# TCEQ LogoNational Comments

# Executive Review Summary

**TCEQ Proposed Comments On:** Proposal of Best Available Retrofit Technology (BART) and Interstate Transport Provisions; Regional Haze and Interstate Visibility Transport Federal Implementation Plan (FIP) for the State of Texas; EPA Docket ID No. EPA-R06-OAR-2016-0611

**Overview of Proposal:**

On August 27, 2018, the United States Environmental Protection Agency (EPA) issued a proposed action in the *Federal Register* requesting additional comment on the final federal implementation plan (FIP) published by the EPA on October 17, 2017 to address certain Federal Clean Air Act (FCAA) regional haze requirements for Texas, including best available retrofit technology (BART). The final FIP includes a BART alternative establishing an intrastate sulfur dioxide (SO2) trading program for certain electric generating units (EGU) in Texas based on the allocations under the Cross-State Air Pollution Rule (CSAPR). On December 15, 2017, the EPA received a petition for reconsideration on the final FIP. To provide for additional public input, the EPA is requesting comment on the SO2 trading program as a BART alternative and other aspects of the EPA’s October 17, 2017 final action.

**Summary of Comments:**

1. The Texas Commission on Environmental Quality (TCEQ) supports the EPA’s affirmation that the October 2017 Regional Haze FIP satisfies Texas’ obligations for BART as well as interstate visibility transport for certain National Ambient Air Quality Standards (NAAQS).

2. The TCEQ may replace the SO2 trading program FIP with a state-run trading program in the upcoming regional haze state implementation plan (SIP) revision for the second planning period. However, any commitments made in the 2017 Memorandum of Agreement (MOA) between the TCEQ and the EPA are no longer applicable.

3. The EPA should eliminate the additional flexibility afforded to Coleto Creek’s owner in the Supplemental Allowance Pool of the SO2 trading program FIP because Coleto Creek is no longer an isolated unit in the program.

4. The total number of allowances that can be allocated in a control period from the Supplemental Allowance Pool should remain the same as the EPA finalized in the October 2017 FIP.

5. The TCEQ suggests retaining current program elements finalized in the October 2017 FIP, considering the imminent start of the program on January 1, 2019. Significant program changes may mean the EPA must propose another rule, potentially causing significant interruption in the planning operations of participating sources.

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**Deputy Director Approval: Steve Hagle, P.E.**

**Deadline (Submittal Due Date):** October 26, 2018