**National Comments**

**Executive Review Summary**

**TCEQ and RRC Proposed Comments On:**

Docket ID No. EPA–HQ–OAR–2018–0794, 84 *Federal Register* 2670, February 7, 2019, National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review, Proposed Rule.

**Overview of Proposal:**

On February 7, 2019, the United States Environmental Protection Agency (EPA) published in the *Federal Register* a proposed revision to its supplemental finding concerning costs of regulating coal- and oil-fired electric utility steam generating units (EGUs) under section 112 of the Clean Air Act (CAA). On June 29, 2015 the Supreme Court of the United States remanded the suit challenging the EPA’s Mercury Air Toxics Standard (MATS) to the D.C. Circuit on the basis that EPA failed to properly consider costs when evaluating whether the rule was appropriate and necessary. The current proposed rule would find that it is not “appropriate and necessary” to regulation Hazardous Air Pollutants (HAPs) from these sources, which would reverse the EPA’s prior conclusion finalized {…}. The EPA is, however, not proposing to remove MATS, or its requirements, and is instead proposing to leave coal- and oil-fired EGUs listed under section 112. EPA is specifically soliciting comments on the appropriateness of its proposed strategy.

**Summary of Comments:**

* Texas agrees with EPA’s finding that it is not appropriate and necessary to regulate coal- and oil-fired EGUs under section 112 of the Federal Clean Air Act (FCAA).
* Texas supports EPA’s use of actual benefits from regulating HAPs in its analysis and supports EPA’s decision to not consider ancillary co-benefits as part of the cost-benefit analysis.
* Texas agrees with the EPA that the existence and importance of the unquantified benefits of MATS are not enough to overcome the significant differences between the monetized benefits of HAP controls ($4 to $6 million annually) and the costs of compliance with the rule ($7.4 to $9 billion annually).
* Texas disagrees with EPA’s proposal to leave coal- and oil-fired EGUs listed under section 112, as well as the proposal to leave the MATS rule in place. In the absence of a legally sound appropriate and necessary finding, EPA lacks the necessary legal foundation to leave these sources listed.

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**EPA Deadline:** April 17, 2019