

must use the MVEBs from the submitted 8-hour ozone redesignation and maintenance plan for future conformity determinations.

**DATES:** This finding is effective December 19, 2007.

**FOR FURTHER INFORMATION CONTACT:** Anthony Maietta, Life Scientist, Criteria Pollutant Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8777, [Maietta.anthony@epa.gov](mailto:Maietta.anthony@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, whenever “we”, “us” or “our” is used, we mean EPA.

### Background

Today’s action is simply an announcement of a finding that we have already made. EPA Region 5 sent a letter to the Wisconsin Department of Natural Resources on November 6, 2007, stating that the 2012 and 2018 MVEBs in Kewaunee County are adequate. Wisconsin submitted the budgets as part of the 8-hour ozone redesignation request and maintenance plan for this area. This submittal was announced on EPA’s conformity website, and received no comments: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>, (once there, click on “What SIP submissions are currently under EPA adequacy review?”).

The 2012 and 2018 MVEBs, in tons per day (tpd), for volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) for Kewaunee County are as follows:

	2012 MVEB (tpd)	2018 MVEB (tpd)
VOC .....	0.43	0.32
NO <sub>x</sub> .....	0.80	0.47

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA’s conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. Conformity to a State Implementation Plan (SIP) means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP’s motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR

93.118(e)(4). We have described our process for determining the adequacy of submitted SIP budgets in our July 1, 2004, preamble starting at 69 FR 40038, and we used the information in these resources while making our adequacy determination. Please note that an adequacy review is separate from EPA’s completeness review, and it also should not be used to prejudge EPA’s ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

The finding and the response to comments are available at EPA’s conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: November 20, 2007.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

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### ENVIRONMENTAL PROTECTION AGENCY

**[Regional Docket Nos. V-2006-3, FRL-8501-5]**

#### Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Louisiana Pacific Corporation, Tomahawk, WI

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final order on petition to object to Clean Air Act operating permit.

**SUMMARY:** This document announces that the EPA Administrator has responded to a petition asking EPA to object to a Clean Air Act (Act) operating permit issued by the Wisconsin Department of Natural Resources. Specifically, the Administrator granted in part and denied in part the petition submitted by David Bender of Garvey McNeil & McGillivray, S.C., on behalf of the Sierra Club, to object to the operating permit for Louisiana Pacific Corporation’s Tomahawk, Wisconsin, facility.

Pursuant to section 505(b)(2) of the Act, a petitioner may seek in the United States Court of Appeals for the appropriate circuit judicial review of those portions of the petition which EPA denied. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

**ADDRESSES:** You may review a copy of the final order, the petition, and other

supporting information at the EPA, Region 5 Office, 77 West Jackson Boulevard, Chicago, Illinois 60604. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Additionally, the final order for the Louisiana Pacific petition is available electronically at: <http://yosemite.epa.gov/r5/ardcorre.nsf/permits>.

**FOR FURTHER INFORMATION CONTACT:** Pamela Blakley, Chief, Air Permits Section, Air Programs Branch, Air and Radiation Division, EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886-4447.

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review, and object to as appropriate, operating permits proposed by state permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of the EPA review period to object to state operating permits if EPA has not done so. A petition must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise issues during the comment period, or the grounds for the issues arose after this period.

On May 15, 2006, the EPA received a petition from David Bender of Garvey McNeil & McGillivray, S.C., on behalf of the Sierra Club, that EPA object to the Title V operating permit for the Louisiana Pacific Tomahawk facility. The petition raised issues regarding: (1) The sufficiency of monitoring for visible and particulate matter emissions; (2) the alleged failure to include federally enforceable applicable State Implementation Plan limits; (3) language that allegedly violates the credible evidence rule; and (4) conditions that allegedly are not practically enforceable.

On November 5, 2007, the Administrator issued an order granting in part and denying in part the petition. The order explains the reasons behind EPA’s conclusion.

Dated: November 20, 2007.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

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