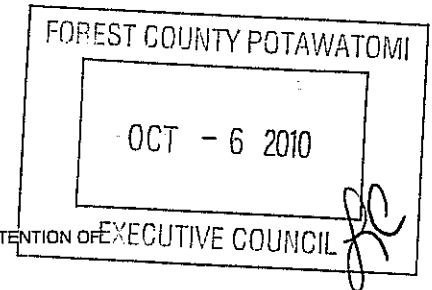




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 29 2010



REPLY TO THE ATTENTION OF EXECUTIVE COUNCIL

Philip Shopodock
Chairman
Forest County Potawatomi Community
P.O. Box 340
Crandon, Wisconsin 54520

Dear Chairman Shopodock:

I am pleased to notify you that the U.S. Environmental Protection Agency has approved the Forest County Potawatomi Community's (FCPC) request for an eligibility determination under the Tribal Authority Rule (TAR) - Title 40 Code of Federal Regulations (CFR) Part 49 for Sections 105, 126, and 505(a)(2) of the Clean Air Act (CAA). Congratulations on being only the fourth tribe in Region 5 to receive an eligibility determination under the CAA TAR.

In making this decision, I evaluated the information provided by the FCPC's air and legal programs and determined that the tribe meets the requirements of CAA Section 301(d) and 40 CFR Part 49, which provide for the authorization of specific tribal CAA authorities. The scope of this action is summarized briefly below.

Section 105 of the CAA provides for grants to support air pollution planning and control programs. Generally, Section 105 grants require a 40 percent match by the recipient. However, as a result of EPA's eligibility determination, the FCPC will be able to take advantage of the provisions of 40 CFR 49.11 which allow EPA to initially reduce the match to 5 percent for eligible Indian tribes.

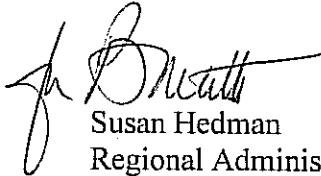
Section 505(a)(2) of the CAA provides that an agency issuing an operating permit to a major source of air pollutants (Title V permit) shall notify other states within 50 miles of the facility being permitted and provide the potentially affected states with an opportunity to submit written recommendations on the permit. If any part of those recommendations is not accepted by the agency issuing the permit, it shall notify the affected state and the EPA Administrator in writing and identify the reasons for its action. As a result of EPA's eligibility determination, and consistent with Section 505(a)(2) of the CAA, the Tribe will be entitled to notification by the agencies issuing Title V permits to sources within 50 miles of the exterior boundaries of the FCPC's reservation. These Title V permitting agencies currently are the Wisconsin Department of Natural Resources and the Michigan Department of Natural Resources and Environment and, for sources in Indian Country, EPA. Also, as provided by Section 505(a)(2), the Tribe will have an opportunity to provide recommendations to these permitting agencies and be notified should the agency not accept any of the tribe's recommendations.

Section 126 of the CAA authorizes a state or tribe to enforce the prohibitions embodied in CAA § 110 (a)(2)(D) against another state or tribe containing an allegedly offending source or group of sources causing an adverse impact on air quality on downwind lands. Among other things, this provision requires states to include measures in their state implementation plans that prohibit emissions activity within the state from significantly contributing to nonattainment, interfering with maintenance of the national ambient air quality standards, or interfering with measures under the Prevention of Significant Deterioration Program or visibility protection programs in another state or in another tribe's reservation.

I am confident that this action will provide for enhanced protection of air quality on your reservation and look forward to continuing our productive working relationship.

If you have any questions concerning this notification, please do not hesitate to contact me at 312-886-3000 or Cheryl L. Newton, Director, Air and Radiation Division, at 312-353-4418.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Hedman", with a long horizontal flourish extending to the right.

Susan Hedman
Regional Administrator