



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

AUG 13 2020

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, New York 12224

Dear Governor Cuomo:

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 areas in New York 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), EPA is providing you with 120 days' notice before promulgating final designations for areas in New York State. 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 the letter dated June 1, 2011.¹

In previous final actions, EPA issued designations for the 2010 SO₂ NAAQS for most areas of the country.² 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.³ We are referring to this final set of designations for the 2010 SO₂ NAAQS as "Round 4" designations. After 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 New York'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 areas in New York as shown in the table below. The enclosures to this letter provide the technical information that support EPA's intended designation decisions for these areas in New York State.⁴

¹ New York also provided supplemental information relevant to these designations in a letter dated April 30, 2020.

² 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.

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

⁴ 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 6 of the Technical Support Document that addresses areas in New York State. The Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>.

Areas	Included Counties	EPA's Intended Designation
Cayuga	Entire County	Attainment/Unclassifiable
Seneca	Entire County	Attainment/Unclassifiable
Tompkins	Entire County	Attainment/Unclassifiable
St. Lawrence	Portion of St. Lawrence County Containing the area of Adirondack State Park located in the southern part of the County	Attainment/Unclassifiable
Rest of St. Lawrence County*	St. Lawrence County Excluding the northern portion of Adirondack State Park within St. Lawrence County (p)	Nonattainment

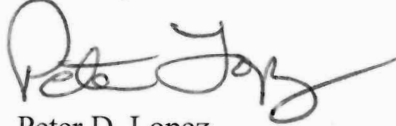
(p) indicates portion of county.

An asterisk (*) indicates that the EPA's intended designation and boundary for a portion of this county represents a modification to the designation that you recommended in your June 1, 2011 letter. Our intended action, which differs from your recommendation, is based on current air monitoring data showing a violation of the 2010 SO₂ NAAQS. We invite New York to review the available information and further discuss this issue with EPA to inform an appropriate final designation and/or boundary for the area. EPA is available to assist and hopes to resolve any differences regarding the appropriate designation for these areas within the 120-day period provided by the CAA.

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 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 2 staff member whose contact information I have included below.

Thank you for New York'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, including exploring options for attainment planning, if necessary. 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 Richard Ruvo, Acting Director of the Air & Radiation Division, at ruvo.richard@epa.gov or at 212-637-4014.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Lopez", with a long horizontal flourish extending to the right.

Peter D. Lopez
Regional Administrator

Enclosures

cc: Basil Seggos, Commissioner, New York State Department of Environmental Conservation

Jared Snyder, Deputy Commissioner, Air Resources, Climate Change and Energy, New York State Department of Environmental Conservation

Steve Flint, Director, Division of Air Resources, New York State Department of Environmental Conservation

Richard Ruvo, Acting Director, Air & Radiation Division, EPA Region 2

