



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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AUG 22 2017

Ref: 8P-AR

Honorable Doug Burgum
Office of the Governor
State of North Dakota
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0100

Dear Governor Burgum:

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 North Dakota for the 2010 Primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂). 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 designation-related recommendations and information your state submitted in letters dated May 25, 2011, September 16, 2015 and January 5, 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 North Dakota, the following areas were designated in these previous actions: McLean County and portions of Mercer County. Pursuant to a March 2, 2015, court-ordered schedule,¹ the agency must complete the remaining SO₂ 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 North Dakota except areas that are associated with sources for which North Dakota elected to install and begin operating a new SO₂ monitoring network. We are in agreement with your recommendations for these areas, and we provide more information on our analysis in the accompanying technical support document.

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, and sending a copy to EPA Region 8. 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.

North Dakota has recommended a designation of unclassifiable/attainment for the areas indicated below. EPA regulations for implementing the SO₂ NAAQS require North Dakota to characterize SO₂ air quality in each listed area. In considering your recommendation, we have taken into account all available information, including any current (2014-2016) air monitoring data, and any air dispersion modeling

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

analyses provided by North Dakota or by a third party. Our review of this information indicates that it is consistent with your recommendation.

Unclassifiable/Attainment Area	Included Counties
Northern Mercer County (all areas of the county apart from the Fort Berthold Indian Reservation and the portions of county that have already been designated).	Mercer
Burleigh and Morton Counties	Burleigh, Morton
Oliver County	Oliver

Enclosure 1 to this letter provides the information that supports the intended designation decisions for these areas in North Dakota.²

Finally, we intend to designate as unclassifiable/attainment all remaining areas of North Dakota that were not required to be characterized and for which the 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. A list of these remaining areas is included in Enclosure 2.

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. We are then required to designate all other remaining undesignated areas in North Dakota by December 31, 2020, consistent with the prescribed timing of the court order.

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 SO₂ NAAQS. For additional information regarding designations under the SO₂

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

NAAQS, please visit our website at <https://www.epa.gov/sulfur-dioxide-designations>. Should you have any questions, please do not hesitate to contact me, or your Air Quality Program. Your staff may contact Monica Morales, Region 8's Air Program Director, at morales.monica@epa.gov or (303) 312-6936.

Sincerely,



Debra H. Thomas
Acting Regional Administrator

Enclosures

cc: Mylynn Tufte, State Health Officer
North Dakota Department of Health

David Glatt, Chief
North Dakota Department of Health
Environmental Health Section

Terry O'Clair, Director
North Dakota Department of Health, Division of Air Quality

Enclosure 2

List of all remaining areas of North Dakota that were not required to be characterized and for which the 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.

County or Partial County (p)	Included Area, If Partial County
All remaining areas of North Dakota. ¹	All undesignated areas of the state apart from Williams County and the areas listed in the table above.

¹ Includes areas of Indian country located in the area.