

EPA Report to Austin CACAC May 12, 2011

Proposal to Disapprove a Portion of a Texas State Implementation Plan (SIP)

On April 13 we published a Federal Register notice proposing to disapprove a portion of a Texas SIP submittal that addresses the Clean Air Act requirement prohibiting a state's emissions from significantly contributing to nonattainment or interfering with maintenance of the 2006 PM_{2.5} ambient air quality standards. The comment period closes this Friday, May 13. Earlier this year, we proposed similar actions for 11 other States.

Our reason for proposing disapproval is that there was no analysis that emissions from the state do not contribute to nonattainment or interfere with maintenance in another state. Instead, reference was made to the SIP for the now remanded Clean Air Interstate Rule (CAIR). The CAIR modeling, however, did not address the 2006 PM_{2.5} standards and CAIR was promulgated before the 2006 PM 2.5 standards.

Disapproval of the Texas submittal will not start a sanctions clock, but does initiate an obligation for EPA to promulgate a Federal Implementation Plan (FIP) for Texas to address interstate transport of emissions for the 2006 PM_{2.5} standard. In our August 2, 2010, Transport Rule (TR) proposal we took comment on whether we should include Texas in a FIP for PM_{2.5} (the TR proposal addresses the 1997 ozone and the 1997 and 2006 PM standards). This means that we may choose to include a FIP for Texas in the final Transport Rule.

Our proposal, along with ways to comment on our proposal can be found at the www.regulations.gov website (electronic docket EPA-R06-OAR-2011-0335).

Designations Guidance for the new 1-hour Sulfur Dioxide (SO₂) Standard

Back in June 2010 we issued a new 1-hour SO₂ primary ambient air quality standard of 75 parts per billion (ppb). We recently completed designations guidance for the new standard. The guidance also discusses using air quality modeling to inform SO₂ designation decisions. The guidance is available at: www.epa.gov/air/sulfurdioxide/guidance.html.

We're expecting designation recommendations from States no later than June 2011. We plan to make area designations of "nonattainment", "attainment" or "unclassifiable" no later than June 2012. We plan to use monitoring and air quality modeling in making our designation decisions.

Proposed Rules for Power Plants

Last month EPA proposed a rule to control mercury and other toxic air emissions from power plants that burn coal or oil. This proposed rule would replace our Clean Air Mercury Rule which was vacated by the courts. The proposal would reduce emissions of heavy metals, including mercury, arsenic, chromium, and nickel, and acid gases, including hydrogen chloride and hydrogen fluoride. Additionally, we are proposing to revise the standards new power plants that burn coal, oil or natural gas must meet for particulate matter, sulfur dioxide, and nitrogen oxides. The proposal was published on May 3 (76 FR 24976) and begins a 60-day comment period. For more information: www.epa.gov/airquality/powerplanttoxics.