



## Clean Air Coalition Meeting Agenda Item V

### **EPA-TCEQ Permitting Dispute**

#### **Greenhouse Gas Permitting Timeline**

- December 7, 2009: EPA finds that six greenhouse gases endanger public health and welfare under the Clean Air Act
- May 13, 2010: Greenhouse Gas “tailoring” rule – requires “Prevention of Significant Deterioration” permits for new or modified large stationary sources of Greenhouse Gases starting January 2, 2011
- December 18, 2010: EPA releases guidance on Greenhouse Gas “Best Available Control Technology”
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- December 23, 2010: Finding of failure to submit SIP changes for Texas, Federal Implementation Plan
- January 3, 2010: US DC Circuit Court of Appeals rules that EPA must wait until judges can hear Texas’s lawsuit
- January 14, 2011: EPA to hold a public hearing on Texas GHG Permitting from 10:00 AM to 7:00 PM at the Crowne Plaza Hotel in downtown Dallas

#### **Flexible Permits and Other New Source Review Disputes**

- EPA has disapproved several elements of TCEQ’s conventional permitting program as well, including:
  - Flexible permitting program
  - Major and Minor NSR SIP
  - Qualified Facilities program
  - Public Participation Rules
  - Standard Permit for Pollution Control Projects
  - Best Available Control Technology definition
- EPA has offered opportunities for holders of Flexible Permits to “de-flex” their permits
- The State of Texas is suing the EPA over these actions

#### **Implications for Austin Area**

- Unless TCEQ changes its mind on GHG permitting, companies will need to get permits for conventional and hazardous pollutants from TCEQ, and will need PSD and Title V operating permits from EPA
- EPA may take over other elements of the permitting process if TCEQ does not make the changes required by EPA
- Sources in the area and prospective businesses will face some uncertainty and additional hurdles to obtaining air quality permits until the dispute is resolved