



ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2026-3697; FRL-13392-01-OGC]

Proposed Consent Decree; Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with the Clean Air Act, as amended (CAA or the Act), notice is given of a proposed consent decree in *Center for Biological Diversity et al. v. Lee Zeldin*, No. 3:25-cv-6568-AMO. On August 5, 2025, Plaintiffs Center for Biological Diversity and Sierra Club filed a complaint in the United States District Court, Northern District of California, San Francisco Division. The EPA designated various areas of the country as nonattainment with respect to the 2010 SO₂ NAAQS. States that contain areas that are designated as nonattainment are required to provide State Implementation Plan submissions to the EPA within 18 months of the effective date of designations. The EPA is providing notice of this proposed consent decree, which would resolve all claims in the case by establishing deadlines for the EPA to take final action as specified in the decree.

DATES: Written comments on the proposed consent decree must be received by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2026-3697, online at <https://www.regulations.gov> (EPA's preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action.

Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Additional Information about Commenting on the Proposed Consent Decree" heading under the **SUPPLEMENTARY INFORMATION**

section of this document.

FOR FURTHER INFORMATION CONTACT: Karen Bianco, Air and Radiation Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone (202) 564-3298; email address bianco.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2026-3697) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the OEI Docket is (202) 566-1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select “search.”

II. Additional Information about the Proposed Consent Decree

The appropriate EPA official shall:

1. No later than August 28, 2026, sign a notice of final rulemaking pursuant to CAA section 110(k)(2)-(4), 42 U.S.C. 7410(k)(2)-(4) to approve, disapprove, conditionally approve, or approve in part and conditionally approve or disapprove in part, the October 3, 2023 Hayden, AZ SO₂ SIP revision;
2. No later than March 1, 2027, sign a notice of final rulemaking pursuant to CAA section

110(k)(2)-(4), 42 U.S.C. 7410(k)(2)-(4) to approve, disapprove, conditionally approve, or approve in part and conditionally approve or disapprove in part, the October 24, 2022 Navarro County, TX SO₂ SIP revision;

3. No later than December 18, 2026, sign a notice of final rulemaking pursuant to CAA section 110(k)(2)-(4), 42 U.S.C. 7410(k)(2)-(4) to approve, disapprove, conditionally approve, or approve in part and conditionally approve or disapprove in part, the February 9, 2023 Sullivan County, TN SO₂ SIP revision; and
4. No later than July 30, 2027, sign a notice of final rulemaking pursuant to CAA section 110(k)(2)-(4), 42 U.S.C. 7410(k)(2)-(4) to approve, disapprove, conditionally approve, or approve in part and conditionally approve or disapprove in part, the October 24, 2022 Howard and Hutchinson Counties, TX SO₂ SIP revisions.
5. No later than 15 business days after signature of each final action under the Consent Decree, EPA shall send notice of the action to the Office of the Federal Register for review and publication in the Federal Register.
6. After EPA has completed the actions set forth in this Consent Decree, notice of each final action required by Paragraph 3 has been published in the Federal Register, and the parties have resolved the issue of costs of litigation (including reasonable attorney fees), EPA may move to have this Consent Decree terminated and the above-captioned matter shall be dismissed with prejudice. Plaintiffs shall have 14 calendar days to respond to such motion, unless the parties stipulate to a longer time.
7. The deadlines established by the Consent Decree may be extended (a) by written stipulation of Plaintiffs and EPA and filed with the Court, or (b) by the Court upon motion by any party for good cause shown pursuant to the Federal Rules of Civil Procedure and upon consideration of any response by the non-moving party and any reply.
8. If a lapse in EPA appropriations occurs within 120 days prior to any deadline for final action in the Consent Decree, all such deadlines shall be extended automatically one day

for each day of the lapse in appropriations. Nothing in this Paragraph shall preclude EPA from seeking an additional extension of time through modification of the Consent Decree.

III. Additional Information about Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2026-3697, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read

your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

Gautam Srinivasan,
Associate General Counsel.

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