



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

Ms. Maxine I. Lipeles
Director, Interdisciplinary Environmental Clinic
Washington University School of Law
One Brookings Drive – CB 1120
St. Louis, Missouri 63130

Dear Ms. Lipeles:

I am responding to the petition for reconsideration you submitted September 8, 2016, on behalf of the Sierra Club, asking the U.S. Environmental Protection Agency to reconsider the decision to designate the area surrounding Ameren Labadie Energy Center, including portions of Franklin County and St. Charles County, Missouri, as unclassifiable in our July 12, 2016, final rule titled “Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard–Round 2” (81 FR 45039). The petition was submitted pursuant to section 307(d)(7)(B) of the Clean Air Act. The EPA also notes that Sierra Club has filed a petition for judicial review challenging the EPA’s July 12, 2016, final rule in the D.C. Circuit Court of Appeals. Litigation is still pending in that matter.

The EPA grants the September 8, 2016, petition in so far as it requests reconsideration of the designation for the area surrounding Ameren Labadie Energy Center in Missouri. To respond to your petition, the EPA plans to evaluate, when available, three years (calendar years 2017 through 2019) of ambient air-quality-monitoring data that will result from SO₂ monitors in Franklin County and St. Charles County, Missouri, including the two new monitors sited and now operational pursuant to the requirements of the Data Requirements Rule (40 CFR part 51, subpart BB). The EPA anticipates initiating a new rulemaking process including this evaluation to be concluded by December 31, 2020, concurrent with the final round of designations for the 2010 SO₂ National Ambient Air Quality Standard. This rulemaking process will include a public comment opportunity. Until such time that the EPA takes final action regarding this grant for reconsideration, the unclassifiable designation from the July 12, 2016, final rule will remain effective.

We appreciate your comments and interest in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy".

Gina McCarthy