

June 13, 2011

Mr. Karl Brooks, Regional Administrator  
U.S. EPA Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

Dear Mr. Brooks:

In June 2010, the U.S. Environmental Protection Agency (EPA) revised the primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO<sub>2</sub>) (75 FR 35520). The process for designations following promulgation of new or revised NAAQS is contained in Section 107(d)(1) of the Clean Air Act (Act). This section of the Act provides a process for the Governor to recommend attainment, nonattainment, or unclassifiable designations, with appropriate boundaries, to EPA and requires that these recommendations be submitted to EPA within one year of promulgation of a new or revised NAAQS. This letter is intended to fulfill this obligation for the State of Kansas.

In the preamble to the NAAQS rulemaking and in a March 24, 2011, EPA guidance memorandum from Stephen D. Page, *Area Designations for the 2010 Revised Primary Sulfur Dioxide National Ambient Air Quality Standards*, EPA describes the expected designations process. EPA's final designations are expected to be based on 2008-2010 air quality data reported from existing SO<sub>2</sub> monitors and on any refined modeling conducted by the states specifically for initial area designations. EPA's planned designation approach is as follows:

- Any area that has either monitoring data or refined modeling results showing a violation would be designated "nonattainment."
- Any area that has both monitoring and refined modeling results showing no violations would be designated "attainment."
- All other areas initially would be designated "unclassifiable."
- County would be the presumptive nonattainment boundary unless the state demonstrates otherwise in recommendations to EPA.

EPA states in its guidance memorandum, "Given the currently limited network of SO<sub>2</sub> monitors and our expectation that states will not yet have completed appropriate modeling of all significant SO<sub>2</sub> sources, we anticipate that most areas of the country will be designated 'unclassifiable.'"

The Kansas Department of Health and Environment has evaluated sources of SO<sub>2</sub> but has not completed modeling at this time. Because there are no existing SO<sub>2</sub> monitors that violate the revised standard, I recommend that EPA designate each of the 105 counties in Kansas as "unclassifiable" with respect to the revised SO<sub>2</sub> standard.

Please feel free to contact John Mitchell, Director of the Division of Environment, at 785-296-1535 or [jmitchell@kdheks.gov](mailto:jmitchell@kdheks.gov) if you have any questions regarding this designation recommendation.

Sincerely,



Sam Brownback  
Governor of the State of Kansas

c: Robert Moser, MD, Secretary, KDHE  
John Mitchell, Director, Division of Environment  
Rick Brunetti, Director, Bureau of Air