



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8P-AR

FEB 16 2016

The Honorable Matthew H. Mead
Office of the Governor
State Capitol
Cheyenne, Wyoming 82002

Dear Governor Mead:

Thank you for your recommendation dated October 27, 2015, on air quality designations for the state of Wyoming 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 designation.

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 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,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.

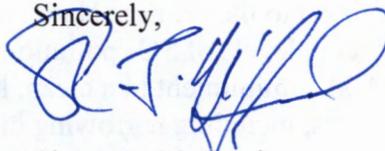
Based on ambient air quality data collected between 2012 and 2014 indicating a violation of the 2010 SO₂ NAAQS, the EPA initially identified the area around the Sinclair Oil Corp Refinery in Sinclair, Wyoming, as one that would potentially create the obligation for us to designate by July 2, 2016.

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

However, the EPA has since discovered that the monitor reading violations near the Sinclair Refinery had been located within the company's fence line, and thus was not in the ambient air. Since the monitor was not in the ambient air it is considered a non-regulatory monitor and the air monitor data cannot be used for designation purposes. Therefore, the EPA has determined that the air monitor was non-regulatory during the 2012-2014 period in which the design value was above the 2010 SO₂ NAAQS, and continued to be non-regulatory for the 2013-2015 period. For this reason, the area around the Sinclair Refinery is not subject to the July 2, 2016, deadline for designation under the court order. We intend to designate the area by December 31, 2020, based on regulatory ambient monitoring near the Sinclair Refinery.

We look forward to a continued dialogue with you and your staff as we work together to complete the 2017 and 2020 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 Carl Daly of my staff at (303) 312-6416 or daly.carl@epa.gov.

Sincerely,



Shaun L. McGrath
Regional Administrator

cc: Todd Parfitt
Director, Wyoming Department of Environmental Quality

Nancy Vehr
Administrator, Air Quality Division

Janet G. McCabe, Acting Assistant Administrator for Air and Radiation
Stephen D. Page, Director, Office of Air Quality Planning and Standards