



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

OFFICE OF THE  
REGIONAL ADMINISTRATOR

AUG 22 2017

The Honorable Sam Brownback  
Governor, State of Kansas  
300 S.W. 10<sup>th</sup> Street  
Topeka, Kansas 66612

Dear Governor Brownback:

The purpose of this letter is to inform you of the U.S. Environmental Protection Agency's (EPA's) intended designations for certain areas in Kansas for the 2010 Primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO<sub>2</sub>). The designations for this NAAQS are an important part of the EPA's commitment to a clean, healthy environment. These intended designations are a response to designations-related recommendations and information your state submitted in letters dated June 13, 2011, September 9, 2015, and January 10, 2017.

On July 25, 2013, the EPA designated certain areas in 16 states as nonattainment, but did not at that time designate other areas. Additional areas were designated on June 30, 2016, and November 29, 2016. In Kansas, the following areas were designated in these previous actions: Linn County, Shawnee County and Wyandotte County. Pursuant to a March 2, 2015, court-ordered schedule,<sup>1</sup> the agency must complete the remaining SO<sub>2</sub> designations by two specific deadlines: December 31, 2017, and December 31, 2020. Accordingly, pursuant to section 107(d)(1)(B)(ii) of the Clean Air Act, this letter is to notify you of the EPA's assessment of your state's recommended designations for all remaining undesignated areas in Kansas. We are in general agreement with your recommendations.

If you or your staff have additional information that the EPA should consider prior to finalizing the designations, please submit it as soon as possible but no later than October 23, 2017. You may submit additional information by sending it to the EPA's public docket for these designations, EPA-HQ-OAR-2017-0003, located at [www.regulations.gov](http://www.regulations.gov), and sending a copy to EPA Region 7. The EPA also will publish a notice in the *Federal Register* announcing a 30-day comment period for the public to provide input on the EPA's intended designations.

We intend to designate as unclassifiable/attainment all remaining undesignated areas of Kansas.<sup>2</sup> Enclosure 1 to this letter provides the information that supports the intended designation decisions for these areas in Kansas.<sup>3</sup> A list of these remaining areas is included in Enclosure 2.

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

<sup>2</sup> Our intended designated areas include all areas of Indian country located in each of the indicated areas.

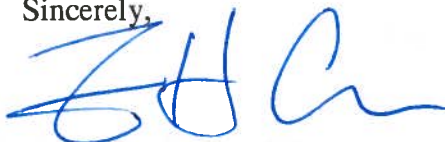
<sup>3</sup> Enclosure 1 is Chapter 2 of the Technical Support Document for the designations EPA plans to complete by December 31, 2017, that addresses areas in Kansas. The Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>.



The EPA will promulgate the final designations for the areas identified in this letter by December 31, 2017. We are prepared to work with you to resolve any disagreements with respect to the available information or information gaps. Upon completion of this designation action, there will be no remaining areas in Kansas to be designated.

We share your goal to provide cleaner air for citizens in your state. 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 SO<sub>2</sub> NAAQS. For additional information regarding designations under the SO<sub>2</sub> NAAQS, please visit our website at <https://www.epa.gov/sulfur-dioxide-designations>. 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,



Edward H. Chu  
Acting Regional Administrator

Enclosures

cc: Susan Mosier, Kansas Department of Health and Environment  
Rick Brunetti, Kansas Department of Health and Environment

## Enclosure 2

List of all remaining areas of Kansas that were not required to be characterized and for which EPA does not have information that suggests the area may not be meeting the NAAQS or contributing to air quality in a nearby area that does not meet the NAAQS. The EPA intends to designate each of these areas as a separate unclassifiable/attainment area.

| <b>County</b> |
|---------------|
| Allen         |
| Anderson      |
| Atchison      |
| Barber        |
| Barton        |
| Bourbon       |
| Brown         |
| Butler        |
| Chase         |
| Chautauqua    |
| Cherokee      |
| Cheyenne      |
| Clark         |
| Clay          |
| Cloud         |
| Coffey        |
| Comanche      |
| Cowley        |
| Crawford      |
| Decatur       |
| Dickinson     |
| Doniphan      |
| Douglas       |

|             |
|-------------|
| Edwards     |
| Elk         |
| Ellis       |
| Ellsworth   |
| Finney      |
| Ford        |
| Franklin    |
| Geary       |
| Gove        |
| Graham      |
| Grant       |
| Gray        |
| Greeley     |
| Greenwood   |
| Hamilton    |
| Harper      |
| Harvey      |
| Haskell     |
| Hodgeman    |
| Jackson     |
| Jefferson   |
| Jewell      |
| Johnson     |
| Kearny      |
| Kingman     |
| Kiowa       |
| Labette     |
| Lane        |
| Leavenworth |

|              |
|--------------|
| Lincoln      |
| Logan        |
| Lyon         |
| Marion       |
| Marshall     |
| McPherson    |
| Meade        |
| Miami        |
| Mitchell     |
| Montgomery   |
| Morris       |
| Morton       |
| Nemaha       |
| Neosho       |
| Ness         |
| Norton       |
| Osage        |
| Osborne      |
| Ottawa       |
| Pawnee       |
| Phillips     |
| Pottawatomie |
| Pratt        |
| Rawlins      |
| Reno         |
| Republic     |
| Rice         |
| Riley        |
| Rooks        |

|            |
|------------|
| Rush       |
| Russell    |
| Saline     |
| Scott      |
| Sedgwick   |
| Seward     |
| Sheridan   |
| Sherman    |
| Smith      |
| Stafford   |
| Stanton    |
| Stevens    |
| Sumner     |
| Thomas     |
| Trego      |
| Wabaunsee  |
| Wallace    |
| Washington |
| Wichita    |
| Wilson     |
| Woodson    |

An asterisk (\*) indicates that the intended designation for this county or portion of a county represents a modification to the designation that Kansas has most recently recommended.