



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

Mr. Todd Gates, President  
Seneca Nation of Indians  
Cattaraugus Territory  
12837 Route 438  
Irving, NY 14081

AUG 2 2 2017

Dear President Gates:

The purpose of this letter is to inform you of the U.S. Environmental Protection Agency's (EPA's) intended designation 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.

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. Pursuant to a March 2, 2015, court-ordered schedule,<sup>1</sup> the EPA must complete the remaining SO<sub>2</sub> designations by two specific deadlines: December 31, 2017, and December 31, 2020.

After considering all available information, including the State of New York's recommendations regarding designations for the 2010 1-hour SO<sub>2</sub> NAAQS on June 1, 2011, September 18, 2015, and January 4, 2017, any air dispersion modeling analysis, and any current (2014-2016) air monitoring data, the EPA intends to designate Allegany, Cattaraugus, and Chautauqua County, including any Indian country located in these counties, as unclassifiable/attainment.

The Technical Support Document, available at <https://www.epa.gov/sulfur-dioxide-designations>, provides the information that supports the intended designation. If you or your staff have additional information that the EPA should consider prior to finalizing this designation, 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 2. 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. The EPA will promulgate the final designations for the areas identified in this letter by December 31, 2017.

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>.

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

Should you have any questions, please do not hesitate to call me, or have your staff contact John Filippelli, Director of the Clean Air and Sustainability Division, of my staff at (212) 637-3736.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine R. McCabe". The signature is written in a cursive, flowing style.

Catherine R. McCabe  
Acting Regional Administrator

cc: Lisa Maybee, Director  
Environmental Protection Department