

FACT SHEET

PROPOSED FEDERAL IMPLEMENTATION PLAN UNDER THE CLEAN AIR ACT FOR CERTAIN TRUST LANDS OF THE FOREST COUNTY POTAWATOMI COMMUNITY RESERVATION

Action

- On December 11, 2006, the Environmental Protection Agency (EPA) proposed a plan known as a Federal Implementation Plan or FIP. This federal plan would be used to implement a request from the Forest County Potawatomi (FCP) Community to designate parts of its reservation as a "Class I Area." Class I areas are areas set aside for the most stringent level of protection under the Prevention of Significant Deterioration program.
- EPA has not made a final decision on the FCP Community's request. This action only proposes a mechanism that could be used to implement a redesignation if approved.
- The Clean Air Act's Prevention of Significant Deterioration Program protects air quality in areas that meet the National Ambient Air Quality Standards by requiring permits be submitted and approved before sources of air emissions are modified or constructed. The classification of an area (I, II or III) determines how strictly emissions are controlled.
- The Clean Air Act gives states and tribes the right to request that EPA redesignate lands under their control. Historically only tribes have made such requests, and in all these cases, the tribes requested redesignation from Class II to Class I.
- In June 1995 and in July 1997, EPA proposed to approve the FCP Community request. However, EPA did not explicitly state the legal mechanism it would use to implement the request, if granted. The Agency has now determined that a Federal Implementation Plan would be the appropriate way to carry out the change. The proposed rule seeks comment on EPA's determination to use a Federal Implementation Plan to implement the redesignation request.
- EPA will accept comment on this proposed rule for 30 days after publication in the Federal Register. The Agency is primarily interested in comments on whether a FIP would be the appropriate mechanism for codifying the redesignation, if approved by EPA.

Background on FCP Community Request for Redesignation to Class I

- On February 14, 1995, the FCP Community submitted a formal redesignation request to EPA.

- On June 29, 1995 (60 FR 33779), and July 10, 1997 (62 FR 37007), EPA proposed to approve the request. In addition, in 1997 EPA also held public hearings on the redesignation request.
- Both Wisconsin and Michigan originally objected to the proposed redesignation. As allowed for under Section 164(e) of the Clean Air Act, the dispute was resolved with the State of Wisconsin, and the FCP Community. These parties have entered into a Memorandum of Agreement (FCP Community-Wisconsin MOA) for implementation of the proposed Class I area in Wisconsin.
- The dispute with Michigan has not been resolved. Under the Clean Air Act, EPA must recommend a resolution if requested by the parties, and must resolve the dispute, if the parties are unable to reach agreement.
- EPA expects to act on the FCP Community request and remaining aspects of the dispute resolution process with the states after the close of the public comment period on this proposal.

For Additional Information

- Interested parties can download information on the proposal from EPA's Web site at: www.epa.gov/nsr.
- Today's proposed action and other background information are also available either electronically in www.regulations.gov, EPA's electronic public docket and comment system, or in hard copy at EPA's Air and Radiation Docket and Information Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW, Washington, DC (Docket ID No. EPA-HQ-OAR-2006-0888). The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.
- **HOW TO COMMENT:** Comments will be accepted for 30 days beginning when this proposal is published in the Federal Register. All comments should be identified by Docket ID No. R05-OAR-2004-WI-0002 and submitted by one of the following methods:
 - www.regulations.gov;
 - E-mail: a-and-r-docket@epa.gov;
 - Facsimile (202) 566-1741;
 - Mail (Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460); or

- Hand delivery (Air and Radiation Docket and Information Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW, Washington, DC).