



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JUN 15 2011

REPLY TO THE ATTENTION OF:

Karen R. Diver
Chairwoman
Fond du Lac Band of Lake Superior Chippewa Indians
1720 Big Lake Road
Cloquet, Minnesota 55720

Dear Chairwoman Diver:

Thank you for your recommendations on air quality designations for the revised National Ambient Air Quality Standards (NAAQS) for lead on behalf of the Fond du Lac Band of Lake Superior Chippewa Indians (Fond du Lac Band). This letter is to notify you of the U.S. Environmental Protection Agency's preliminary decision to designate the Fond du Lac Band as unclassifiable/attainment for the revised lead standards. Reducing levels of lead pollution is an important part of the EPA's commitment to a clean, healthy environment. Lead exposure can cause a range of adverse health effects, most notably in children. Exposures to low levels of lead early in life have been linked to effects on IQ, learning, memory, and behavior.

On October 15, 2008, EPA substantially strengthened the health-based, or primary, NAAQS for lead by lowering it from 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) – a level set in 1978 – to a level of $0.15 \mu\text{g}/\text{m}^3$. This stronger standard provides increased protection against adverse health effects associated with exposure to lead in at-risk groups, including children. To provide increased protection against lead-related environmental and other welfare effects, EPA revised the secondary NAAQS to be identical in all respects to the revised primary standard. EPA also determined that the preexisting ambient lead monitoring network was inadequate for determining whether many areas are meeting the revised lead standards and established new criteria for siting ambient lead monitors and new data collection requirements. Monitors meeting the new network siting requirements were to begin operation by January 1, 2010.

Within two years of promulgating new or revised NAAQS, the Clean Air Act requires EPA to complete the initial process of identifying or designating areas that meet or do not meet an air quality standard. If the EPA Administrator has insufficient information to make these designations, EPA has the authority to extend the designation process by up to one year. In light of the new monitoring network, EPA is completing the lead designations in two rounds. In the first round, published on November 16, 2010, EPA designated 16 areas as violating the 2008 lead NAAQS based on data from the pre-2010 monitoring network. For all other areas, EPA extended the deadline for designations by up to one year so that data from the newly deployed monitors can be considered in making appropriate designation decisions. Tribes were given an opportunity to update their recommendation letters for those remaining areas for our consideration in the second round of designations by December 15, 2010. EPA intends to complete the second round of lead designations by no later than October 14, 2011.

Consistent with the Clean Air Act, and after carefully considering the Fond du Lac Band's October 12, 2009 recommendation letter and all the associated technical information for the 2008 lead NAAQS, including the most recent air quality data from 2008 - 2010, EPA is proposing to designate the Fond du Lac Band as unclassifiable/attainment. EPA uses this designation to identify areas that have data indicating attainment, or where there is no evidence of a violation of the NAAQS.

EPA's preliminary designation decisions and supporting documentation will be made available to the general public for review. We will be accepting comments through August 15, 2011. We will review any information we receive by this date from the Fond du Lac Band and the general public, and we plan to promulgate the second round of final designations by October 14, 2011.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2008 lead NAAQS. Should you have any questions, please do not hesitate to call me, or have your staff contact Cheryl L. Newton, Director, Air and Radiation Division, at (312) 353-2212.

Sincerely,



Susan Hedman
Regional Administrator