

**Findings of Failure to Submit State Implementation Plans Required for Attainment of the  
2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard  
July 2024**

**FACT SHEET**

**ACTION**

- On July 31, 2024, the U.S. Environmental Protection Agency (EPA) found that Arizona, Louisiana, New York, and Virginia failed to submit complete State Implementation Plans (SIPs) showing how areas within each state will address nonattainment of the 2010 1-hour primary Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS).
- EPA designated areas as attainment, nonattainment, or unclassifiable for the 2010 1-hour primary SO<sub>2</sub> standard in four separate rounds based on available data between 2013 and 2020.
- The Round 1 designated SO<sub>2</sub> nonattainment areas were required to meet the standards in October 2018. After finding that areas in Arizona and Louisiana did not attain the standard in five years as required, EPA is finding that these states have not submitted updated SIPs to show how they will attain the standards.

<b>State</b>	<b>Area Name</b>	<b>Deadline for SIP Submission</b>
AZ	Miami, AZ	January 31, 2023
LA	St. Bernard Parish, LA	October 5, 2023

- Two states with areas designated in December 2020, during Round 4 of SO<sub>2</sub> designations, have not submitted to EPA initial SIPs showing how nonattainment areas within their jurisdiction would attain the standard as required by the Clean Air Act (CAA).

<b>State</b>	<b>Area Name</b>	<b>Deadline for SIP Submission</b>
NY	St. Lawrence County (part)	October 30, 2022
VA	Giles County (part)	October 30, 2022

- These findings of failure to submit attainment plans for the 2010 1-hour primary SO<sub>2</sub> 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 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 SO<sub>2</sub> 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 Arizona, Louisiana, New York, and Virginia to expedite the development and submission of attainment plans for these areas, and to review and act on their submissions in accordance with the requirements of the CAA.

## **BACKGROUND**

- On June 22, 2010, EPA established a new, health-protective, 1-hour SO<sub>2</sub> NAAQS. The standard is met when the 3-year average of the annual 99<sup>th</sup> percentile of daily maximum 1-hour average concentrations does not exceed 75 parts per billion.
- On August 5, 2013, EPA finalized its first round of designations including 29 areas as nonattainment for the 2010 SO<sub>2</sub> 1-hour primary NAAQS, effective October 4, 2013. To meet the requirements of the CAA, these areas, including Miami, AZ and St. Bernard Parish, LA, had until October 4, 2018 – five years after the effective date of the final action – to demonstrate attainment of the 2010 SO<sub>2</sub> NAAQS. Both areas failed to attain the standard by the CAA deadline and EPA issued findings of failure to attain (FFA) for Miami, AZ on January 31, 2022 and for St. Bernard Parish, LA on October 5, 2022. These FFAs set a deadline for the responsible states to submit a revised SIP to EPA within one year.
- On March 26, 2021, EPA finalized its fourth round of designations including 9 areas as nonattainment for the 2010 SO<sub>2</sub> NAAQS, effective April 30, 2021. This Round 4 of designations included St. Lawrence County (part), NY; and Giles County (part), VA. Section 191 of the CAA directs states to submit SIPs for areas designated as nonattainment for the SO<sub>2</sub> NAAQS to EPA within 18 months of the effective date of the nonattainment designation, i.e., by no later than October 30, 2022, in this case. New York, and Virginia failed to submit complete revised SIPs by this deadline.
- Attainment area SIPs for the 2010 1-hour primary SO<sub>2</sub> NAAQS must include:
  - an accurate inventory of current emissions for all sources of SO<sub>2</sub> 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);
  - enforceable emission limitations and control measures;
  - 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-2024-0168).
- 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 Ms. Angelina Brashear of EPA's Office of Air Quality Planning and Standards at (919) 541-4746 or by email at [brashear.angelina@epa.gov](mailto:brashear.angelina@epa.gov)