

APPENDIX I

CONSULTATION SUMMARY

2013-013-SIP-NR

Adoption
February 26, 2014

**Consultation for 2014 Five-Year Regional Haze SIP Revision
Agenda October 24, 2013
10:30-11:30 a.m.**

Introductions:

United States Environmental Protection Agency (EPA):

Joe Kordzi
Michael Feldman, Ph.D.
Dayana Medina

Federal Land Managers (FLM):

US Forest Service (FS) – Chuck Sams, Judy Logan, and Steve Cole
US Fish and Wildlife Service (FWS) – Tim Allen
National Park Service (NPS) – Pat Brewer and Don Shepherd

Texas Commission on Environmental Quality (TCEQ):

Jim Price, Ph.D.
Kathy Pendleton, P.E.
Javier Galvan, P.E.
Jocelyn Mellberg
Margaret Earnest

Call started just after 10:35 a.m.

The TCEQ opened the call. Participants were introduced and the TCEQ asked for questions.

The Forest Service asked about Texas' timeline for responding to comments and for the submission of the 2014 Five-Year Regional Haze SIP Revision (also referred to as the five-year progress report or 2014 SIP).

The TCEQ gave a short description of the timeline:

- October 2013 - responses to comments prepared;
- Mid-November - the SIP package starts management review;
- December 2013 - management review to be completed;
- February 26, 2014 - SIP package considered for adoption at Commission's Agenda; and
- March 2014 - SIP is due to the EPA.

The TCEQ committed to send a short summary of the schedule with the understanding that SIP timelines are subject to change. The TCEQ communicated that its ultimate goal is submitting the 2014 progress report to EPA by the March 2014 deadline.

The Forest Service commented that it is difficult to review the five-year progress report when the Texas' 2009 regional haze SIP had not yet been acted on by EPA and found discussing the 2014 regional haze SIP unusual without action on the previous SIP.

The TCEQ said that it would respond to any comments that are related to the five-year progress report. Comments received related to 2009 SIP would likely not be responded to for this progress report.

The TCEQ asked the EPA about the timeline for evaluation of the Texas 2009 regional haze SIP revision. The EPA replied that per consent decree, the schedule was still to propose in May 2014 and finalize in December 2014, but that there was some chance of proposing earlier in 2014.

The Forest Service asked why Texas had separated the state into three areas when the entire state's impacts should be shown.

The TCEQ replied that during the 2009 SIP preparation process, Texas looked at the areas of influence of the different areas of Texas. The three areas of Texas identified in the 2009 SIP have differing emission characteristics and climatology. The TCEQ did compile the entire state's visibility impacts within tables in Chapter 11. The TCEQ committed to find those tables for further discussion in the next call (November 1, 2013).

The Forest Service asked why emissions are more restrictive in West Texas compared to East Texas.

The TCEQ asked the Forest Service for clarification on differences in emission rates in different parts of Texas for which the Forest Service was concerned. The Forest Service said that they would get back to the TCEQ with where that information was documented for the next call.

The TCEQ discussed Best Available Retrofit Technology (BART) analyses and the EPA's determination that "Clean Air Interstate Rule (CAIR) is better than BART." A number of sources chose to clean up, or shut down, and refinery consent decrees reduced emissions of SO₂ such that no additional controls to meet BART were needed for any Texas sources.

The Forest Service committed to review information on where they found that more emission limits were to be placed on West Texas sources than on East Texas sources for discussion on the next call.

The National Park Service asked why Texas didn't choose a lower threshold than the 0.5 deciview since Texas has so many more sources and emissions closely located in one geographic area like east Texas.

The TCEQ responded that it followed the EPA's rules and that the EPA suggested the 0.5 deciview threshold. The TCEQ inquired if any other states had used a lower threshold.

No FLM was able to recall a state with any lower threshold.

The Fish and Wildlife Service acknowledged that the TCEQ had followed the rules for BART and the Regional Haze Rule, but suggested that the TCEQ could use the reasonable progress goals (RPG) to go beyond the minimal requirements since Texas is specifically responsible for a large amount of electric generating units (EGU) emissions (about 400,000 tons per year of SO₂). The Fish and Wildlife Service further suggested that at least a more robust discussion about the EGU emissions would be appropriate.

Some FLMs considered the RPGs an opportunity for the state to make additional reductions to emissions.

At 11:00 a.m. Joe Kordzi and Michael Feldman left for another meeting.

The TCEQ asked for clarification of “robust” and what the FLMs would consider a more “robust discussion.”

The Fish and Wildlife Service suggested including more consultation between Texas and other states. Even if Texas met its goals, there are the adjacent states to consider and emissions transport. The National Park Service suggested more discussion in the narrative of Texas’ source apportionment compared to other states that contribute to the adjacent Class I areas. The National Park Service recommended using the CENRAP source apportionment model results for 2002 and 2018 and referenced 400,000 tons per year of Texas SO₂ emissions (Figure 4-2: *Actual and Projected Emissions Trends for Electric Power Generation*) as the reason for asking for source apportionment results. Other states have provided source apportionment in the progress report.

The TCEQ mentioned CAIR Phase II reductions are scheduled to go into force in 2015.

The Fish and Wildlife Service said some FLMs don’t consider CAIR a benefit to visibility; CAIR’s usefulness is primarily to help areas reach ozone and PM attainment.

The TCEQ noted that the PM standard has been lowered and this is likely to make future transport rules more stringent than CAIR.

The TCEQ asked about a response to comments recommendation that Texas add a unit by unit CAIR reduction table. As a cap and trade program, unit by unit reductions are not easily available. Rather, cap and trade shows reductions as a state (or nation) over a period of years.

