



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

OFFICE OF THE  
REGIONAL  
ADMINISTRATOR

FEB 16 2016

The Honorable Sam Brownback  
Governor, State of Kansas  
300 SW 10<sup>th</sup> Avenue, Suite 241S  
State Capitol Building  
Topeka, Kansas 66612

Dear Governor Brownback:

Thank you for your staff's recommendations dated September 9, 2015, on air quality designations for the state of Kansas for the 2010 revision to the primary National Ambient Air Quality Standard for sulfur dioxide. Reducing levels of sulfur dioxide pollution is an important part of the U.S. Environmental Protection Agency's commitment to a clean, healthy environment. Exposure to sulfur dioxide 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 staff's recommended designations.

On June 3, 2010, the EPA strengthened the health-based or primary standard for sulfur dioxide by establishing a standard for one-hour average sulfur dioxide concentrations at a level of 75 parts per billion. Within one 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 state, 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,<sup>1</sup> the EPA must complete the remaining sulfur dioxide 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 sulfur dioxide standard 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 sulfur dioxide or (ii) more than 2,600 tons of sulfur dioxide with an annual average emission rate of at least 0.45 pounds of sulfur dioxide per one million British Thermal Units.

After carefully considering Kansas' recommendations and other available technical information, the EPA intends to designate as unclassifiable/attainment the following area, including the following county:

\_\_\_\_\_

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



Intended Unclassifiable/Attainment

Area

Linn County

Intended Unclassifiable/Attainment

Area County

Linn County

Because, at this time, the EPA does not have conclusive information to determine whether the following areas are meeting or not meeting the sulfur dioxide standard, the EPA intends to designate these areas as unclassifiable:

Intended Unclassifiable Area

Wyandotte County\*

Shawnee County

Intended Unclassifiable Counties

Wyandotte County

Shawnee County

The asterisk (\*) indicates the designation for this intended unclassifiable area represents a modification to the designation that you have recommended.

The enclosed technical support document provides a detailed analysis that supports our intended designation decisions. If your state has additional information that we 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 our 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 state 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 sulfur dioxide standard. For additional information regarding designations under the sulfur dioxide standard, please visit our website at [www.epa.gov/sulfurdioxidedesignations](http://www.epa.gov/sulfurdioxidedesignations). Should you have any questions, please do not hesitate to call me, or have your staff contact David Peter of my staff at (913) 551-7397 or [peter.david@epa.gov](mailto:peter.david@epa.gov).

Sincerely,



Mark Hague

Enclosure

cc: Susan Mosier, Kansas Department of Health & Environment  
Rick Brunetti, Kansas Department of Health & Environment  
Janet G. McCabe, USEPA Headquarters  
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