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SIP Revision: Rusk-Panola Nonattainment Area, 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) Attainment Demonstration, February 9, 2022

On February 9, 2022, the Texas Commission on Environmental Quality (TCEQ) adopted the Rusk-Panola Attainment Demonstration State Implementation Plan (SIP) Revision for the 2010 SO₂ NAAQS and associated Agreed Order (Non-Rule Project No. 2021-013-OTH-NR) with Luminant Generation Company, LLC (the company).

Summary of the SIP Revision

Adoption Date: 02/09/2022

Proposal Date: 09/08/2021

EPA Action Date: On August 2 2024, the U.S. Environmental Protection Agency (EPA) proposed limited approval and limited disapproval of the Rusk-Panola Attainment Demonstration SIP Revision for the 2010 SO₂ NAAQS ([89 Federal Register \(FR\) 63117](#)). This action also proposed a finding of failure to attain the SO₂ NAAQS. On December 17, 2024, EPA published a final finding of failure to attain the 2010 SO₂ NAAQS for the Rusk-Panola nonattainment area ([89 FR 101896](#)).

Background: On June 22, 2010, the EPA revised the SO₂ NAAQS to add the 75 parts per billion (ppb) one-hour primary standard, effective August 23, 2010 ([75 FR 35520](#)). On December 13, 2016, EPA published 2010 SO₂ NAAQS designations for several areas, including a nonattainment designation for portions of Rusk and Panola Counties (Rusk-Panola), effective January 12, 2017 ([81 FR 89870](#)). The Martin Lake Steam Electric Station owned and operated by Luminant Generation Company LLC (Luminant or the company) is the only major SO₂ emissions source in the Rusk-Panola 2010 SO₂ NAAQS nonattainment area.

A SIP revision for the Rusk-Panola nonattainment area was due to EPA by July 13, 2018 to demonstrate that the area will attain the 2010 SO₂ NAAQS by the January 12, 2022 attainment date. TCEQ did not submit the SIP revision due to ongoing litigation and because EPA intended to propose an error correction under federal Clean Air Act (FCAA), §110(k)(6) to revise the Rusk-Panola nonattainment area designation to unclassifiable, which would have eliminated the nonattainment area SIP requirements.

EPA proposed the error correction on August 22, 2019 ([84 FR 43757](#)). However, on August 10, 2020, EPA published a final notice of Texas' failure to submit required SIP elements for the Rusk-Panola and other 2010 SO₂ NAAQS nonattainment areas, effective September 9, 2020 ([85 FR 48111](#)). Additionally, on June 29, 2021, EPA published a notice withdrawing the error correction proposal ([86 FR 34187](#)). EPA's notice of failure to submit triggered an EPA obligation under FCAA, §110(c) to promulgate a federal implementation plan (FIP) anytime within two years of the finding of failure to submit if the state fails to meet the SIP planning requirements. If EPA does not make a completeness determination by March 9, 2022 (18 months after the finding of failure to submit) of a Texas SIP submittal to address the deficiencies, then pursuant to FCAA, §179(a) and (b) and 40 Code of Federal Regulations §52.31, the emissions offset sanction identified in



FCAA, §179(b)(2) will apply for the affected nonattainment areas. If EPA does not determine that the state's submittal is complete within six months after imposing the offset sanction, then the highway funding sanction will apply. If Texas submits the required SIP submittal and EPA approves the submittal by September 9, 2022 (two years after the finding of failure to submit), then EPA will not be required to promulgate a FIP.

Key Changes: The SIP revision, together with an associated Agreed Order with the company, documents the commission's order and the company's agreement to comply with the emission reduction requirements identified for the Martin Lake Steam Electric Station. The enforceable control strategy for this attainment demonstration will fulfill Texas' outstanding FCAA SIP planning requirements for the Rusk-Panola 2010 SO₂ NAAQS nonattainment area.

SIP Narrative and Appendices

Files linked from this page are in Portable Document Format ([PDF](#)).

Adopted Rusk-Panola Attainment Demonstration SIP Revision for the 2010 SO₂ NAAQS SIP Revision (Non-Rule Project No. 2020-057-SIP-NR)

- **Adopted Rusk-Panola Attainment Demonstration SIP Revision for the 2010 SO₂ NAAQS**
- Adopted Appendices
 - **Appendix A: Growth Factors for Area and Point Sources**
 - **Appendix B: Characterization of Oil and Gas Production Equipment and Develop a Methodology to Estimate Statewide Emissions**
 - **Appendix C: Industrial, Commercial, and Institutional (ICI) Fuel Use Study**
 - **Appendix D: TexN2.1 Utility Diesel Equipment Profile and Growth Factor Updates for Use with MOVES**
 - **Appendix E: 2014 Statewide Drilling Rig Emissions Inventory with Updated Trends Inventories**
 - **Appendix F: 2014 Texas Statewide Locomotive Emissions Inventory and 2008 through 2040 Trend Inventories**
 - **Appendix G: 2017 Texas Statewide Aircraft Emissions Inventory**
 - **Appendix H: Development of Texas Statewide Aircraft Trend Emission Inventories 2011 through 2045**
 - **Appendix I: MOVES3 On-road Inventory Development**
 - **Appendix J: Population Ratios for Non-Point Sources**
 - **Appendix K: Modeling Technical Support Document (TSD)**
 - **Appendix L: Documentation from Vistra Energy Corporation for Property Boundaries**
 - **Appendix M: Alternative Model Documentation**
 - **Appendix N: Agreed Order 2021-0508-MIS**
 - **Appendix O: Limestone 1 and 2 Discount Factor Analysis**



Agreed Orders

- **Agreed Order Docket No. 2021-0508-MIS**