



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OFFICE OF THE
REGIONAL ADMINISTRATOR

AUG 22 2017

The Honorable Pete Ricketts
Governor, State of Nebraska
P.O. Box 94848
Lincoln, Nebraska 68509-4848

Dear Governor Ricketts:

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 Nebraska for the 2010 Primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂).¹ 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 1, 2011, September 18, 2015, and January 12, 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 Nebraska, the following areas were designated in these previous actions: Lancaster County, Lincoln County and Otoe County. Pursuant to a March 2, 2015, court-ordered schedule,² 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 Nebraska except areas that are associated with sources for which Nebraska elected to install and begin operating a new SO₂ monitoring network. While we are in agreement with your recommendation for many of these areas, some areas warrant further discussion as explained below and in the accompanying technical support document. We stand ready to assist and hope to resolve any differences regarding the proper designation for these areas within this 120-day period provided by the Clean Air Act.

To this end, 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 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.

¹ Our intended designated areas include all areas of Indian country located in each of the indicated areas.

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



The state of Nebraska has recommended a designation of unclassifiable/attainment for the area indicated below. EPA regulations for implementing the SO₂ NAAQS require Nebraska 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 analyses provided by Nebraska or by a third party. For Adams County, our review of this information indicates that it is not consistent with your recommendation due to either a lack of air dispersion modeling or unresolved air dispersion modeling issues, which would require a modification of the recommended designation. We invite Nebraska to review the available information and further discuss this issue with the EPA in order to inform an appropriate final designation.

Unclassifiable Area	Included Counties
Adams County	Adams County*

An asterisk (*) indicates that the EPA's review of the available information is not consistent with your recommendation for this county.

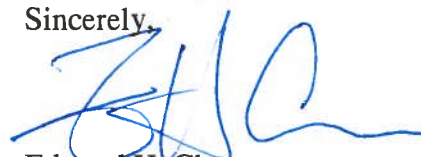
Enclosure 1 to this letter provides the information that supports the intended designation decisions for this area in Nebraska.³

Finally, we intend to designate as unclassifiable/attainment all remaining areas of Nebraska 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. 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 Nebraska 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 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.

Sincerely,



Edward H. Chu
Acting Regional Administrator

Enclosures

³ Enclosure 1 is Chapter 25 of the Technical Support Document for the designations EPA plans to complete by December 31, 2017, that addresses areas in Nebraska. The Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>.

cc: Jim Macy, Nebraska Department of Environmental Quality
Kevin Stoner, Administrator, Nebraska Department of Environmental Quality

Enclosure 2

List of all remaining areas of Nebraska 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.

County
Antelope*
Arthur*
Banner*
Blaine*
Boone*
Box Butte*
Boyd*
Brown*
Buffalo*
Burt*
Butler*
Cass*
Cedar*
Chase*
Cherry*
Cheyenne*
Clay*
Colfax*
Cuming*
Custer*
Dakota*
Dawes*
Dawson*
Deuel*
Dixon*

Dodge*
Dundy*
Fillmore*
Franklin*
Frontier*
Furnas*
Gage*
Garden*
Garfield*
Gosper*
Grant*
Greeley*
Hall*
Hamilton*
Harlan*
Hayes*
Hitchcock*
Holt*
Hooker*
Howard*
Jefferson*
Johnson*
Kearney*
Keith*
Keya Paha*
Kimball*
Knox*
Logan*
Loup*
Madison*

McPherson*
Merrick*
Morrill*
Nance*
Nemaha*
Nuckolls*
Pawnee*
Perkins*
Phelps*
Pierce*
Platte*
Polk*
Red Willow*
Richardson*
Rock*
Saline*
Sarpy*
Saunders*
Scotts Bluff*
Seward*
Sheridan*
Sherman*
Sioux*
Stanton*
Thayer*
Thomas*
Thurston*
Valley*
Washington*
Wayne*

Webster*
Wheeler*
York*

An asterisk (*) indicates that the intended designation for this county represents a modification to the designation that Nebraska has most recently recommended.