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SIP Revision: Freestone-Anderson and Titus Nonattainment Areas Redesignation Request and Maintenance Plan for the 2010 SO₂ NAAQS, February 23, 2022.

On February 23, 2022, the Texas Commission on Environmental Quality (TCEQ) adopted the Redesignation Request and Maintenance Plan SIP Revision for the Freestone-Anderson and Titus 2010 SO₂ National Ambient Air Quality Standard (NAAQS) Nonattainment Areas

Summary of the SIP Revision

Adoption Date: 02/23/2022

Proposal Date: 08/25/2021

EPA Approval Date: Pending

Background: The U.S. Environmental Protection Agency (EPA) revised the SO₂ NAAQS on June 22, 2010, adding the 75 parts per billion (ppb) one-hour primary standard ([75 Federal Register \(FR\) 35520](#)). EPA designated several areas in Texas as nonattainment for the 2010 SO₂ NAAQS, effective January 12, 2017 ([81 FR 89870](#)), including portions of Freestone and Anderson Counties (Freestone-Anderson) and a portion of Titus County (Titus). Areas designated as nonattainment for the SO₂ NAAQS are subject to the general nonattainment area planning requirements in §172 of the federal Clean Air Act (FCAA) and to the SO₂-specific planning requirements in FCAA, §191 and §192. These planning requirements include an emissions inventory, attainment demonstration (AD), reasonably available control measures (RACM) including reasonably available control technology (RACT), enforceable emission limitations and control measures, reasonable further progress (RFP) plan, nonattainment new source review (NNSR), and contingency measures.

SIP revisions for the Texas 2010 SO₂ nonattainment areas were due to EPA on July 13, 2018. On August 22, 2019, EPA proposed an error correction to modify designations to unclassifiable for the Freestone-Anderson and Titus nonattainment areas ([84 FR 43757](#)). On June 29, 2021, EPA published a notice withdrawing the proposed error correction ([86 FR 34187](#)). Primarily due to ongoing litigation and the expectation for designation revisions, Texas did not submit SIP revisions for the nonattainment areas by the July 13, 2018 due date. On August 10, 2020, EPA published a final notice of finding of failure to submit, effective September 9, 2020 ([85 FR 48111](#)). Under FCAA, §110(c), EPA had an obligation to promulgate a federal implementation plan (FIP) within two years if the SIP planning requirements are not met. Further, under FCAA, §179(a) and (b) and 40 Code of Federal Regulations §52.31, if EPA did 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 the emissions offset sanction identified in FCAA, §179(b)(2) will apply for the affected nonattainment areas. If EPA did not determine that the state's submittals are complete within six months after imposing the offset sanction, then the highway funding sanction will apply. However, if Texas submitted the required SIP revisions and



EPA approves those submittals by September 9, 2022 (two years after the finding of failure to submit), then the EPA would not be required to promulgate a FIP.

The Monticello Steam Electric Station in Titus County was the primary SO₂ emissions source in the Titus SO₂ NAAQS nonattainment area, and it was shut down in late 2017. The Big Brown Steam Electric Station in Anderson County, the primary SO₂ emissions source in the Freestone-Anderson SO₂ NAAQS nonattainment area, ceased operations in early 2018 and was demolished in April of 2021. On May 14, 2021, the EPA published final clean data determinations (CDD) for the Freestone-Anderson and Titus nonattainment areas, effective June 14, 2021 (86 FR 26401). The EPA made these determinations based on the shutdown of the primary emissions sources in both nonattainment areas, and the determinations were supported by monitoring data from within or near those areas along with an evaluation of previous modeling. The final CDDs suspend the following SIP planning requirements for the 2010 SO₂ NAAQS related to attainment: the AD and RFP plans, RACT, RACM, contingency measures, and enforceable emission limitations and control measures. These requirements are suspended as long as the areas continue to attain the standard. However, the emissions inventory and NNSR SIP requirements are not suspended by a CDD and must be addressed in a SIP submittal by March 9, 2022 to avoid sanctions and a potential FIP. Furthermore, a final CDD is not a redesignation to attainment under FCAA, §107(d)(3), but it does provide support for a redesignation request. This SIP revision was submitted to EPA on March 3, 2022.

Key Changes: The Redesignation Request and Maintenance Plan SIP Revision for the Freestone-Anderson and Titus SO₂ NAAQS Nonattainment Areas includes the state's request that the EPA redesignate both areas to attainment for the 2010 SO₂ and provides the required 10-year maintenance plan for each area. The SIP revision also includes a comprehensive, detailed inventory of current SO₂ emissions for both nonattainment areas and the state's certification that current regulations provide the means to satisfy NNSR requirements for the Freestone-Anderson and the Titus SO₂ NAAQS nonattainment areas.

SIP Narrative and Appendices

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

Adopted Redesignation Request and Maintenance Plan SIP Revision for the Freestone-Anderson and Titus 2010 SO₂ NAAQS Nonattainment Areas (Non-Rule Project No. 2021-007-SIP-NR)

- Adopted [Redesignation Request and Maintenance Plan SIP Revision for the Freestone-Anderson and Titus SO₂ NAAQS Nonattainment Areas](#)
- 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](#)
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- **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**