# TCEQ LogoNational Comments

# Executive Review Summary

# ****TCEQ Proposed Comments On:****

Notice of Proposed Air Plan Approval; Oklahoma; Regional Haze Five-Year Progress Report; EPA Docket ID No. EPA-R06-OAR-2016-0619.

# ****Overview of Proposal:****

On March 28, 2019, the United States Environmental Protection Agency (EPA) published in the *Federal Register* a proposed rulemaking to approve Oklahoma’s Regional Haze Five-Year Progress Report submitted by the Oklahoma Department of Environmental Quality (ODEQ). As noted in the proposal notice, on January 5, 2016, the EPA issued a final action that disapproved portions of Texas and Oklahoma’s state implementation plans (SIP) for regional haze for the first planning period. The EPA also simultaneously promulgated a federal implementation plan (FIP) for Texas requiring reductions in sulfur dioxide (SO2) from eight coal-fired electric power plants for purposes of reasonable progress. The EPA’s FIP on Texas was stayed by the Fifth Circuit Court of Appeals and subsequently remanded to the EPA (*Texas, et al v. EPA, et al,* No. 16-60118, March 22, 2017).

# ****Summary of Comments:****

* The Texas Commission on Environmental Quality (TCEQ) urges the EPA to take expeditious action on the remanded 2016 FIP for Texas regarding regional haze reasonable progress and repeal the FIP in its entirety. The EPA should also act on and approve Texas’ 2014 Regional Haze Five-Year Progress Report and finalize any action resulting from the additional comment period on the 2017 FIP for Texas regarding regional haze best available retrofit technology.
* The EPA erred in disapproving the consultation process between Texas and Oklahoma. The TCEQ urges the EPA to approve the Oklahoma-Texas consultation for the SIP revisions submitted for the first planning period and withdraw the previous determination that the Oklahoma-Texas consultation was not adequate.

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**Office of Legal Services: John Minter /OLS/Environmental Law Division**

**Deputy Director Approval: Tonya Baer/Office of Air**

**EPA Deadline:** April 29, 2019