The National Park Service noted that it understood that making unit by unit reduction information available may be problematic, but that it would appreciate Texas’ effort to make those data available. The EPA Clean Air Markets Division has data on installation of control equipment and annual emissions data available on a unit by unit basis. Other states have provided unit by unit data for controls and annual emissions in the progress report.

The Fish and Wildlife Service suggested using other metrics to show that reductions in emissions from Texas are improving visibility.

The National Park Service asked about more detailed oil and gas information in the emissions inventory section. The National Park Service mentioned research done in Texas that may be useful. It suggested that a recent talk by David Allen, University of Texas-Austin about the oil and gas emissions may be useful. The National Park Service asked whether the TCEQ could split out oil and gas as a source category like the Western Regional Air Partnership, one of the five regional haze planning organizations in the U.S., has done.

The TCEQ said additional discussion was added to the response to comments; however, oil and gas emissions would remain in the area source category because it was a better way to compare data from the 2009 SIP to the 2014 SIP. The TCEQ did evaluate oil and gas numbers from the University of Texas study, and although there were differences in

some of the subcategory volatile organic compounds, or VOC, emissions, there were no significant emissions changes in the oil and gas category as a whole.

At 11:30 a.m., the TCEQ closed the call and thanked participants. The next consultation call was scheduled for Friday, November 1, 2013 from 1:30 p.m. to 2:30 p.m. The National Park Service noted that staff would be out of town and that Fridays are generally not best day for federal calls.

Action items for the November 1, 2013 call were:

- The TCEQ committed to send a tentative SIP schedule to the FLMs.
- The Forest Service committed to find the emission rate limit discrepancy between West and East Texas.
- The TCEQ committed to find tables in Chapter 11 of the 2009 SIP showing total Texas impact on Class I areas.

**Consultation for 2014 Five-Year Regional Haze SIP Revision
Agenda November 1, 2013
1:30 p.m. - 2:00 p.m.**

Introductions:

**United States Environmental Protection Agency (EPA):
Joe Kordzi**

**Federal Land Managers (FLM):
US Forest Service (FS) – Chuck Sams, Judy Logan
US Fish and Wildlife Service (FWS) – not present
National Park Service (NPS) – Pat Brewer (out of town)**

**Texas Commission on Environmental Quality (TCEQ):
Kim Herndon
Donna Huff
Jim Price, Ph.D.
Walker Williamson
Javier Galvan, P.E.
Jocelyn Mellberg
Margaret Earnest**

Call started at 1:30 p.m.

The TCEQ opened the call. Participants were introduced and the TCEQ asked for questions.

The TCEQ began with the action items from the previous call. The TCEQ had not yet sent tentative timeline. The TCEQ discussed tables that show Texas' entire impact (three Texas areas were summed as one state in tables while figures showed Texas divided into three geoclimatic areas). Tables are available for areas where Texas impacts were greater than 5% of the entire visibility impairment in inverse megameters. Tables are available for 2002 and 2018 in Chapter 11 of the 2009 regional haze SIP revision. The TCEQ committed to include reference to the tables in the response to comments.

The Forest Service discussed differing emission rate limits shown on page 2-8, Section 2.6.4 *SB 7, 76th Texas Legislature* of the proposed 2014 Five-Year Regional Haze SIP Revision (also referred to as the five-year progress report or 2014 SIP). East Texas sources have a NO_x emission rate cap based upon 0.14 lb/MMBtu and West Texas sources have a cap based upon 0.195 lb/MMBtu. The Forest Service stated that this would be an opportunity to make those caps based upon the same emission rate limit, the more stringent of the two.

The TCEQ responded that it would look into the reason for the differing limits. The TCEQ explained that East Texas is the more populous region of the state, so it may make sense that a more stringent limit was placed on East Texas sources and that it have been a Texas legislative requirement. The TCEQ committed to respond to this question more fully in the response to comments.

The TCEQ noted that the EPA requested information about the reduction of 4,700 tons per year of SO₂ due to shut downs and that the EPA had requested unit by unit emission reductions. The TCEQ committed to add data for those shutdowns for 2009 through 2011 to the SIP narrative.

The TCEQ noted that the National Park Service had a question about source specific installed controls, or when controls were scheduled to go in place for EGUs. The TCEQ stated that it does not know what EGU controls will be installed in the future or when. However, the TCEQ committed to adding further information to Chapter 2 on updates from 2009 to 2011.

The TCEQ had a question for the FLMs about western states and when they will be able to reach natural conditions. The TCEQ mentioned that Anna Wood of EPA presented a map showing which regional haze SIPs had been approved since fall 2013. The TCEQ noted that some of the Class I areas in the west have approved SIPs that show the areas reaching natural conditions well beyond the 2064 goal. The TCEQ mentioned that one Class I area in California will not meet the EPA's visibility goal until the year 2300 and that Colorado has one Class I area meeting the EPA's visibility goal around the year 2200.

The Forest Service said it would be interested in seeing the presentation.

The TCEQ committed to send a map to the FLMs. Slide 16 of the EPA's presentation shows the map with approved regional haze SIPs.

The TCEQ noted that source by source emission changes and associated controls are not available. The TCEQ noted that SO₂ caps should be held by the EPA, and that the TCEQ had submitted that information to the EPA at the end of October 2013. The TCEQ, however, committed to look for this information.

The TCEQ noted that it had extended the oil and gas emissions inventory discussion to better explain the changes in emission estimates and that more discussion would go into the narrative text.

No other questions were posed, so TCEQ closed the call at 2:00 p.m.

Action items for the call were:

- The TCEQ committed to send a tentative SIP schedule to the FLMs.
- The TCEQ committed to send the two call summaries to the participants.
- The TCEQ committed to forward the EPA's presentation by Anna Wood.