



Ponderay Newsprint Company

422767 SR 20, Usk, WA 99180-9771
(509) 445-1511, FAX: (509) 445-1233

December 7, 2018

Chris Hladick
Regional Administrator
EPA Region 10
1200 Sixth Avenue
Mail Code RA-210
Seattle, WA. 98101

Re: Request for Extension of Comment Period on EPA Proposal To Adopt Federal Implementation Plan for the Kalispel Reservation (Docket ID No. EPA-R10-OAR-2017-0347)

Dear Mr. Hladick:

I am writing on behalf of Ponderay Newsprint Company (PNC) to request a 31 day extension of the comment period on the above-referenced proposed rule. On October 31, 2018 EPA published notice in the Federal Register of its proposal to redesignate the Kalispel Reservation as a PSD Class I area.¹ PNC owns and operates a newsprint mill in Usk, Washington, located 0.8 miles from the nearest point on the Reservation. PNC is concerned that this redesignation could limit PNC's ability to modernize operations at the mill, and curb opportunities for other businesses to locate in Pend Oreille County.

The comment period on the proposal is scheduled to end on December 14, 2018. PNC intends to comment, focusing on whether the proposal satisfies the requirements imposed on EPA and on the Tribe by 40 CFR 52.21(g). To inform its comments, PNC submitted a FOIA request to EPA on July 11, 2018, soliciting communications between EPA and the Tribe related to the redesignation proposal. EPA has produced three installments of records responsive to this request, but has not yet completed its response. The most recent update from Tim Hamlin to our counsel advises that "We will complete our response to your request . . . by December 30, 2018."²

The records produced to date have been strongly relevant to the requirements set forth in 40 CFR 52.21(g), and the subject matter of PNC's comments. Accepting the validity of Region 10's commitment that EPA will complete its response to our FOIA request by December 30, a 31 day extension to Monday January 14, 2019 would enable PNC to incorporate relevant information from the FOIA response into its comments.

¹ 83 Fed. Reg. 54691(October 31, 2018).

² Letter of November 15, 2018 from Tim Hamlin, Director, Region 10 Office of Air and Waste to Matthew Cohen (copy enclosed).

Mr. Chris Hladick
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Thank you for your consideration of this request. We look forward to your reply. Please contact Matthew Cohen, Stoel Rives, at 206 386-7569 or matthew.cohen@stoel.com with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Johnson", is centered below the closing. The signature is fluid and cursive, with the first name "M." and the last name "Johnson" clearly distinguishable.

Myron Johnson
General Manager

Cc: Rep. Cathy McMorris-Rodgers
Steve Kiss, Pend Oreille County Board of Commissioners
Brett Dugan, Office of Regional Counsel
Tim Hamlin, Region 10 Office of Air and Waste

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

OFFICE OF
AIR AND WASTE

November 15, 2018

Mr. Matthew Cohen
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, Washington 98101

Re: Freedom of Information Act Request No. EPA-R10-2018-009457

Dear Mr. Cohen:

This is the third interim response to your Freedom of Information Act request to the U.S. Environmental Protection Agency dated July 11, 2018, in which you requested “copies of written communication between any employee or representative of the EPA, Region 10 and any employee or representative of the Kalispel Tribe and/or the Washington Department of Ecology, relating to redesignation of the Kalispel Reservation as a PSD Class I Area.”

Responsive records have been uploaded and are available to you on FOIA online. We are withholding portions of records from disclosure by virtue of 5 U.S.C. § 552(b)(6) because the disclosure of these records would constitute a clearly unwarranted invasion of personal privacy. In addition, we have removed the document entitled “public hearing” released on August 23, 2018, and replaced it with a copy of the same document with portions withheld by virtue of 5 U.S.C. § 552(b)(6) because the disclosure of the withheld portions would constitute a clearly unwarranted invasion of personal privacy.

We are continuing to process the remainder of your request as expeditiously as possible. We will follow up with future responses. We will complete our response to your request, including a list of any documents withheld, if applicable, by December 30, 2018. We will continue to provide rolling responses as records are processed for release. Your rights to appeal the withholding of any information that you requested will be explained in our final response letter.

If you have any questions regarding this interim response or would like to further modify or narrow your request so that it may be processed sooner, please contact Brett Dugan by phone at (206) 553-8562 or by email at Dugan.Brett@epa.gov. Additionally, you may seek dispute resolution service from EPA’s FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667 or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769, or by mail, to:

Office of Government Information Services
National Archives and Records Administration, Room 2510
8610 Adelphi Road
College Park, MD 20740-6001

This is the third response from the EPA, Region 10 for FOIA request number EPA-R10-2018-009457.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Hamlin", with a stylized flourish at the end.

Timothy B. Hamlin
Director