



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

JUN 30 2016

THE ADMINISTRATOR

The Honorable Greg Abbott
Governor of Texas
State Capitol
Austin, Texas 78711

Dear Governor Abbott:

I am writing to summarize the U.S. Environmental Protection Agency's recent decisions relating to sulfur dioxide (SO₂) air quality in your state. As required by section 107(d) of the Clean Air Act, the EPA is moving forward to determine which areas are meeting the 2010 1-hour health-based national ambient air quality standard for SO₂, which areas must take steps to reduce SO₂ pollution, and which areas we are presently unable to make a determination for based on available information. Exposure to SO₂ can cause a range of adverse health effects, including narrowing of the airways which can cause difficulty breathing and increased asthma symptoms.

On June 3, 2010, the EPA strengthened the health-based or "primary" standard for SO₂ by establishing a 1-hour standard at a level of 75 parts per billion. On July 25, 2013, the EPA designated 29 areas in 16 states as nonattainment, but did not at that time designate other areas. Pursuant to a March 2, 2015, court-ordered schedule⁸, the agency must complete the remaining SO₂ designations by three specific deadlines: July 2, 2016, December 31, 2017, and December 31, 2020.

To meet the first of these deadlines, the EPA is designating areas "nonattainment", "unclassifiable/attainment", or "unclassifiable" after evaluating:

1. newly monitored violations of the 2010 SO₂ standard based on the most recent 3 calendar years of certified air monitoring data, and
2. areas that contain any stationary source 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.

After reviewing all available data and information for this round of designations, I am pleased to inform you that the EPA is designating parts of your state that meet the 2010 primary SO₂ standard as "unclassifiable/attainment." States should work to maintain SO₂ air quality that meets the EPA's health-based standard in unclassifiable/attainment areas.

⁸ *Sierra Club v. McCarthy*, No. 3-13-cv-3953 (SI) (N.D. Cal. Mar. 2, 2015).

In addition, the EPA has insufficient information to determine whether some portions of your state meet the 2010 primary SO₂ standard. As a result, the EPA is designating such areas “unclassifiable.” Consistent with the EPA’s August 21, 2015, SO₂ Data Requirements Rule, states are required for areas with sources emitting over 2,000 tons of SO₂, or that were otherwise listed under the rule, to provide additional information through air dispersion modeling or air quality monitoring that adequately demonstrates whether an unclassifiable area meets the 2010 SO₂ standard. As an alternative, states may opt to establish new federally enforceable limits on sources that restrict their SO₂ emissions to below 2,000 tons per year.

The enclosed table lists the areas within Texas that the EPA is designating during this round of designations. A detailed explanation of the EPA’s rationale for these designations is available in the Technical Support Document (TSD) for each area in your state. The TSDs are available on the web at: <https://www.epa.gov/sulfur-dioxide-designations/epa-completes-second-round-sulfur-dioxide-designations/>. In addition, the docket contains a Response to Comments document that responds to general and in many cases area-specific comments raised in response to the EPA’s notice of availability published in March 2016 and the letters informing you and other Governors of the EPA’s intended designations sent in February 2016. These final designations will take effect 60 days after the notice I signed today is published in the *Federal Register*.

As provided in the EPA’s SO₂ Data Requirements Rule, the EPA will designate all remaining areas by either December 31, 2017, or December 31, 2020. We expect that additional information collected as a result of the SO₂ Data Requirements Rule will inform these future actions. Our approach focuses resources on identifying and addressing unhealthy levels of SO₂ in areas where people are most likely to be exposed to violations of the standard.

Thank you for your work to improve air quality and protect public health. We look forward to continued work with you and your staff to implement the 2010 health-based SO₂ standard. For additional information regarding these designations, please visit our website at <https://www.epa.gov/sulfur-dioxide-designations/>.

If you have further questions or concerns, please contact me or your staff may call Mark Rupp, Deputy Associate Administrator for Intergovernmental Relations, at rupp.mark@epa.gov or at (202) 564-7178.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", written in a cursive style.

Gina McCarthy

Enclosure

Enclosure – Final Area Designations: July 2, 2016
Texas

Area Name	Source	County Name	Designation
Atascosa County, TX	San Miguel Electric	Atascosa	Unclassifiable/Attainment
Fort Bend County, TX	WA Parish Electric Generating Station	Fort Bend	Unclassifiable/Attainment
Goliad County, TX	Coletto Creek Power Station	Goliad	Unclassifiable/Attainment
Lamb County, TX	Tolk Generating Station	Lamb	Unclassifiable/Attainment
Limestone County, TX	Limestone Generating Station	Limestone	Unclassifiable/Attainment
McLennan County, TX	Sandy Creek Energy Station	McLennan	Unclassifiable/Attainment
Potter County, TX	Harrington Generating Station	Potter	Unclassifiable
Robertson County, TX	Optim Energy Twin Oaks Power Station	Robertson	Unclassifiable/Attainment

EPA is not taking final action at this time for Titus County, Rusk-Panola Counties, Freestone-Anderson Counties, or Milam County, TX.

Consistent with the final consent decree schedule, designations for the rest of the state will be addressed by either December 31, 2017, or December 31, 2020.