



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

OCT 22 2008

REPLY TO THE ATTENTION OF:
(AR-18J)

G. Vinson Hellwig
Air Quality Division
Michigan Department of Environmental Quality
525 West Allegan Street
P.O. Box 30260
Lansing, Michigan 48909-7760

Dear Mr. Hellwig:

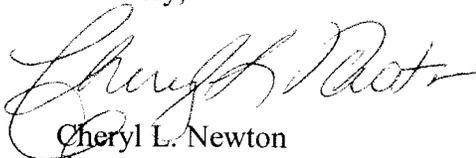
I am writing in response to your August 7, 2008, letter regarding the Forest County Potawatomi Community Class I area in which you raised several questions. As you may be aware, the Clean Air Act (CAA) provides that states "shall transmit to [U.S. EPA] a copy of each permit application relating to a major emitting facility received by such State and provide notice to the Administrator of every action related to the consideration of such permit." 42 U.S.C. § 7475(d); 40 C.F.R. 51.166(p)(1). Consistent with that provision, should you receive a permit application for a major source or major modification, please send a copy of the application materials to the U. S. Environmental Protection Agency's Region 5 office.

Per our previous discussions, I want to clarify EPA's position on the issue of distance. The 100 kilometer distance you cite in your letter is not established by EPA's current regulations, which do not specify a limitation on the geographic area within which notice must be provided. Pursuant to the CAA, protection of increments, including those applicable to Class I areas, is the operative criterion for permit issuance, and whether this criterion is met is not necessarily determined by whether or not the source is within a particular distance of a Class I area. See 42 U.S.C. §§ 163(a) and 165(a)(3).

As you may also be aware, EPA has not promulgated final rules based upon the May 16, 1997, "Advance Notice of Proposed Rulemaking on Prevention of Significant Deterioration of Air Quality: Permit Review Procedures for Sources that May Adversely Affect Air Quality in Non-Federal Class I Areas." Rules for the consideration of impacts to such non-federal class I areas may be found in 42 U.S.C. § 7475(d) and the implementing rules at 40 C.F.R. 51.166(p).

If you have any further questions, please feel free to contact me or have your staff contact Constantine Blathras at (312) 886-0671.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton
Acting Director
Air and Radiation Division