

**Findings of Failure to Submit State Implementation Plans Required for Attainment of the
2010 1-Hour Primary Sulfur Dioxide (SO₂) National Ambient Air Quality Standard
(NAAQS)**

FACT SHEET

ACTION

- On September 9, 2019, the U.S. Environmental Protection Agency (EPA) found that Maryland and Michigan failed to submit complete State Implementation Plans (SIPs) showing how areas in each state will address nonattainment of the 2010 1-Hour Primary Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS).

State	2010 1-Hour Primary SO ₂ NAAQS Nonattainment Area
Maryland	Anne Arundel County and Baltimore County
Michigan	St. Clair

- These findings of failure to submit attainment plans for the 2010 SO₂ NAAQS establish a 24-month deadline for EPA to either approve SIPs for the affected areas or finalize Federal Implementation Plans (FIPs) that address attainment in each area.
- This action also establishes a deadline for the implementation of two mandatory sanctions that will begin if the states do not submit complete SIP:
 - Eighteen months after the effective date of these findings, a 2-to-1 offset ratio under the nonattainment New Source Review (NSR) permitting program will go into effect, such that for every unit of SO₂ emissions a new or modified source will contribute to the area, two units must be reduced.
 - Six months after the date of offset sanctions, federal highway funding may be withheld.
- EPA is committed to working with Maryland and Michigan to expedite the development and submission of nonattainment area SIPs for these areas, and to review and act on their submissions in accordance with the requirements of the Clean Air Act.

BACKGROUND

- On June 22, 2010, EPA promulgated a new 1-hour primary SO₂ NAAQS of 75 part per billion (ppb), which is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations does not exceed 75 ppb.

- On July 12, 2016, the EPA, as part of the second round of area designations for the 2010 SO₂ NAAQS, designated 4 areas of the country as nonattainment for the 1-hour primary 2010 SO₂ NAAQS.
- Within 18 months of the effective date of a nonattainment area designation, the Clean Air Act requires affected states to submit a SIP demonstrating how the area will meet the standard by the attainment date. For areas designated nonattainment for the 1-hour SO₂ NAAQS on July 12, 2016, with an effective date of September 12, 2016, SIPs were due to EPA by March 12, 2018. These plans were to show how affected areas would meet the standard by September 12, 2021.
- SIPs must provide:
 - an accurate inventory of current emissions for all sources of SO₂ within the nonattainment area;
 - a New Source Review (NSR) permit program;
 - an attainment demonstration using an EPA approved air quality dispersion model;
 - emissions limitations and control measures to provide for attainment;
 - Nonattainment for Reasonable Further Progress (RFP);
 - implementation of reasonably available control measures (RACM) including reasonably available control technology (RACT);
 - contingency measures.

FOR MORE INFORMATION

- To download this action from EPA's website, go to <https://www.epa.gov/so2-pollution/2010-sulfur-dioxide-so2-national-ambient-air-quality-standards-naaqs-implementation>. The official version of this rule will be published in the *Federal Register*.
- Today's action and other background information are also available either electronically at <http://www.regulations.gov>, the EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room. (Docket ID EPA-HQ-OAR-2019-0452).
- The Public Reading Room is located in the EPA Headquarters, Room Number 3334 in the William Jefferson Clinton West Building, located at 1301 Constitution Avenue, NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
- Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an x-ray machine as well. Visitors will be provided a badge that must be visible at all times.
- For further information about this action, contact Dr. Larry D. Wallace of EPA's Office of Air Quality Planning and Standards at (919) 541-0906 or by email at Wallace.larry@epa.gov.