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July 17, 2020

Mr. Kurt Thiede
U.S. Environmental Protection Agency - Region 5
77 West Jackson Boulevard
Mail Code: R-19J
Chicago, IL 60604-3507

Subject: Updated Designation Recommendation for Outagamie County for the 2010 1-hour Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard (NAAQS)

Dear Regional Administrator Thiede:

This letter is to provide the U.S. Environmental Protection Agency (EPA) with an updated recommendation for EPA's Round 4 designation for the 2010 1-hour SO₂ NAAQS. Outagamie County is the only part of Wisconsin that remains to be designated for this NAAQS in Round 4.

In a letter dated May 1, 2020, the Wisconsin Department of Natural Resources (WDNR) recommended that EPA designate the entirety of Outagamie County as "nonattainment" of this NAAQS. This recommendation was based upon the factors included in EPA's designations guidance that states should consider when identifying nonattainment areas and determining the appropriate area boundaries.

Wisconsin was subsequently notified by EPA that it was EPA's policy to not inadvertently split a single tribe's Indian country based on other jurisdictional boundaries.¹ Wisconsin's recommendation, if finalized by EPA, would split the Oneida Reservation, which spans both Outagamie and Brown counties, into two different designations (nonattainment and attainment/unclassifiable).

After considering this information, Wisconsin is modifying its Round 4 recommendation to request that the portion of the Oneida Reservation located in Outagamie County be removed from consideration as part of this nonattainment area designation, should EPA find such a modification to be technically supported. Should EPA accept this updated recommendation, the entirety of the Oneida Reservation would be designated as attainment/unclassifiable after EPA completes its designation process.

¹ U.S. EPA, "Policy for Establishing Separate Air Quality Designations for Areas of Indian Country," December 20, 2011.

If you have any questions about this letter or require additional information, please contact Gail Good, WDNR Air Program Director, at Gail.Good@wisconsin.gov or (608) 264-8537.

Sincerely,

DocuSigned by:

Beth Bier

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Beth Bier

Deputy Secretary

FOR: Preston D. Cole, Secretary

cc: Darsi Foss (EM/8)
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