



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

AUG 22 2017

The Honorable Harold Frank
Chairman
Forest County Potawatomi Community
P.O. Box 340
Crandon, WI 54520

REPLY TO THE ATTENTION OF:

Dear Chairman Frank:

The purpose of this letter is to inform you of the U.S. Environmental Protection Agency's intended designation for the lands of Forest County Potawatomi Community for the 2010 Primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂). 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 May 10, 2011. On February 6, 2013, in response to your tribe's recommendation, EPA notified you 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,¹ EPA must complete the remaining SO₂ 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 Forest County Potawatomi Community.

After carefully considering Forest County Potawatomi Community's recommendation and all available information, including any air dispersion modeling analysis and monitoring data, EPA intends to designate all Forest County Potawatomi Community's lands as unclassifiable/attainment. The Forest County Potawatomi recommended a designation of unclassifiable for its reservation, trust, and fee (R/T/F) lands located in Oneida, Shawano, Fond du Lac, Walworth, and Milwaukee counties and a designation of attainment for the R/T/F lands located in Forest, Oconto, and Marinette counties. Oneida County, including the City of Rhinelander and four townships, including Crescent Town, Newbold Town, Pine Lake Town, and Pelican Town, which was designated as nonattainment on July 25, 2013 (78 FR 47191), is adjacent to Forest County but not immediately adjacent to the Forest County Potawatomi Community's lands in Forest County. EPA intends to designate the lands of Forest County Potawatomi Community with adjacent Wisconsin land in Oneida, Shawano, Fond du Lac, Walworth, Milwaukee, Forest, Oconto, and Marinette counties as unclassifiable/attainment.

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

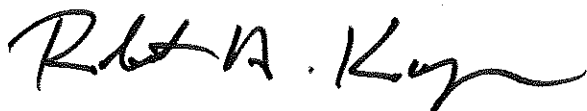
The enclosure to this letter provides the information that supports the intended designation decision of unclassifiable/attainment for your tribe's lands.²

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-2017-0003, located at 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 Forest County Potawatomi Community'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 SO₂ NAAQS. For additional information regarding designations under the SO₂ 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.

Sincerely,



Robert A. Kaplan
Acting Regional Administrator

Enclosure

Cc Natalene Cummings, Air Program Manager
Lawrence Daniels, Natural Resources Director
Frank Shepard Jr., Natural Resources Assistant Director

² The enclosure is Chapter 44 of our Technical Support Document for the designations EPA plans to complete by December 31, 2017, that addresses the lands within Wisconsin including your tribe's lands. The full Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>.