



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

August 13, 2020

The Honorable Greg Abbott
Governor of Texas
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Abbott:

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 Texas 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 Texas. 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 letters dated June 2, 2011, April 20, 2012, September 18, 2015 and May 11, 2020.

In previous final actions, EPA issued designations for the 2010 SO₂ NAAQS for most areas of the country.¹ 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.² 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 Texas'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 Texas as shown in the table below. The enclosure to this letter provides the technical information that supports EPA's intended designation decisions for these areas in Texas.³

¹ 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.

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

³ 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 #8 of the Technical Support Document that addresses areas in Texas. The Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>.

Areas	Included Counties	EPA's Intended Designation
Hutchinson*	Hutchinson County	Nonattainment
Navarro*	Navarro County	Nonattainment
Howard*	Howard County	Nonattainment
Bexar	Bexar County	Attainment/Unclassifiable
Harrison	Harrison County	Attainment/Unclassifiable
Jefferson	Jefferson County	Attainment/Unclassifiable
Orange**	Orange County	Unclassifiable
Robertson	Robertson County	Attainment/Unclassifiable
Titus	Titus County (p)	Attainment/Unclassifiable

(p) indicates portion of county

An asterisk (*) indicates that the EPA's intended designation for these counties represents a modification to the designation that you have recommended in your September 18, 2015 letter. Our intended action, which differs from your recommendation, is based on current air monitoring data showing a violation of the 2010 SO₂ NAAQS.

A double-asterisk (**) indicates that the EPA's intended designation for this county represents a modification to the designation that you have recommended in your May 11, 2020 letter. Our intended action, which differs from your recommendation, is based on current air monitoring data showing uncertainty in the attainment of the 2010 SO₂ NAAQS.

We invite Texas to review the available information and further discuss this issue with EPA to inform an appropriate final designation and/or boundary for the areas. 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 6 staff member whose contact information I have included below.

Thank you for Texas'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. 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 Robert Imhoff at imhoff.robert@epa.gov, or at (214) 665-7262.

Sincerely,



Ken McQueen
Regional Administrator

Enclosures:

Enclosure 1 TSD Chapters #1 and #2

Enclosure 2 Chapter #8, Texas-specific TSD

cc: Jon Niermann, Chairman, Texas Commission on Environmental Quality
Tonya Baer, Deputy Director, TCEQ Office of Air