



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

AUG 13 2020

The Honorable Andy Beshear
Governor of Kentucky
700 State Capitol
Frankfort, Kentucky 40601

Dear Governor Beshear:

The purpose of this letter is to notify you of the U.S. Environmental Protection Agency's (EPA) intended designations for the remaining undesignated areas in Kentucky for the 2010 1-hour sulfur dioxide (SO₂) primary national ambient air quality standard (NAAQS). In accordance with section 107(d)(1)(B)(ii) of the Clean Air Act (CAA), the EPA is providing you with 120 days' notice before promulgating final designations for areas in Kentucky. The designations for this NAAQS are an important part of the EPA's commitment to a clean, healthy environment. The EPA's intended designations are a response to, and in consideration of, the recommendations and designations-related information your state submitted in letters dated June 2, 2011, and updated July 7, 2020, for the intended areas.

In previous final actions, the EPA issued designations for the 2010 1-hour SO₂ NAAQS for most areas of the country.¹ To meet the requirements of a March 2, 2015, schedule ordered by the U.S. District Court for the Northern District of California, by December 31, 2020, the EPA will sign for publication in the *Federal Register* a notice promulgating designations for all remaining areas of the country.² We are referring to this final set of designations for the 2010 1-hour SO₂ NAAQS as "Round 4" designations. After the EPA completes these Round 4 designations, there will be no remaining undesignated areas for the 2010 1-hour SO₂ NAAQS in the United States.

After carefully considering Kentucky's recommendations and all available information, particularly (but not limited to) the most recent (2017-2019) air monitoring data, the EPA intends to designate the following areas in Kentucky as shown in the table below. The enclosures to this letter provide the

¹ Most areas of the U.S. were previously designated in actions published on August 5, 2013 (78 FR 47191), July 12, 2016 (81 FR 45039), December 13, 2016 (81 FR 89870), December 21, 2017 (83 FR 1098), and March 28, 2018 (83 FR 14597). The EPA is not reopening these previous designation actions in this current Round 4 of designations under the 2010 1-hour SO₂ NAAQS, except where specifically discussed.

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

technical information that supports the EPA's intended designation decisions for these areas in Kentucky.³

| Area[s] | Included Counties | The EPA's Intended Designation |
|--------------------------|--|--------------------------------|
| Henderson-Webster County | Henderson County(p)* Webster County(p)* | Nonattainment |
| Rest of Henderson | Henderson (p)* | Attainment/Unclassifiable |
| Rest of Webster | Webster (p)* | Attainment/Unclassifiable |

(p) indicates portion of county

An asterisk (*) indicates that the EPA's intended boundary for the Henderson-Webster County intended nonattainment area and the boundary for the rest of Henderson and Webster Counties attainment/unclassifiable area represent a modification to the boundaries that you have recommended in your July 7, 2020, letter. Our intended action, which differs from your recommendation, is based on the EPA's analysis of the available technical information. We invite Kentucky to review the available information and further discuss this issue with the EPA to inform an appropriate final boundary and designation determination for portions of Henderson and Webster Counties. The EPA is available to assist and hopes to resolve any differences regarding the appropriate boundary and designation for Henderson and Webster Counties within the 120-day period provided by the CAA.

The EPA will publish a notice in the *Federal Register* announcing a 30-day public comment period for the interested parties to provide feedback on the EPA's intended designations. States will have additional time beyond the public comment period to respond to public comments, if necessary, and/or provide additional information. If you or your staff have additional information that the EPA should review and consider prior to promulgating final designations, please submit it as soon as possible but no later than October 16, 2020. You may submit additional information to the EPA's public docket for these designations, Docket# EPA-HQ-OAR-2020-0037, located at www.regulations.gov. Please also send an electronic copy to the EPA Region 4 staff member whose contact information I have included below.

Thank you for Kentucky's efforts to provide cleaner air for the citizens in the Commonwealth. 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 1-hour SO₂ NAAQS. For additional information regarding

³ Enclosure 1 includes *Chapter #1: Background and History* and *Chapter #2: Designations for Areas without Violating Monitors* of the Technical Support Document (TSD). Enclosure 2 includes Chapter 3 of the TSD that addresses areas in Kentucky. The TSD is also available at <https://www.epa.gov/sulfur-dioxide-designations>.

designations under the 2010 1-hour 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 Mr. Gregg Worley at worley.gregg@epa.gov, or at 404-562-9141.

Sincerely,

A handwritten signature in black ink, appearing to read 'MSW', is positioned above the printed name.

Mary S. Walker
Regional Administrator

Enclosures

cc: Tony Hatton, Commissioner
Kentucky Energy and Environment Cabinet

Melissa Duff, Director
Kentucky Division for Air Quality

