

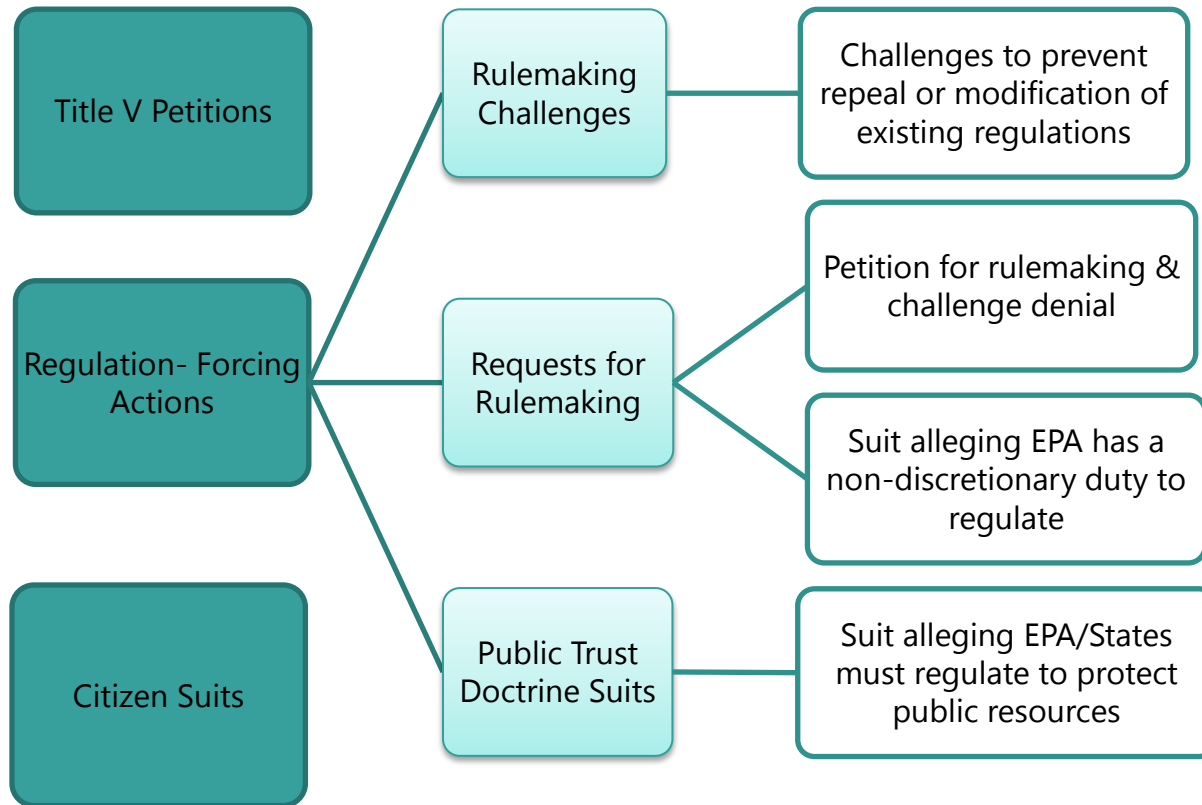


Houston Area Air Quality:
Issues and Challenges

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NGO Action



Regional Haze Program

- Improve visibility in national parks and wilderness areas (Class I areas)
- Series of 10-year implementation plans
- Goal = natural visibility conditions by 2064



Status of Program

- First Implementation Period - ends 2018
- SIPs/FIPs focus:
 - BART sources
 - Reasonable progress controls for some sources
 - EGUs



Future of Program

- Second Implementation Period
 - Covers 2019-2028
 - SIPs due 2021?
- States must continue to show improvement in visibility
- Focus on reasonable progress controls



Ozone NAAQS: Current Status

DFW/HGB = Moderate Nonattainment

- 100 tpy major source
- 40 tpy major modification
- 1.15:1 offset ratio
- No 5 ton netting trigger

Uncertainties

South Coast Air Quality Mgmt. Dist. v. EPA, No. 15-1115 (D.C. Circuit)
[challenging EPA's "redesignation substitute" process]

Trump Administration approach to 2015 ozone standard [May not timely revoke 2008 standard]

- If revoke 2008 NAAQS before redesignation to "Serious," HGB/DFW will stay at:
 - 100 tpy major source
 - 40 tpy major modification
 - No 5 tpy netting
- If no or later revocation:
 - 50 tpy major source threshold
 - 25 tpy major modification
 - 5 tpy netting trigger

MSS SIP Call: Scenarios for D.C. Circuit Litigation

	Scenario	Effect on states
Victory	Court holds that SIP call is inconsistent with CAA	No need for state SIP changes
Defeat	Court allows only narrowly-tailored SSM SIP provisions meeting new EPA policy requirements	Same as original SIP call
Partial Victory	Court upholds some but not all types of SSM SIP provisions	Some states need to change SIPs
Remand without Vacatur	Court directs further action by EPA such as state-by-state findings of SIP adequacy	Varies by state

Steps to Reconsideration

- Step 1: Filing of administrative petition for reconsideration
 - Under consideration by State of Texas; others may follow
- Step 2: EPA actions if decided to grant petition
 - Announce granting of the petition
 - Request D.C. Circuit to hold case in abeyance
 - Propose rule to reconsider/withdraw SIP call; public comment period
 - Finalize rule to reconsider/withdraw SIP call
- Step 3: Next steps if EPA withdraws SIP call
 - States withdraw pending SIP revisions or submit new SIP revisions
 - Environmental groups may challenge the withdrawal in court

Texas Rule

Pending SIP revision to 30 TAC 101.222:

- "(k) Federal court jurisdiction. Subsections (b) - (e) of this section are not intended to limit a federal court's jurisdiction or discretion to determine the appropriate remedy in an enforcement action."
- (l): (k) does not apply until "final and nonappealable court decision that upholds the SIP call."

Options:

1. Leave current rule language in place and seek SIP approval
2. Withdraw pending SIP revision and delete new (k)-(l) language
3. Rewrite rule to be more favorable and seek SIP approval