

SUMMARY

EPN Comments on EPA's Proposed "Correction" of Designations Previously Finding Three Areas of Texas Not Meeting Air Quality Standards for SO₂

September 23, 2019

On September 23, 2019, EPN submitted [comments](#) objecting to EPA's proposal to change the designation of three areas of Texas from "non-attainment" of the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂) to "unclassifiable" based on alleged errors in the initial designations. Areas that do not meet an air quality standard must plan for and implement ways to come into compliance, and develop maintenance plans to ensure they remain in attainment with the standard. This error correction would relieve these areas—Freestone and Anderson Counties, Rusk and Panola Counties, and Titus County, Texas—of these obligations without demonstrating that they are actually in attainment with the SO₂ standard.

Sulfur dioxide, a colorless gas with a strong odor, gets into the air mainly from coal and oil burning power plants. Short-term exposure can irritate the nose, throat and lungs, and harm the respiratory system. Long-term exposure can cause serious health problems, including changes in lung function, respiratory problems and decreased fertility in women and men.

If finalized, this action would set a very dangerous precedent for the use of error correction rather than redesignation to change an air quality designation; this would be contrary to clear direction in the Clean Air Act that areas should not be redesignated without a technical demonstration that compliance with the relevant air quality standard has been met, and an approved maintenance plan to keep the area in compliance. It would put residents of the areas of Texas where the power plant continues to operate at risk for continued exposure to significant amounts of pollution, which the areas would have no obligation to control. EPN urged EPA not to finalize this approval.

EPN's review specifically found that the proposal:

- Uses an error correction based on agency opinion to change the designation of these areas without presenting adequate explanations of the errors; it relies instead on comments submitted by Texas during the initial designation process that EPA considered at the time and rejected.
- Allows a change in designation status without any additional technical information identifying the actual air quality status of the areas.
- Raises concerns about transparency related to the potential lack of impartiality by the EPA official who signed the proposed notice. The signatory worked for the state of Texas at the time the original designations were made.

Background

The Clean Air Act requires EPA to set National Ambient Air Quality Standards (NAAQS) for pollutants found in outdoor air that are harmful to people's health and the environment, and come from diverse sources. SO₂ is one of six criteria pollutants regulated under the law. On June 2, 2010, EPA set a new primary standard for SO₂ of 75 parts per billion (ppb). The new 1-hour standard was set to protect public health, especially for children, the elderly and people with asthma.