



## REGION 10

SEATTLE, WA 98101

July 25, 2024

The Honorable Chairman Steve Edwards  
Swinomish Indian Tribal Community  
11404 Moorage Way  
LaConner, Washington 98257-9450

Dear Chairman Edwards:

The purpose of this letter is to offer consultation and coordination on the U.S. Environmental Protection Agency's review of a request by the Washington Department of Ecology to redesignate to attainment a portion of Whatcom County and to approve a maintenance plan for the area. The EPA previously designated this area as nonattainment for the sulfur dioxide National Ambient Air Quality Standard.

On June 2, 2010, the EPA strengthened the NAAQS for sulfur dioxide by establishing a new 1-hour standard at a level of 75 parts per billion. On August 10, 2015, the EPA finalized requirements for state air agencies to monitor or model ambient sulfur dioxide levels in areas with large sources of sulfur dioxide emissions to help implement the 1-hour sulfur dioxide NAAQS. Effective April 30, 2021, the EPA designated the area around the Alcoa Intalco facility in Ferndale, Washington as not attaining the sulfur dioxide NAAQS based on 2017 through 2019 monitoring data showing exceedances of the standard.

In 2023, Alcoa permanently closed the Intalco facility. Effective December 7, 2023, Ecology revoked the operating permit for Intalco. Ecology intends to submit a redesignation request and maintenance plan to EPA for approval in the coming weeks.

Because the primary source of sulfur dioxide in the area, the Intalco facility, is now permanently closed, Ecology anticipates that the area will continue to maintain the NAAQS. In addition, the Clean Air Act prevents Intalco, or any new emissions source, from beginning operations in the area without first meeting federal and state new source review program requirements. The new source review program, through modeling and other means, is designed to ensure that no new stationary source built in the area will cause or contribute to violations of the NAAQS or any other Clean Air Act requirements. Details about the new source review program and other program elements to provide for continued attainment in the area are described in Ecology's maintenance plan. The maintenance plan also includes a proposal to use the EPA-approved models to verify continued attainment in the area in lieu of the site-specific sulfur dioxide monitors which were established to assess compliance at the now

defunct Intalco facility. This proposed change will not affect the Tribal monitoring network, nor will it affect any state or local monitors outside the immediate vicinity of the closed Intalco facility. Ecology's plan is available at the following address:

[https://ecology.wa.gov/getattachment/be5b0615-7994-4f7c-a533-7cb347f81693/202403 IntalcoSO2 MaintSIP.pdf](https://ecology.wa.gov/getattachment/be5b0615-7994-4f7c-a533-7cb347f81693/202403%20IntalcoSO2%20MaintSIP.pdf).

Prior to taking action on Ecology's request to redesignate the area to attainment for sulfur dioxide and approve the maintenance plan, the EPA is offering consultation and coordination with your Tribal government. The EPA recognizes its unique legal relationship with Tribal governments as set forth in the United States Constitution, treaties, statutes, executive orders, and court decisions. The EPA's policy is to consult on a government-to-government basis with federally recognized Tribal governments when EPA's actions and decisions may affect Tribal interests, consistent with the *EPA Policy on Consultation and Coordination with Indian Tribes* ([www.epa.gov/tribal/consultation/consult-policy.htm](http://www.epa.gov/tribal/consultation/consult-policy.htm)).

If you would like to consult or would like additional information, please contact me at (206) 553-0218, or your staff may contact Jeff Hunt at (206) 553-0256 or [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov) by August 8, 2024.

Sincerely,

Krishna Viswanathan  
Director  
Air and Radiation Division

cc: Mr. Todd Mitchell  
Environmental Manager