



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 2, 2013

Jared Blumenfeld  
Regional Administrator  
ORA-1, USEPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

**RE: Clean Air Act §107(d) 120-Day Sulfur Dioxide Area Designation Notification**

Dear Regional Administrator Blumenfeld:

The purpose of this letter is to respond to the U.S. Environmental Protection Agency (EPA) letter of February 6, 2013, regarding the sulfur dioxide area designation for the State of Arizona. On May 25, 2011, I sent my boundary recommendations for the 2010 sulfur dioxide National Ambient Air Quality Standard. This correspondence fulfilled my obligations under Section 107(d)(1)(A) of the Clean Air Act to submit a list of all areas within the State to be designated as nonattainment, attainment or unclassifiable within one year after the promulgation of a new or revised national ambient air quality standard.

Although the Clean Air Act (the Act) provides the Administrator with the authority to make modifications to a Governor's recommendations, it also requires the Administrator to give notification of those changes no later than 120 days before the date the designation is promulgated. Your letter of February 6, 2013, offers no changes to my recommendations, but rather delays action on my recommendations, noting that EPA intends to address the designations for areas other than those deemed nonattainment in "separate future actions."

Clean Air Act Section 107(d)(1)(B) requires the Administrator to promulgate the designation of all the areas that are identified by the Governor as expeditiously as practicable, but in no case later than two years from the date of promulgation of the new or revised National Ambient Air Quality Standard (NAAQS). The Act goes on to provide EPA with the option of a one-year extension should EPA determine that there is insufficient information or data upon which to base designations.

The most recent sulfur dioxide air quality standard was promulgated on June 3, 2010. I provided my recommendations on May 25, 2011, on time, and as required by the Act. According to the

Jared Blumenfeld

April 2, 2013

Page 2 of 3

Act, EPA was required to either extend the deadline or promulgate my recommended designations by June 3, 2012. Instead, on July 27, 2012, EPA announced that it was extending the area designations for the sulfur dioxide NAAQS by one year or until June 3, 2013. The Clean Air Act does not provide EPA with the authority to further defer action on a Governor's recommendations made in a timely manner. Any further delay by EPA in violation of the Act creates risk and uncertainty for states due to the possible lawsuits from outside interests seeking to compel EPA to complete its non-discretionary duties.

Since EPA offers no legal citation or other compelling reason for additional delay on taking action on my recommendation, I reiterate my recommendation from May 25, 2011, that the following complete counties (except for Indian Country) be designated **unclassifiable** for the primary sulfur dioxide NAAQS:

Apache County  
Cochise County  
Coconino County  
Graham County  
Greenlee County  
La Paz County  
Maricopa County  
Mohave County  
Navajo County  
Pima County  
Santa Cruz County  
Yavapai County  
Yuma County

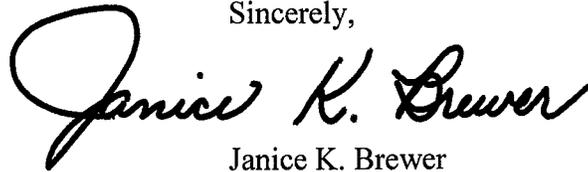
In addition, I continue to recommend that Gila County and Pinal County (except for Indian Country) be designated **unclassifiable** for the primary sulfur dioxide National Ambient Air Quality Standard, except for the two recommended nonattainment areas, the Hayden SO<sub>2</sub> Planning Area and the Miami SO<sub>2</sub> Planning Area.

Finally, after reviewing my letter of May 25, 2011, it appears that there was a slight discrepancy between the written description of the proposed nonattainment area boundary for the Hayden SO<sub>2</sub> Planning Area and the map that was provided. Specifically the map inaccurately depicted the border of the San Carlos Apache Nation. At my request, the Arizona Department of Environmental Quality will be providing you with an updated map that correctly depicts this border.

Jared Blumenfeld  
April 2, 2013  
Page 3 of 3

If you have any questions about this submittal or require additional clarification, please contact Eric Massey, Director, Air Quality Division, Arizona Department of Environmental Quality, at (602) 771-2288.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer". The signature is written in a cursive style with a large, looping initial "J".

Janice K. Brewer  
Governor

cc: Deborah Jordan, EPA  
Colleen McKaughan, EPA  
William Wiley, Maricopa County Air Quality Department  
Ursula Kramer, Pima County Department of Environmental Quality  
Don Gabrielson, Pinal County Air Quality Control District  
Eric Massey, Arizona Department of Environmental Quality  
Kevin Kinsall, Office of Governor Brewer