



National Comments

Executive Review Summary

TCEQ Proposed Comments On: Call for Information on Adverse Effects of Strategies for Attainment and Maintenance of the National Ambient Air Quality Standards; EPA Docket ID No. EPA-HQ-OAR-2018-0365

Overview of Proposal:

On June 26, 2018, the United States Environmental Protection Agency (EPA) issued a call for information in the *Federal Register* concerning adverse impacts of strategies for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The information is requested to facilitate the Clean Air Scientific Advisory Committee's consideration of adverse public health, welfare, social, economic, or energy effects, which may result from various strategies implemented for attainments and maintenance of the NAAQS.

Summary of Comments:

1. The Texas Commission on Environmental Quality supports the EPA's and the Clean Air Scientific Advisory Committee's consideration of possible adverse impacts from strategies for attainment and maintenance of the NAAQS.
2. In considering the adverse effects which may result from various strategies for attainment and maintenance of existing, new, or revised NAAQS, the EPA and the Clean Air Scientific Advisory Committee should consider the cost to state agencies associated with the development of state implementation plan (SIP) submittals.
3. While evaluating exceptional events and international emissions are not *per se* "strategies for attainment and maintenance of the NAAQS," states are still required to expend significant resources evaluating these issues to determine which strategies will help attain and maintain compliance with the NAAQS, particularly as the EPA adopts more stringent NAAQS that approach background concentrations of some criteria pollutants.
4. The costs of control strategies for emission reductions to attain and maintain compliance with the NAAQS are significant but vary substantially depending on the specifics of the nonattainment area. As EPA adopts more stringent NAAQS, costs escalate especially if emissions reductions from areas outside the nonattainment area are needed, but the EPA has underestimated such costs in previous regulatory actions.
5. Implementation of volatile organic compound (VOC) control techniques guidelines (CTG) as presumptive reasonably available control technology (RACT) under Federal Clean Air Act (FCAA), §182(b)(2) and §172(c)(1) can result in the unnecessary economic burden of imposing regulations that would not contribute to attainment or maintenance of the ozone NAAQS.

6. Nonattainment designations trigger more stringent Nonattainment New Source Review (NNSR) permitting. More stringent NNSR permitting not only has direct economic impacts but can also discourage or disincentivize development and economic growth in nonattainment areas due to the increased costs and additional practical burdens such as delays in the permitting process.

7. In addition to more stringent permitting requirements such as lowest achievable emission rate (LAER), sources in nonattainment areas must obtain offsets for increases in emissions for sources that exceed FCAA thresholds. Emission reduction credits (ERCs) are most commonly used to meet FCAA offset requirements and can result in significant additional costs to construction of new facilities or expansions at existing facilities.

8. Economic impacts from a nonattainment designation for the NAAQS can be significant even when direct control strategies for attainment (e.g., RACT) are not required.

9. Regulatory costs from attainment and maintenance of NAAQS can lead to adverse public health effects.

10. Nitrogen oxides (NO_x) dis-benefits can increase ozone concentrations in highly populated areas, possibly resulting in adverse health impacts.

In addition to the written comments, the submittal will include copies of the following economic impact studies.

Appendix A: Economic Impacts of a Proposed 65 ppb National Ambient Air Quality Standard for Ozone on the State of Texas, August 26, 2015

Appendix B: Potential Cost of Nonattainment in the San Antonio Metropolitan Area, February 21, 2017

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Deadline (Submittal Due Date): October 24, 2018