



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

The Honorable Jim Justice  
Governor of West Virginia  
State Capitol, 1900 Kanawha Blvd. East  
Charleston, West Virginia 25305

Dear Governor Justice:

The purpose of this letter is to notify you of the U.S. Environmental Protection Agency's (EPA's) intended designations for West Virginia's remaining undesignated areas for the 2010 1-hour sulfur dioxide (SO<sub>2</sub>) primary national ambient air quality standard (NAAQS). In accordance with section 107(d)(1)(B)(ii) of the Clean Air Act (CAA), EPA is providing you with 120 days' notice before promulgating the final designation for the one remaining area in West Virginia. 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 letters dated May 23, 2011 and June 16, 2020.

In previous final actions, EPA issued designations for the 2010 SO<sub>2</sub> NAAQS for most areas of the country.<sup>1</sup> 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, EPA will sign for publication in the *Federal Register*, a notice promulgating designations for all remaining areas of the country.<sup>2</sup> We are referring to this final set of designations for the 2010 SO<sub>2</sub> NAAQS as "Round 4" designations. After EPA completes these Round 4 designations, there will be no remaining undesignated areas for the 2010 SO<sub>2</sub> NAAQS in the United States.

After carefully considering West Virginia's recommendations and all available information, particularly (but not limited to) the most recent (2017-2019) air monitoring data, EPA intends to designate the following area in West Virginia as shown in the table below. The enclosures to this letter provide the technical information that supports EPA's intended designation decision for this area in West Virginia.<sup>3</sup> Our intended action is consistent with your recommendation.

---

<sup>1</sup> 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 SO<sub>2</sub> NAAQS, except where specifically discussed.

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

<sup>3</sup> Enclosure 1 includes *Chapter #1: Background and History* and *Chapter #2: Designations for Areas without Violating Monitors* of the Technical Support Document. Enclosure 2 includes Chapter 4 of the Technical Support Document that addresses areas in West Virginia. The Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>.



Area	Included Counties	EPA's Intended Designation
Mineral County	Mineral County	Attainment/unclassifiable

EPA will publish a notice in the *Federal Register* announcing a 30-day public comment period for 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 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 the SO<sub>2</sub> designations, Docket# EPA-HQ-OAR-2020-0037, located at [www.regulations.gov](http://www.regulations.gov). Please also send an electronic copy to the EPA Region III Air & Radiation Division Director at the email address below.

Thank you for West Virginia'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 SO<sub>2</sub> NAAQS. For additional information regarding designations under the 2010 SO<sub>2</sub> 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 Air & Radiation Division Director Cristina Fernandez, at [fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov), or at 215-814-2178.

Sincerely,

Cosmo Servidio,  
Regional Administrator,  
Region III

Enclosures

cc: Austin Caperton, Cabinet Secretary, West Virginia Department of Environmental Protection  
Laura Crowder, Director, Division of Air Quality, West Virginia Department of Environmental Protection