



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 16 2016

Mr. Basil Seggos
Acting Commissioner
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233-1010

Dear Acting Commissioner Seggos:

Thank you for your recommendations dated September 18, 2015 on air quality designations for the State of New York 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 (EPA'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 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,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 3 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.

After carefully considering New York's recommendations and other available technical information, the EPA intends to designate as unclassifiable/attainment the following areas, including the following counties or portions of counties:

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

Intended Unclassifiable/Attainment Area Counties*

Erie County

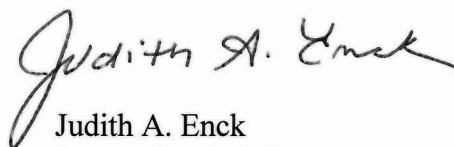
Niagara County

The asterisk (*) indicates the boundary for this intended unclassifiable/attainment area which represents a modification to the boundary that you recommended. Since New York has not evaluated the impact to Cattaraugus County from nearby areas in its recommendation, and in conjunction with the fact that Cattaraugus County does not contain any areas meeting the conditions requiring designation by July 2, 2016, the EPA is not proposing to designate any portion of Cattaraugus County at this time.

The enclosed Technical Support Document provides a detailed analysis that supports our intended designation decisions. If your state 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 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 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 Ariel Iglesias of my staff at (212) 637-3315 or Iglesias.Ariel@epa.gov.

Sincerely,



Judith A. Enck
Regional Administrator

Enclosure

cc: Dave Shaw, Director of Air Resources
New York State Department of Environmental Conservation

Robert Sliwinski, Director of Air Quality Planning
New York State Department of Environmental Conservation

Janet G. McCabe, Acting Assistant Administrator for Air and Radiation

Stephen D. Page, Director, Office of Air Quality Planning and Standards