

Response to Comments

Two public hearings were held, one in Arlington on December 5, 2002, and one in Austin on December 9, 2002. The period for public comment closed on December 9, 2002. Comments were received from Good Company (Good), the United States Environmental Protection Agency (EPA), and one individual. The comments were generally in support of the SIP, and revisions to the SIP narrative were made in response to some of EPA's comments.

MOBILE6 COMMITMENT

EPA commented that the wording of the MOBILE6 commitment contained in the SIP proposal is not consistent with the expressed purpose of committing to conduct new mobile source modeling, using MOBILE6, as part of the mid-course review. EPA suggested the following wording: "The commission commits to perform new mobile source modeling, using MOBILE6, as a SIP revision with the mid-course review, due May, 2004. In addition, if a conformity analysis is to be performed between 12 months after the official MOBILE6 release and May, 2004, when an adequate motor vehicle emissions budget (MVEB) for the mid-course review will be submitted, transportation conformity will not be determined until Texas submits an MVEB which is developed using MOBILE6 as a SIP revision and EPA finds it adequate. The North Central Texas Council of Governments and the Department of Transportation have been informed of these commitments."

The commission is deferring adoption of the commitment to perform MOBILE6 modeling because of uncertainties surrounding the next DFW SIP revision. Therefore, no action has been taken in response to EPA's comment.

ENERGY EFFICIENCY

EPA stated its appreciation of the commission's efforts to quantify the emissions reductions due to legislative efforts in Texas to encourage energy efficiency and thereby reduce the growth in electrical demand. EPA also acknowledged the close collaboration between the commission and EPA in the development of the quantification protocols used by the commission.

The commission appreciates the support.

EPA commented that the emission reductions from energy efficiency measures are listed under "Other Federal Measures" in the table of "EPA-Issued Rules" in Chapter 6 of the SIP. EPA further stated that, since the emission reductions quantified here are actually based on state-adopted energy efficiency programs, they should be listed in the portion of the table for "TCEQ-Issued Rules."

The commission agrees with EPA's comment, and has made the suggested revision in the table in Chapter 6 of the SIP.

EPA commented that in Table 3 of Appendix A ("Description of the Methodology for Determining Credit for Energy Efficiency"), 1998 emission rates are used to make the calculation, and that in fact, emission rates in 2007 are expected to be much lower because of Senate Bill (SB) 7 and Chapter 117 rules. EPA stated that the emission reductions from energy efficiency programs must be surplus to the emission reductions already in the SIP, and requested confirmation that the emission rates being used to calculate the emission reductions are based on the 2007 projected emission rates.

The E-GRID model used by the commission to estimate energy efficiency savings and the associated NO_x reductions is based on data for 1996 through 1998. The commission used data contained in several Electric Reliability Council of Texas, Inc. (ERCOT) reports: Energy Information Administration (EIA-411) Projected energy and peak demand for the first ten years (2001 - 2011); ERCOT New and commercial generation projects (to April 1, 2005), and ERCOT retirements (through 2006), and information developed in cooperation with Public Utility Commission of Texas (PUC) to project electricity growth through 2007. The commission has modified Table 3 to reflect that projected 2007 emission rates were actually used to make the calculation.

The commission agrees that emission rates in 2007 will probably be much lower because of SB 7 and Chapter 117 rules. However, limitations in the E-GRID methodology did not allow all of these factors to be completely taken into account. The data included in this SIP revision represent a first pass at a program which will be more comprehensive and more accurate as better tools and data inputs become available. At that time, the impact of emission controls required by Chapter 117 and SB 7 programs will be reevaluated.

Good commented that it is unclear from the review of the methodology in Appendix A whether all the benefits from SB 5 programs are being captured. Good further commented that energy efficiency efforts being undertaken under SB 5 by approximately 4,000 political subdivisions and reported to the State Energy Conservation Office (SECO) be included in the SIP.

The commission agrees that the energy programs being performed by affected political subdivisions under SB 5 should be reflected in the SIP. All programs were included in the SIP proposal for which reports had been filed with SECO, and which SECO forwarded to the commission. Table 1 of Appendix A has been updated with more information which was not available at the time of the proposal.

Good commented that a method needs to be developed for reporting and quantifying efficiency and distributed generation projects that are not part of the either SB 5 or SB 7 programs, as well as a method for aggregating and reporting the benefits of smaller projects. Good further stated that crediting these programs that go beyond the mandated legislative programs would provide an incentive for additional commitments to energy efficiency, and that capturing these benefits would allow the state to receive full credit for all such projects undertaken.

The commission agrees with the comment, and will continue to work with EPA, PUC, and other organizations to gather information and develop programs to accurately evaluate the full range of energy issues.

Good commented that zero or ultra-low emission distributed generation projects, such as solar panels or fuel cells, which can demonstrate a quantifiable reduction in load and/or energy use should be eligible for emissions credits. Good stated that the commission should develop a mechanism to capture the emissions benefits of such technologies that are not part of a statewide program.

The commission is supportive of clean, innovative technologies that can supply power in a manner that benefits the environment. The type of mechanism suggested by the commenter may have promise, and will require more work on the part of concerned parties in the environmental, energy, and technology sectors.

An individual commented that Ellis County violated the one-hour ozone standard under the Federal Clean Air Act, and the commission refused to enforce the law.

The commission has conducted monitoring of ground-level ozone in Midlothian, Ellis County, since 1996. Although the monitor in Ellis County showed more than three exceedances of the one-hour ozone standard over the three-year periods of 1997 - 1999 and 1998 - 2000 (in violation of the standard), the monitor has since recorded values that are in attainment of the standard. However, the monitoring data show violations of the new eight-hour ozone standard, and this issue will be addressed when EPA makes nonattainment designations for the eight-hour standard, which is expected in 2004.

Many of the control measures contained in the DFW one-hour ozone control strategy and included in the photochemical modeling apply to sources in Ellis County. For example, the NO_x rules for cement kilns, vehicle inspection/maintenance (begins May 1, 2003), reduced speed limits (in effect since September 1, 2001), low emission diesel fuel, requirements for large spark-ignition engines, and voluntary mobile source reductions apply in Ellis County. These control measures are an enforceable part of the DFW attainment demonstration. More extensive controls may be required throughout the DFW area to demonstrate attainment of the eight-hour ozone standard.