

Proposed Federal Implementation Plan for the Rusk and Panola Counties Sulfur Dioxide Nonattainment Area

FACT SHEET

What is EPA proposing here?

The Environmental Protection Agency (EPA) is proposing a Federal Implementation Plan (FIP) for attaining the 2010 sulfur dioxide (SO₂) primary national ambient air quality standard (NAAQS) in the Rusk and Panola Counties SO₂ nonattainment area (Rusk-Panola Area). The FIP will address deficiencies found in EPA's proposed Limited Approval and Limited Disapproval of Texas' 2022 Rusk-Panola Area SIP revision.

Texas has adopted limits at the state level aimed at bringing the area into attainment and incorporated these limits into their SIP revision for EPA approval. However, these limits include a force majeure clause that, if triggered, cause the emissions limitations to not be continuously applicable or enforceable. The proposed FIP will include emission limits for the Martin Lake Power Plant, the principal contributor to nonattainment, that will achieve emissions reductions and provide for attainment of the NAAQS. EPA's proposed FIP adopts the same limits established by Texas but without the force majeure clause to address that deficiency in the SIP revision.

To learn more about this proposed action, visit <https://www.epa.gov/tx/rusk-panola-so2-nonattainment-area>.

What is Sulfur Dioxide?

EPA's NAAQS for SO₂ are designed to protect against exposure to the entire group of sulfur oxides (SO_x). SO₂ is the component of greatest concern and is used as the indicator for the larger group of gaseous sulfur oxides. Other gaseous SO_x (such as SO₃) are found in the atmosphere at concentrations much lower than SO₂. The largest source of SO₂ in the atmosphere is the burning of fossil fuels by power plants and other industrial facilities. Smaller sources of SO₂ emissions include industrial processes such as extracting metal from ore; natural sources such as volcanoes; and locomotives, ships and other vehicles and heavy equipment that burn fuel with a high sulfur content.

What is the background for this proposal?

On December 12, 2016, EPA designated portions of Rusk and Panola Counties surrounding the Martin Lake facility in Texas nonattainment for the 2010 1-Hour SO₂ NAAQS, effective January 12, 2017. Texas was responsible for submitting a nonattainment plan by July 12, 2018 to demonstrate that the respective area will attain by its attainment date of January 12, 2022. On August 10, 2020, effective September 9, 2020, the EPA made a finding that Texas failed to submit the required nonattainment SIP for the Rusk-Panola area by the July 12, 2018 deadline. This finding triggered 18-month and 24-month deadlines (July 9, 2022 and September 9, 2022) for the imposition of mandatory emission offsets and highway funding sanctions, respectively, and additionally triggered the requirement for EPA to promulgate a Federal Implementation Plan (FIP) within two years (September 9, 2022) unless the state submits and obtains EPA approval of a SIP revision.

On February 28, 2022, Texas submitted its Rusk-Panola nonattainment SIP revision. Subsequently, on August 24, 2022, EPA determined that the SIP was complete under 40 CFR part 51, App. V, which stopped the mandatory emissions offsets sanctions that were in effect and the 24-month sanction clock for the imposition of highway funding sanctions. However, this did not stop the FIP clock. On September 9, 2022, EPA failed to promulgate a FIP and as a result of litigation, the EPA is under a consent decree deadline to approve a complete SIP or promulgate a FIP by December 13, 2024.

What is the impact of this action?

This proposed rule (if finalized) would impose SO₂ emission limits on the Martin Lake Power Plant aimed at bringing the Rusk-Panola area into attainment. EPA's FIP will propose the same emission limits for Martin Lake that Texas submitted but without the force majeure clause. As such, EPA's FIP will ensure that the limits placed on Martin Lake remain permanent and enforceable.

Where can I find information on how to submit comments on EPA's proposal?

EPA will publish a Federal Register notice with instructions on how to submit comments. See Docket No. EPA-R06-OAR-2022-0311 at <https://www.regulations.gov>. Additionally, we will post information and instructions regarding how to submit comments and how to participate in the virtual public hearing at <https://www.epa.gov/tx/rusk-panola-so2-nonattainment-area>.

How many days do I have to comment on EPA's proposal?

This proposed action was signed by the EPA Administrator on August 16, 2024. The public comment period will be open for 40 days from the date EPA's notice is published in the Federal Register.

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