

DESK STATEMENT

REDESIGNATION OF PORTIONS OF THE FOREST COUNTY POTAWATOMI COMMUNITY RESERVATION TO A CLASS I AREA UNDER THE PREVENTION OF SIGNIFICANT DETERIORATION PROGRAM

On April 18, 2008, the U.S. Environmental Protection Agency issued a final rule that approves the Forest County Potawatomi Community's (FCP Community) Tribal Council's 1995 request to redesignate certain portions of the FCP Community Reservation as a non-Federal Class I area under the Clean Air Act (CAA) program for the Prevention of Significant Deterioration of air quality. Class I areas allow the greatest degree of air quality protection. EPA has promulgated a Federal Implementation Plan (FIP) as the mechanism to implement the redesignation request. Public hearings were originally held on the FCP Community proposal in Carter and Rhinelander, Wisconsin in August 1997. Additional public hearings were held in Crandon, Wisconsin in March 2007.

This final action codifies in the Federal PSD regulations (40 CFR Part 52) the language necessary to implement the redesignation request.

In separate notices, published in conjunction with today's final action, EPA announces the resolution of the intergovernmental disputes invoked by the Governors of Wisconsin and Michigan under Section 164(e) of the CAA in 1995 about EPA's proposal to approve the request of the FCP Community to redesignate portions of its reservation as a non-Federal Class I area. The State of Wisconsin and the FCP Community were able to reach an agreement concerning the redesignation and, after considering the final agreement signed by the FCP Community and the State of Wisconsin, EPA finds that this agreement resolves the dispute and no further action is required by EPA. In the case of the State of Michigan, the FCP Community and the state were unable to reach an agreement concerning the redesignation, which triggers a requirement under the Clean Air Act that the Administrator resolve the dispute. After fully considering the concerns raised by the State of Michigan, EPA has determined that it is not proper in these particular circumstances to disapprove the FCP Community's redesignation request. The FCP Community-Wisconsin MOA, together with related materials regarding the dispute resolution with both states, is available in the docket for today's final action, at www.regulations.gov (Docket ID No. EPA-R05-OAR-2004-WI-0002).

The Class I designation will result in lowering the allowable increases in ambient concentrations of particulate matter, sulfur dioxide, and nitrogen oxide within the redesignated reservation parcels.