



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

JUN 28 2011

REPLY TO THE ATTENTION OF:

Marge Anderson  
Chief Executive  
Mille Lacs Band of Ojibwe  
43408 Oodena Drive  
Onamia, Minnesota 56359

Dear Chief Executive Anderson:

Thank you for your recommendations on air quality designations for the revised primary National Ambient Air Quality Standard (NAAQS) for nitrogen dioxide (NO<sub>2</sub>) for Mille Lacs Band of Ojibwe. This letter is to notify you of the U.S. Environmental Protection Agency's response to Mille Lacs Band of Ojibwe's designation recommendations, and to inform you of our approach for completing the designations for the revised NO<sub>2</sub> NAAQS.

On January 22, 2010, EPA strengthened the health-based NO<sub>2</sub> NAAQS by setting a new 1-hour NO<sub>2</sub> standard at the level of 100 parts per billion (ppb). This new standard will protect against adverse health effects associated with short-term exposure to NO<sub>2</sub>, including respiratory effects that can result in hospital admissions. EPA also retained with no change the annual average NO<sub>2</sub> standard of 53 ppb. This suite of standards will protect public health by limiting people's exposures to short-term peak NO<sub>2</sub> concentrations and by limiting community-wide NO<sub>2</sub> concentrations to levels below those that have been linked to respiratory-related emergency department visits and hospital admissions. To determine compliance with the new standard, EPA established new ambient air monitoring and reporting requirements for NO<sub>2</sub>. In urban areas, monitors are required near major roads as well as in other locations where maximum concentrations are expected. Additional monitors will be required in some large urban areas to measure the highest concentrations of NO<sub>2</sub> that occur more broadly across communities.

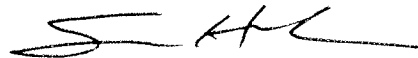
In the preamble to the 2010 NO<sub>2</sub> NAAQS and in the EPA's November 2010 letters requesting designation recommendations, the Agency stated that it expected to designate most areas of the country as "unclassifiable," indicating that there are insufficient data to determine whether or not an area is attaining the revised NO<sub>2</sub> NAAQS. This approach took into account that the new monitoring network requirements established with the revised NO<sub>2</sub> NAAQS will not be effective until January 2013 and that air quality data from these new monitors would not be available to inform these initial designations.

The Agency has reviewed your recommendations and others, and intends to designate your area, as well as the rest of the country, as “unclassifiable/attainment” rather than “unclassifiable.” Based on air quality data from 2008-2010, all monitored areas in the country meet the 2010 NO<sub>2</sub> NAAQS. While the EPA acknowledges that the existing NO<sub>2</sub> monitoring network does not provide adequate evidence to determine whether or not the new NAAQS is met in all areas, there currently is no evidence of violations anywhere in the country. The “unclassifiable/attainment” designation better reflects the current air quality conditions. EPA intends to redesignate areas, as appropriate, after sufficient air quality data from the new monitoring network are available.

If you have additional information that you want EPA to consider with respect to EPA’s designation, please submit it to us by August 29, 2011. We are also making EPA’s preliminary designation decisions and supporting documentation available to the general public for review. We are accepting public comments on our preliminary decisions for 30 days after a notice announcing the public comment period is published in the *Federal Register*. We will review any information we receive from you and the general public by his date, and we plan to promulgate the final designations by October 31, 2011.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2010 NO<sub>2</sub> NAAQS. If you have any questions, please call me at (312) 886-3000 or your staff may contact Cheryl L. Newton, Region 5 Air Division Director, at (312) 353-2212.

Sincerely,

A handwritten signature in black ink, appearing to read 'S Hedman', written in a cursive style.

Susan Hedman  
Regional Administrator

cc: Scott Hansen  
Environmental Program Manager  
Mille Lacs Band of Ojibwe

Charles J. Lippert  
Air Quality Technician  
Mille Lacs Band of Ojibwe

Gina McCarthy  
Assistant Administrator for Air and Radiation  
U.S. Environmental Protection Agency

Stephen D. Page  
Director, Office of Air Quality Planning and Standards  
U.S. Environmental Protection Agency