

KEWEENAW BAY INDIAN COMMUNITY

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November 16, 2021

George Bridgers
OAQPS-AQAD-Air Quality Modeling Group
U.S. EPA Office of Air Quality Planning & Standards

Re: Keweenaw Bay Indian Community Comments on the Environmental Protection Agency (EPA) Office of Air and Radiation's (OAR) Revised DRAFT Guidance for Ozone and Fine Particulate Matter (PM) Permit Modeling Docket Number EPA-HQ-OA-2021-

Mr. Bridgers:

The Keweenaw Bay Indian Community is pleased to submit this letter in response to your invitation to provide comments on the Environmental Protection Agency's (EPA's) Revised DRAFT Guidance for Ozone and Fine Particulate Matter (PM) Permit Modeling.

The Keweenaw Bay Indian Community (KBIC) is a signatory to the Treaty of 1842 and the Treaty of 1854. The Treaty of 1854 established Reservation land bases which include the L'Anse and Ontonagon Indian Reservations. The primary land base is the L'Anse Indian Reservation, located in the western Upper Peninsula of Michigan along the shores of the Keweenaw Bay of Lake Superior. The L'Anse Indian Reservation consists of approximately 59,000 acres. There are approximately 19 miles of Lake Superior shoreline, 3,000 acres of wetlands, and 80 miles of rivers within five watersheds that are either wholly or partially within the L'Anse Reservation boundaries. KBIC has an established Natural Resources Department (NRD) dedicated to protecting human health and the environment. The KBIC NRD is committed to the protection, preservation, enhancement, and mitigation of natural resources and the environment while building sovereign capacity, an obligation which it fulfills through a variety of programs, including an Air Quality Program. As a tribal nation, KBIC must also acknowledge our cultural responsibility to speak for the water, air, land, and animals that do not have a voice in the Council of Men.

The Keweenaw Bay Indian Community (KBIC) appreciates the efforts of EPA to address comments provided on the previous proposed guidance, and strengthen the modeling guidance to provide more conservative and protective assessments required for new or modified sources of Ozone and PM. The KBIC also values EPA's ongoing work to meet Executive Order 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. The KBIC agrees more comprehensive assessment of the both the precursors of Ozone and the direct emissions, and the precursors of PM is important to ensure that air quality and public health are protected.

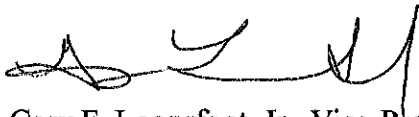
The KBIC acknowledges that the Agency has modified the guidance for sources to make the required demonstration that the allowable emissions increase from a source or modification would not cause or contribute to any NAAQS or PSD increment violation. The KBIC agrees that to make this demonstration, sources should provide a full accounting of the combined impacts of their allowable precursor (and direct component, in the case of PM_{2.5}) emissions on ambient concentrations of the relevant NAAQS (i.e., O₃ or PM_{2.5}) if any precursor(s) (or the direct component, in the case of PM_{2.5}) would be emitted in a significant amount.

The 2020 draft guidance relied upon a "Pollutant Applicability" approach that stated the PSD requirements for a compliance demonstration only applied to regulated NSR pollutants that would be emitted in a significant amount. This allowed the source to look only at emissions of individual O₃ and PM_{2.5} precursors/pollutants (i.e., NO_x, VOC, SO₂, and direct PM_{2.5}) and NOT sum them when determining a significant emission increase for either criteria pollutant, such that only the component of O₃ and PM_{2.5} that would by themselves be emitted by a new or modifying source in a significant amount would be included in the air quality analysis.

This revised guidance requires sources to make the required demonstration and sources should provide a full accounting of the combined impacts of their allowable precursor (and direct component, in the case of PM_{2.5}) emissions on ambient concentrations of the relevant NAAQS (i.e., O₃ or PM_{2.5}) if any precursor(s) (or the direct component, in the case of PM_{2.5}) would be emitted in a significant amount. The KBIC agrees with EPA that this approach is supported both scientifically and legally.

The KBIC appreciates this opportunity to comment on this draft guidance. If you have any questions or require clarification, please contact myself or Jane Kahkonen, Air Quality Specialist at (906) 524-5757 ext. 4223

On Behalf of the Keweenaw Bay Indian Community,



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