



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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AUG 12 2020

Ref: 8ARD-IO

The Honorable Doug Burgum
Governor of North Dakota
600 East Boulevard
Bismarck, North Dakota 58505-0001

Dear Governor Burgum:

The purpose of this letter is to notify you of the U.S. Environmental Protection Agency's (EPA's) intended designations for the remaining undesignated area in North Dakota 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 one area in North Dakota. The designations for this NAAQS are an important part of EPA's commitment to a clean, healthy environment. EPA's intended designations are a response to, and in consideration of, the recommendations and designations-related information your state submitted in a letter dated April 23, 2020.

In previous final actions, the EPA issued designations for the 2010 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 SO₂ NAAQS as "Round 4" designations. After the EPA completes these Round 4 designations, there will be no remaining undesignated areas for the 2010 SO₂ NAAQS in the United States.

After carefully considering North Dakota'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 area in North Dakota as shown in the table below. The enclosure to this letter provides the technical information that supports EPA's intended designation decisions for this area in North Dakota.³ Our intended action is consistent with your recommendations.

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 SO₂ NAAQS, except where specifically discussed.

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


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

Area	Included Counties	EPA's Intended Designation
Williams	Williams County	Attainment/Unclassifiable

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 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 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 8 contact whose contact information I have included below.

Thank you for North Dakota's efforts to provide cleaner air for the 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 SO₂ NAAQS. For additional information regarding designations under the 2010 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 Carl Daly, Acting Director, Air and Radiation Division, at daly.carl@epa.gov, or at (303) 312-6416.

Sincerely,


Gregory Sopkin
Regional Administrator

Enclosure

cc: David Glatt, Director, North Dakota Department of Environmental Quality
James Semerad, Director, North Dakota Division of Air Quality