



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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BOSTON, MA 02109-3912

MAR 31 2015

Mr. Robert Klee, Commissioner
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127

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CT DEPT OF ENERGY &
ENVIRONMENTAL PROTECTION
COMMISSIONER'S OFFICE

Dear Commissioner Klee:

I am writing to update you on the status of the U.S. Environmental Protection Agency's progress in implementing the primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂) set in 2010 at 75 parts per billion (ppb) as a 1-hour average. In July 2013, the EPA identified 29 areas in 16 states as nonattainment and expressed the intent to address designations for the remainder of the country in separate future actions.

On March 2, 2015, the U.S. District Court for the Northern District of California accepted as an enforceable order an agreement between the EPA and Sierra Club and Natural Resources Defense Council to resolve litigation concerning the deadline for completing the designations. The court's order directs the EPA to complete designations in three additional rounds: the first round by July 2, 2016, the second round by December 31, 2017, and the final round by December 31, 2020. The EPA will designate areas as either nonattainment, unclassifiable/attainment, or unclassifiable.

In the first round of designations, the EPA will designate two groups of areas: 1) areas that have newly monitored violations of the 2010 SO₂ standard, and 2) areas that contain any stationary source that (as of March 2, 2015) has not been announced for retirement and according to the EPA's Air Markets Database emitted in 2012 either (a) more than 16,000 tons of SO₂, or (b) more than 2,600 tons of SO₂ and had an emission rate of at least 0.45 lbs SO₂/mmbtu. In the enclosure to this letter, the EPA provides the schedule we intend to follow to meet the July 2, 2016, deadline.

While there are currently no violating monitors and no sources in your state meeting the criteria established in the court's order for the round of designations that the EPA will complete by July 2, 2016, we are providing you with information and resources that may be of use throughout the entirety of the designations process, including the rounds of designations that the EPA will complete by December 31, 2017, and December 31, 2020. First, the EPA has updated its March 24, 2011, designation guidance for the 2010 SO₂ standard to support analysis of designations and boundaries for these next rounds of designations. Second, in January 2014, EPA made available two technical assistance documents that provide advice on the use of modeling and monitoring data when determining if an area is meeting or not meeting the 2010 SO₂ standard. Each of these three documents can be found on the EPA's website at <http://epa.gov/airquality/sulfurdioxide/implement.html>. Third, additional information guiding the round of initial designations to be completed by July 2, 2016, including: a table of electric power plant sources that exceed the emissions thresholds established in the court's order; a table of the locations where ambient air quality monitors may be recording preliminary violations of the 2010 SO₂ standard; and, a table of states and tribes that have a border located within 20 kilometers of a sources in a neighboring

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state that exceeds those emissions thresholds, is available at <http://epa.gov/airquality/sulfurdioxide/guidance.html>.

The court's order directs the EPA to complete the second of the next three rounds of area designations by December 31, 2017. These designations would address areas where states have not installed and begun operating a new SO₂ monitoring network meeting the EPA's specifications referenced in our proposed rule titled, "Data Requirements Rule for the 1-hour SO₂ primary NAAQS." This rule, which was proposed in the *Federal Register* on May 13, 2014, would direct state and tribal air agencies to provide data to characterize current air quality in areas with large sources of SO₂ if such areas do not have sufficient air quality monitoring in place to identify maximum SO₂ concentrations. The data collected as a result of this proposed rule, once promulgated and implemented, would be used in the designations process. Lastly, the court's order directs the EPA to designate all remaining areas by December 31, 2020. The EPA will provide states with additional information on the designations process associated with these later deadlines at a later date.

We look forward to continued dialogue with you and your staff as we work together to implement the 2010 SO₂ standard and achieve its intended public health protection. For additional information regarding designations for the 2010 SO₂ standard, please visit our website at www.epa.gov/so2designations.

Should your staff have any questions, please do not hesitate to call Donald Dahl of my staff at (617) 918-1657 and dahl.donald@epa.gov.

Sincerely,



H. Curtis Spalding
Regional Administrator

Enclosure

ENCLOSURE

TIMELINE FOR 2010 PRIMARY SO ₂ NAAQS DESIGNATION PROCESS FOR AREAS ASSOCIATED WITH JULY 2, 2016, COURT-ORDERED DEADLINE*	
Milestone	Date
Court Order	March 2, 2015
Impacted states [and tribes] may submit updated recommendations and supporting information for area designations to the EPA	No later than September 18, 2015
The EPA notifies impacted states [and tribes] concerning any intended modifications to their recommendations (120-day letters)	on or about January 22, 2016, but absolutely no later than 120 days prior to final designations, <i>i.e.</i> , March 2, 2016
The EPA publishes public notice of state recommendations and the EPA's intended modifications and initiates 30-day public comment period	on or about February 3, 2016
End of 30-day public comment period	on or about March 4, 2016
Impacted states [and tribes] provide additional information to demonstrate why an EPA modification is inappropriate	on or about April 8, 2016
The EPA promulgates final SO ₂ area designations (no later than 16 months from Court Order)	No later than July 2, 2016

* The court's order also directs the EPA to promulgate additional rounds of designations by December 31, 2017, and by December 31, 2020.