mill is located just off the Reservation. While SAPPI is a major source of SO_2 emissions, the prevailing winds in the area tend to carry emissions away from the Reservation. Without modeling capacity, it is difficult to predict the effects of this source on the Reservation. However, the fact that the Reservation very rarely experiences odor issues from the SAPPI plant lends credence to the theory that prevailing winds tend to carry pollutants from the plant away from the Reservation.
- The Reservation is located in two Minnesota counties – Carlton County and St. Louis County. The MPCA has recommended that both of these counties be designated "unclassifiable". While the Band believes that it is possible for a Reservation to be classified differently than the county within which it resides, the Band feels that the modeling analyses that is to be performed by the MPCA to provide further information on these counties will also provide further information as to the attainment status of the Reservation.

In terms of making future designation determinations, the Band would like to be considered for funding to conduct further monitoring work, or to receive training in air dispersion modeling. If you have any further questions, please call Alex Jackson or Joy Wiecks of my staff at 218.878.7112 or 218.878.7108, respectively.

Sincerely,



Wayne Dupuis

Fond du Lac Environmental Program Manager

cc. Dennis Peterson, Fond du Lac Legal Counsel
Ben Giwojna, EPA - Region 5
Laura McKelvey, EPA - OAQPS

Appendix A

The NOx one hour standard is 100 ppb, calculated as the 3 year average of the 98% percentile of daily maximum 1-hour averages. From AQS, the daily maximum 1-hour averages for the years 2002, 2003, 2004, and 2010 are available. They are, respectively: 27.0, 34.0, 30.0, and 102.0. Without taking the 98 percentile of these values (a conservative estimate), the worst-case three year average would be 55 ppb. This is a worst-case average because these are not three consecutive years, but are the three worst-case years. If the EPA would prefer to use the three consecutive years' worth of data, the design value would be 30 ppb. Because these values are so far below the standard of 100 pbb, the Band believes that the Fond du Lac Reservation is in attainment with the NOx 1-hour standard.

Appendix B

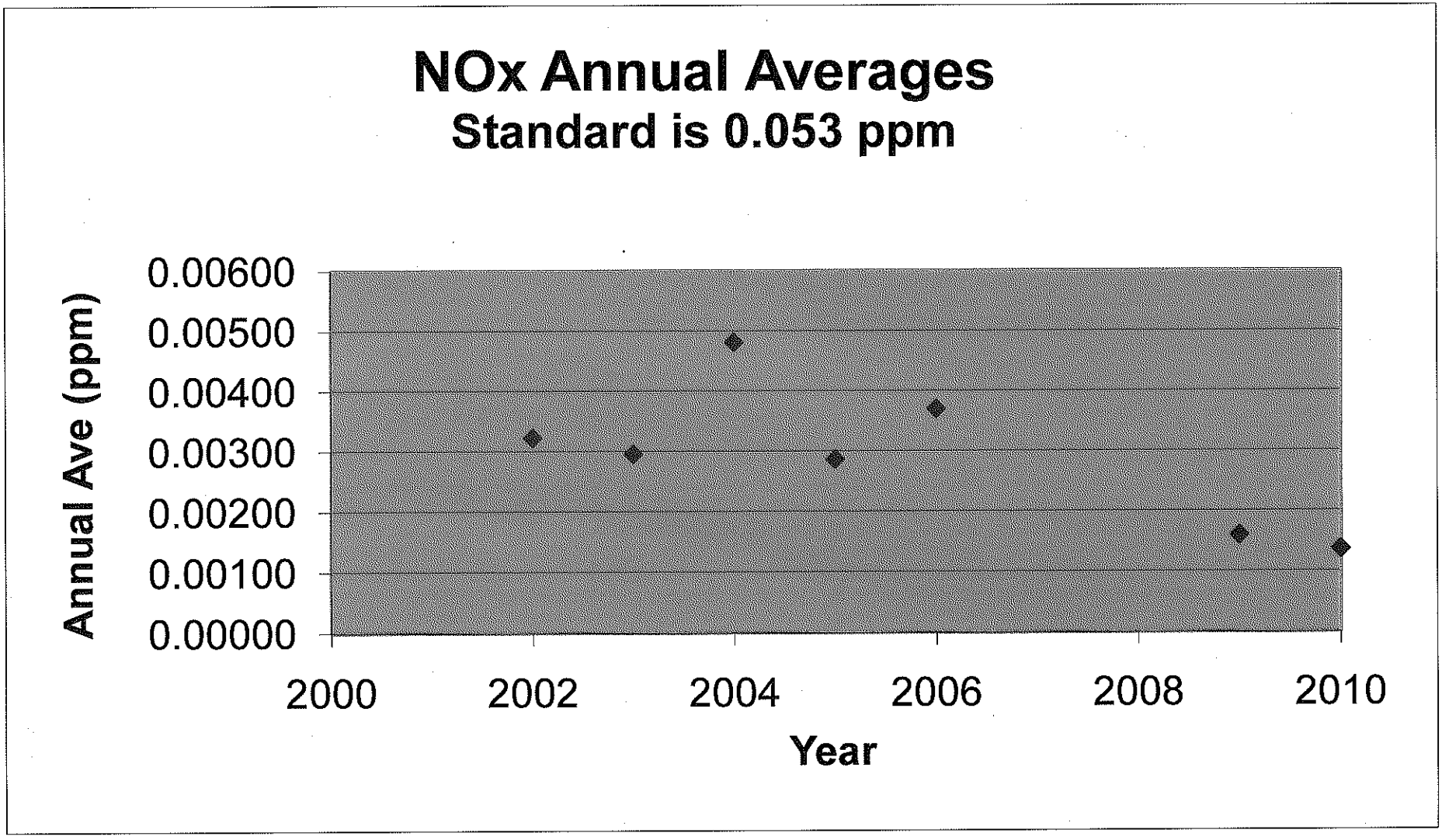
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AIR QUALITY SYSTEM

