

**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 October 8, 2020, the U.S. Environmental Protection Agency (EPA) found that Indiana, Louisiana, Guam, and Puerto Rico failed to submit complete State Implementation Plans (SIPs) showing how areas in the following table will address nonattainment of the 2010 1-hour primary Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS):

State/Territory	Area Name
Indiana	Huntington County
Louisiana	Evangeline Parish
Guam	Piti-Cabras
Puerto Rico	Guayama-Salinas San Juan

- 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 deadlines for the implementation of two mandatory sanctions that will begin if the named states or territories do not submit complete SIPs:
 1. 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 nonattainment area, two units must be reduced.
 2. Six months after the date of offset sanctions, federal highway funding may be withheld.
- EPA is committed to working with Indiana, Louisiana, Guam, and Puerto Rico 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 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 January 9, 2018, EPA, as part of its third round of initial area designations for the 2010 SO₂ NAAQS, designated five areas of the country as nonattainment for the 1-hour primary 2010 SO₂ NAAQS: Huntington County, IN; Evangeline Parish, LA; Piti-Cabras, GU; and Guayama-Salinas and San Juan, PR.
- 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 January 9, 2018, with an effective date of April 9, 2018, SIPs were due to EPA by October 9, 2019. These plans were to show how affected areas would meet the standard as expeditiously as practicable but no later than April 9, 2023.
- Nonattainment area SIPs for the 2010 SO₂ NAAQS must include:
 - an accurate inventory of current emissions for all sources of SO₂ within the nonattainment area;
 - a nonattainment New Source Review (NSR) permit program;
 - an attainment demonstration using an EPA approved air quality dispersion model;
 - the adoption of reasonably available control measures (RACM), including reasonably available control technology (RACT);
 - a Reasonable Further Progress (RFP) plan; and,
 - contingency measures.

FOR MORE INFORMATION

- To download this action from EPA's website, go to <https://www.epa.gov/so2-pollution/2010-sulfur-dioxide-national-ambient-air-quality-standards-implementation-actions>. 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-2020-0377).
- 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.

- Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.
- 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 Ms. Sydney Lawrence of EPA's Office of Air Quality Planning and Standards at (919) 541-4768 or by email at *lawrence.sydney@epa.gov*