UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
AIR AND RADIATION

The Honorable Bryan Shaw, PhD.
Chairman
Texas Commissioner on Environmental Quality
P.O. Box 13087, 12100 Park 35 Circle
Austin, Texas 78753

Dear Dr. Shaw:

I am writing today to update you on the status of the U.S. Environmental Protection Agency's efforts to implement the 1-hour primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO_2) promulgated in June 2010. As you know, the EPA has not issued implementation guidance for the standard, and states and other stakeholders have identified a number of concerns in response to the draft guidance the EPA published for comment last year.

The SO_2 NAAQS will reduce human exposure to high short-term SO_2 concentrations and provide increased health protection to millions of Americans. Meeting the standard will reduce cases of aggravated asthma and chronic bronchitis and will cut down on hospital admissions, emergency room visits, and work days lost due to illness.

The promulgation of the SO_2 NAAQS in 2010 set in motion a series of steps required under the Clean Air Act (Act), including: (1) designating areas as meeting or not meeting the SO_2 standard, and (2) developing state implementation plans (SIPs) for implementation of the standard. The Act calls for states to submit two components of these SIPs. The first is a plan for implementation, maintenance and enforcement of the standard in all areas of the state (due by June 2013). The second is a plan for areas designated as not meeting the standard to reduce emissions necessary to attain the standard within the time period required by the Act (due within eighteen months of each area's nonattainment designation).

To address each of the steps identified above, we intend to initiate the following actions:

- We will move forward with the area designations process as soon as possible. We are continuing our work to analyze and respond to the recommendations you made last June and expect to issue letters required by the statute to the Governors in the near future providing our intended area designations.

- Second, we will initiate focused stakeholder outreach in the near future to help us refine our approach for determining whether air quality in a given area is meeting the SO_2 NAAQS. In these discussions, we will ask stakeholders to provide the EPA with input on monitoring, modeling and implementation issues, particularly for areas that will be designated as "unclassifiable."

- In light of the potential this process has to affect our recommendations for how to address the SO_2 NAAQS in areas initially designated "unclassifiable," we no longer expect your state's June 2013 SIP submittals to contain modeling demonstrations showing attainment of the standard in unclassifiable areas, as was outlined in the final SO_2 NAAQS rule and described further in the draft implementation guidance.

This parallel approach will ensure that we make progress toward cleaner air in areas with monitored violations of the standard, while we take the time necessary to address significant concerns that state agencies and other stakeholders have raised concerning our previously recommended implementation approach for currently unmonitored areas.

Stakeholder Outreach: We want to make sure we fully understand the views of the states, tribes and other stakeholders, and have an opportunity to discuss workable approaches to implementation of the 2010 standard. In particular, we believe it would be helpful to discuss two main topics: (1) how best to assess compliance with the SO_2 NAAQS (e.g., by defining and establishing a robust, representative monitoring network for SO_2 across the country and/or by applying the appropriate modeling approach), and (2) how to implement the new approach (e.g., implementation options and SIP timelines for areas in which violations are identified). We believe that holding additional discussions with states, tribes, and other stakeholders will result in an improved approach that better addresses the many concerns that were raised on the EPA's draft guidance. We intend to move forward quickly with organizing these stakeholder meetings and would welcome participation by the State of Texas. We will separately provide more details on this effort at: http://www.epa.gov/airquality/sulfurdioxide/implement.html. Following these meetings, we will proceed expeditiously to issue revised guidance and/or undertake rulemaking, as appropriate.

State Implementation Plan Submittals: Regarding the SIP submittals due in June 2013, we expect that the EPA's discussions with stakeholders about how best to implement the NAAQS may result in changes to our previously described recommendations for implementing the SO_2 standard in unclassifiable areas. Therefore, we recommend for now that states focus their 2013 SIP submittals on the traditional infrastructure elements of Clean Air Act sections 110(a)(1) and (2), rather than on modeling demonstrations showing future attainment of the standard by a fixed date for unclassifiable areas. Following the stakeholder discussions, we expect to describe in a future rulemaking any further SIP actions that would be necessary to implement the resulting approach. If your state has begun modeling, however, and wishes to continue that work, we will be glad to work with you.

Designations: Finally, regarding area designations, the EPA intends to move forward with the designations process currently in progress as quickly as possible, focusing on areas with sufficient ambient air quality data. We are continuing our work to analyze and respond to the recommendations you made last June.

I appreciate your interest in this issue and welcome the opportunity to work with the State of Texas in developing workable approaches to delivering the important public health benefits of reduced SO_2 across the country. For further information, please contact Michael Ling at 919-541-4729 or at ling.michael@epa.gov.

Sincerely,

Gina McCarthy
Assistant Administrator