QUICKLOOK ALL PARAMETERS

Aug. 2, 2011

Parameter		Unit	POC	PQAO	Year	Meth	# Obs	1st Max Value	2nd Max Value	3rd Max Value	4th Max Value	Arith. Mean	Duration	Cert	Excl
Site ID: TT-405-7416	City: Cloquet	County: Carlton							Address: 175 UNIVERSITY RD						
42601	Nitric oxide (NO)	Parts per billion	1	0700	2002	074	3002	23.0	15.0	14.0	12.0	.52	1 HOUR		0
42601	Nitric oxide (NO)	Parts per billion	1	0700	2003	074	7508	21.0	20.0	18.0	17.0	2.65	1 HOUR		0
42601	Nitric oxide (NO)	Parts per billion	1	0700	2004	074	8573	25.0	16.0	14.0	14.0	.52	1 HOUR		0
42601	Nitric oxide (NO)	Parts per billion	1	0700	2005	074	4492	12.0	11.0	11.0	10.0	.35*	1 HOUR		0
42601	Nitric oxide (NO)	Parts per billion	1	0700	2006	074	3403	25.0	12.0	10.0	9.0	.33*	1 HOUR		0
42601	Nitric oxide (NO)	Parts per billion	1	0700	2010	074	8666	379.0	40.0	37.0	24.0	.15	1 HOUR		0
42602	Nitrogen dioxide (NO2)	Parts per billion	1	0700	2002	074	3002	27.0	27.0	26.0	26.0	2.96*	1 HOUR	Y	0
42602	Nitrogen dioxide (NO2)	Parts per billion	1	0700	2003	074	7508	34.0	32.0	29.0	27.0	4.81	1 HOUR	Y	0
42602	Nitrogen dioxide (NO2)	Parts per billion	1	0700	2004	074	8574	30.0	26.0	24.0	22.0	2.86	1 HOUR		0
42602	Nitrogen dioxide (NO2)	Parts per billion	1	0700	2010	074	8683	102.0	28.0	23.0	19.0	1.80	1 HOUR		0

Note: The * indicates that the mean does not satisfy summary criteria.


NOx Annual Averages
Standard is 0.053 ppm
Annual Ave (ppm)
0.00600
0.00500
0.00400
0.00300
0.00200
0.00100
0.00000
2000
2002
2004
2006
2008
2010
Year