



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

AUG 22 2017

REPLY TO THE ATTENTION OF:

The Honorable Kevin R. DuPuis  
Chairman  
Fond du Lac Band of Chippewa  
1720 Big Lake Road  
Cloquet, Minnesota 55720

Dear Chairman DuPuis:

The purpose of this letter is to inform you of the U.S. Environmental Protection Agency's intended designation for the lands of Fond du Lac for the 2010 Primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO<sub>2</sub>). The designations for this NAAQS are an important part of EPA's commitment to a clean, healthy environment. This intended designation is a response to designations-related recommendations and information your tribe submitted in a letter dated August 8, 2011. On February 6, 2013, in response to your tribe's recommendation, EPA notified Karen Driver that EPA would defer the designation of your tribe's lands to a later date.

On July 25, 2013, EPA designated certain areas in 16 states as nonattainment, but did not at that time designate other areas. Additional areas were designated on June 30, 2016, and November 29, 2016. No portion of your tribe's land, or of the land of any other tribe, was designated in these previous actions. Pursuant to a March 2, 2015, court-ordered schedule,<sup>1</sup> EPA must complete the remaining SO<sub>2</sub> designations by two specific deadlines: December 31, 2017, and December 31, 2020. Accordingly, this letter is to notify you of EPA's intentions regarding the designation for all the lands of Fond du Lac.

After carefully considering Fond du Lac's recommendation and all available information, including any air dispersion modeling analysis and monitoring data, EPA intends to designate Fond du Lac's lands as unclassifiable/attainment. Because Fond du Lac did not specifically request that its lands be designated as a separate area, EPA intends to designate the lands of Fond du Lac with adjacent Minnesota land in Carlton and St. Louis Counties, consistent with our tribal designation policy.

Our intended designation would be a modification of the recommendation of unclassifiable your tribe offered in its letter August 8, 2011. The enclosure to this letter provides the information that supports the intended designation decision for the areas in Minnesota that include your tribe's lands.<sup>2</sup>

If you or your staff have additional information that EPA should consider prior to finalizing this designation, please submit it as soon as possible but no later than October 23, 2017. You may submit additional information by sending it to EPA's public docket for these designations, EPA-HQ-OAR-

<sup>1</sup> *Sierra Club v. McCarthy*, No. 3-13-cv-3953 (SI) (N.D. Cal. Mar. 2, 2015).

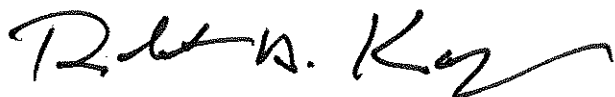
<sup>2</sup> The enclosure is Chapter 20 of our Technical Support Document for the designations EPA plans to complete by December 31, 2017; that addresses the lands within Minnesota including your tribe's lands. The full Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>.

2017-0003, located at [www.regulations.gov](http://www.regulations.gov), and sending a copy to EPA Region 5. EPA also will publish a notice in the *Federal Register* announcing a 30-day comment period for the public to provide input on EPA's intended designations.

EPA will promulgate the final designation for your tribe's lands by December 31, 2017.

Thank you for Fond du Lac's efforts throughout the designations process. We look forward to a continued dialogue with you and your staff as we work together to complete the area designations and implement the 2010 primary SO<sub>2</sub> NAAQS. For additional information regarding designations under the SO<sub>2</sub> NAAQS, please visit our website at <https://www.epa.gov/sulfur-dioxide-designations>. Should you have any questions, please do not hesitate to call me, or have your staff contact Ed Nam of my staff at 312-353-2192 or [Nam.Ed@epa.gov](mailto:Nam.Ed@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Kaplan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert A. Kaplan  
Acting Regional Administrator

Enclosure

Cc Joy Wiecks, Air Program Coordinator  
Wayne Dupuis, Environmental Program Manager