



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 16 2016

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Ave., Suite 100
Frankfort, Kentucky 40601

Dear Governor Bevin:

We are sending this letter in response to a letter that was sent to the U.S. Environmental Protection Agency by the former Secretary of Kentucky's Energy and Environment Cabinet, Leonard Peters, dated September 16, 2015, with updated recommendations on air quality designations for the Commonwealth of Kentucky for the 2010 revision to the primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂). Reducing levels of SO₂ pollution is an important part of the U.S. Environmental Protection Agency's commitment to a clean, healthy environment. Exposure to SO₂ can cause a range of adverse health effects, including narrowing of the airways which can cause difficulty breathing and increased asthma symptoms. This letter is to notify you of the EPA's preliminary intentions regarding your recommended designations.

On June 3, 2010, the EPA strengthened the health-based or "primary" standard for SO₂ by establishing a standard for 1-hour average SO₂ concentrations at a level of 75 parts per billion. Within 1 year after a new or revised standard is established, the Clean Air Act requires the Governor of each state to submit to the EPA a list of all areas in the Commonwealth, with recommendations for whether each area meets the standard. Through an interactive process, the EPA considers the recommendations and then promulgates designations for all areas across the country. On July 25, 2013, the EPA designated 29 areas in 16 states as nonattainment, but did not at that time designate other areas. Pursuant to a March 2, 2015, court-ordered schedule,¹ the EPA must complete the remaining SO₂ designations by three specific deadlines: July 2, 2016, December 31, 2017, and December 31, 2020.

This current round of designations, to be completed by July 2, 2016, addresses two groups of areas: (1) areas that have newly monitored violations of the 2010 SO₂ NAAQS based on the most recent three calendar years of certified monitored ambient air quality data, and (2) areas that contain any stationary source that had not been announced as of March 2, 2015, for retirement and that according to the EPA's Air Markets Database emitted in 2012 either: (i) more than 16,000 tons of SO₂ or (ii) more than 2,600 tons of SO₂ with an annual average emission rate of at least 0.45 pounds of SO₂/mmBTU.

¹ *Sierra Club v. McCarthy*, No. 3-13-cv-3953 (SI) (N.D. Cal. Mar. 2, 2015).

Because the EPA has insufficient information to determine whether the following areas are meeting or not meeting the SO₂ NAAQS, the EPA intends to designate these areas as unclassifiable:

Intended Unclassifiable Area
Pulaski County, KY*
Ohio County, KY*

Intended Unclassifiable Counties
Pulaski County, KY
Ohio County, KY

The asterisk (*) indicates the designation for these intended unclassifiable areas represent a modification to the designation of attainment that Kentucky has recommended.

We understand that the Commonwealth is working with the affected sources to put in place federally-enforceable emissions limits that might be creditable towards unclassifiable/attainment designations, assuming that no outstanding technical modeling issues remain, and all other conditions in the impacted areas as identified in the enclosed technical support document are resolved. It will be necessary for these federally-enforceable emissions limits to be in place early enough to be considered for the EPA's final designation which is court-ordered to happen no later than July 2, 2016.

The enclosed Technical Support Document provides a detailed analysis that supports our intended designation decisions. If the Commonwealth has additional information that the EPA should consider prior to finalizing these designations, please submit it to us by April 19, 2016. We also will be publishing a notice in the *Federal Register* announcing a 30-day period for the public to provide input on the EPA's intended designation decisions. We will promulgate the designations for these areas by July 2, 2016. We will designate all other previously undesignated areas in the Commonwealth on a schedule consistent with the prescribed timing of the court order, i.e., by December 31, 2017, or December 31, 2020.

We look forward to a continued dialogue with you and your staff as we work together to complete the area designations and implement the 2010 primary SO₂ standard. For additional information regarding designations under the SO₂ standard, please visit our website at www.epa.gov/so2designations. Should you have any questions, please do not hesitate to call me, or have your staff contact Beverly H. Banister, Director, Air, Pesticides and Toxics Management Division at (404) 562-9070 or banister.beverly@epa.gov.

Sincerely,



Heather McTeer Toney
Regional Administrator

Enclosure

cc: Charles G. Snavely
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