# TCEQ LogoNational Comments

# Executive Review Summary

# ****TCEQ Proposed Comments On:****

Docket ID No. EPA–HQ–OAR–2014–0464; FRL–9943–02–OAR 81 *Federal Register* 10563, March 1, 2016, EPA Responses to Certain State Designation Recommendations for the 2010 Sulfur Dioxide National Ambient Air Quality Standard: Notice of Availability and Public Comment Period

# ****Overview of Proposal:****

On March 1, 2016, the United States Environmental Protection Agency (EPA) published in the *Federal Register* a notice of availability and comment regarding responses to state designation recommendations for the 2010 Sulfur Dioxide (SO2) National Ambient Air Quality Standard (NAAQS). The EPA invited public review and comment on responses sent directly to the states in February 2016.

On June 2, 2010, the EPA established the revised primary SO2 NAAQS at 75 parts per billion (ppb). The process for designating areas following promulgation of a new or revised NAAQS is contained in the Clean Air Act (CAA) section 107(d) (42 U.S.C. 7407). After promulgation of a new or revised NAAQS, each governor or tribal leader has an opportunity to recommend air quality designations, including the appropriate boundaries for nonattainment areas, to the EPA. Texas did this on September 18, 2015.

By no later than 120 days prior to promulgating designations, the EPA is required to notify states and tribes, as appropriate, of any intended modifications to an area designation or boundary recommendation that it deems necessary. This notification is commonly called the “120-day letter” and it is the subject of this notice. Texas is expected to respond to the EPA’s 120-day letter designation recommendation directly by April 19, 2016 but is also responding to this notice for the purpose of ensuring these comments are included in the docket.

Pursuant to a March 2, 2015, court-ordered schedule, the EPA must complete SO2 designations by specific deadlines depending on the circumstances of the area. This notice addresses two groups of areas: (1) areas that have newly monitored violations of the 2010 SO2 NAAQS; and (2) areas that contain any stationary sources that had not been announced as of March 2, 2015, for retirement and that according to the EPA’s Air Markets Database emitted in 2012 either (i) more than 16,000 tons of SO2, or (ii) more than 2,600 tons of SO2 with an annual average emission rate of at least 0.45 pounds of SO2/mmBTU. The EPA intends to make final the designation determinations for the areas of the country addressed by these responses no later than July 2, 2016.

# ****Summary of Comments:****

* The TCEQ agrees with the EPA’s designations that are consistent with Governor Abbott’s September 18, 2015 recommendation (unclassifiable/attainment designations for Atascosa, Goliad, Lamb, Limestone, and Robertson Counties).
* The EPA should change its proposed designations for McLennan, Milam, Potter, and Fort Bend Counties, and portions of Freestone, Anderson, Rusk, Gregg, Panola, and Titus Counties.
* The EPA’s proposed designations of unclassifiable for McLennan County and nonattainment for a portion of Gregg County dismiss the monitoring data in those counties. The Governor’s attainment designations recommendations for these counties were based on quality-assured 2012 through 2014 ambient air monitoring data. Further, McLennan County should not be designated at this time because Sandy Creek Power Station’s 2012 actual emissions are below the emissions threshold established in the EPA’s consent decree.
* The EPA should revise its proposed designation for Gregg County to attainment to comply with federal regulations, specifically 40 Code of Federal Regulations (CFR) Section 50.17(b)[[1]](#footnote-1), and to reflect the observed air quality data from the regulatory monitor located in that portion of the county (TCEQ’s Longview SO2 monitor 48-183-0001 has continuously monitored attainment of the 2010 SO2 NAAQS since the NAAQS was promulgated).
* The nonattainment designations that the EPA proposes for portions of Freestone, Anderson, Rusk, Gregg, Panola, and Titus Counties appear to have been based solely on third-party, non-peer reviewed, modeling that has errors and clearly overestimates actual SO2 concentrations as evidenced by the actual monitoring data in the proposed Gregg County nonattainment area.
* The TCEQ also disagrees with the proposed nonattainment designations for portions of Anderson and Panola Counties as their contributions to their respective proposed nonattainment areas are negligible, and therefore including portions of these counties is unnecessary to control additional SO2 sources and should be designated as unclassifiable/attainment.
* For Fort Bend, Milam, and Potter Counties, the recommended unclassifiable/attainment designations are more appropriate than the EPA’s unclassifiable designation because no SO2 monitoring data exists for Fort Bend and Milam Counties and the regulatory monitor in Potter County does not have three complete years of data but has been monitoring well below the standard.

**Lead Office: Office of Air/Air Quality Division**

**Internal Coordination: Walker Williamson/OA/AQD/Air Quality Planning Section**

**Office of Legal Services: Terry Salem and John Minter/OLS/Environmental Law Division**

**Deputy Director Approval: Steve Hagle, P.E./Office of Air**

**EPA Deadline: March 31, 2016**

1. 40 CFR 50.17(b): “The 1-hour primary standard is met at an ambient air quality monitoring site when the three-year average of the annual (99th percentile) of the daily maximum 1-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of this part.” [↑](#footnote-ref-1)