# TCEQ LogoNational Comments

# Executive Review Summary

**TCEQ Proposed Comments On:** United States Environmental Protection Agency (EPA); Review of Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units;
EPA Docket ID No. EPA-HQ-OAR-2013-0495

**Overview of Proposal:**

On December 20, 2018, the EPA published notice of proposed amendments to the 40 Code of Federal Regulations (CFR) Part 60, Subpart TTTT new source performance standards (NSPS) for new, modified, and reconstructed electric utility generating units (EGUs). These standards for greenhouse gas (GHG) emissions from EGUs were originally adopted on October 23, 2015. The EPA proposed the December 20, 2018, amendments after re-evaluating certain aspects of the 2015 standards. In this action, the EPA is proposing to revise the determination of the Best System of Emission Reduction (BSER) for coal-fired EGUs. Specifically, the EPA is proposing to find that partial carbon capture and storage (CCS) is not appropriate BSER for new and modified coal-fired units. Instead, the EPA is proposing that BSER would be based on the most efficient demonstrated steam cycle, in combination with best operating practices. The proposed rules would tend to allow higher GHG emission rates as the standard of performance for large and small EGUs. The proposed rules would also revise various other aspects of the NSPS, and the EPA is soliciting comments on a number of issues relating to regulation of GHG emissions from electric utilities. The Texas Commission on Environmental Quality (TCEQ), the Public Utility Commission of Texas (PUCT), and the Railroad Commission of Texas (RRC) are submitting joint comments on the proposed changes.

**Summary of Comments:**

* The EPA is required to make a proper endangerment finding in accordance with Federal Clean Air Act (FCAA) section 111, based on GHG emissions from the relevant source category, and cannot rely on the previous FCAA section 202 finding as a rational basis to regulate GHG emissions under section 111.
* The EPA has not demonstrated that the standards have a significant benefit that outweighs the burdens of compliance or implementation.
* **The EPA's proposed finding that partial CCS is not BSER for coal-fired steam generating units is appropriate.**
* **The EPA should not use the levelized cost of electricity (LCOE) as a comparative metric for determining economic feasibility across generation technologies.**
* **The EPA has neither the expertise nor the authority to determine which generation types are more appropriate for fuel diversity.**
* **The EPA should not consider government-subsidized projects when evaluating the feasibility of a particular control technology when the subsidy is specifically for that technology.**
* **The EPA should not establish geography-based standards for new coal-fired EGUs; the joint commenters recommend that any standards be constructed in a manner that provides consistency and certainty.**
* **The EPA should further investigate the effects of 40 CFR Part 60, Subpart TTTT limitations upon the operation of stationary simple cycle combustion aeroderivative turbines.**

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**Deadline (Submittal Due Date): March 18, 2019**