

December 18, 2006

(AR-18J)

Keith Tourtillot
Menominee Casino & Hotel
Menominee Indian Tribe of Wisconsin
P.O. Box 760
Keshena, Wisconsin 54135

Dear Mr. Tourtillot:

Thank you for your October 2, 2006, letter requesting to use the United States Environmental Protection Agency (U.S. EPA) "Potential to Emit (PTE) Transition Policy" to have the Menominee Casino-Bingo-Hotel in Keshena, Wisconsin treated as a non-major source so that a Federal Operating Permit (Part 71 permit) would not be required. The "PTE Transition Policy" is described in the March 7, 1999, U.S. EPA Memo titled "Potential to Emit Transition Policy for Part 71 Implementation in Indian Country". The PTE Transition Policy allows U.S. EPA to treat a stationary air pollution source located in Indian country as non-major for the purposes of Part 71 if its actual emissions are and remain below 50 percent of the major source threshold for major source status. The actual emissions need to remain below 50 percent of the major source threshold for every consecutive 12-month period beginning with the 12 months immediately preceding the date of the 1999 Memo. The source also needs to maintain adequate records to demonstrate that its actual emissions have been kept below these levels.

U.S. EPA is currently developing a minor preconstruction permit program for sources in Indian country. Until such time that this program becomes effective, the PTE Transition Policy is intended to fill the gap and will be in effect until U.S. EPA adopts and implements a mechanism to limit the PTE, or until U.S. EPA approves a tribe's program providing such a mechanism for the relevant area of Indian country.

Your October 2, 2006, letter to U.S. EPA Region 5 states that the Menominee Casino-Bingo-Hotel has maintained actual emissions below 50 percent of the major source threshold for every consecutive 12-month period of operation, and that on-site records will be maintained to adequately demonstrate that emissions have been kept below the major source threshold for the entire transition period.

We have reviewed the emissions data for the two generators that was submitted with the Part 71 permit application for the Menominee Casino-Bingo-Hotel, and it appears that the facility can be treated as a non-major source and therefore does not require a Part 71 air permit until such time there exists another means to limit the PTE from the generators. Should emissions from the generators rise above 50 percent of the major source threshold, the Menominee Casino-Bingo-Hotel would become subject to Part 71. To continue using the PTE Transition Policy, the responsible official of the Menominee Casino-Bingo-Hotel must begin immediately to maintain records to demonstrate that the actual emissions of any regulated pollutants from the source remain below 50 percent of the threshold.

If you have any questions please feel free to contact Richard Angelbeck, of my staff, at (312) 886-9698.

Sincerely yours,

/s/

Pamela Blakley, Chief
Air Permits Section

cc: Gary Schuettpelz, MITW