

# Texas Commission on Environmental Quality



## **DECISION OF THE COMMISSION REGARDING THE PETITION FOR RULEMAKING FILED BY the DALLAS COUNTY MEDICAL SOCIETY**

Docket No. 2013-1612-RUL  
Project No. 2013-060-PET-NR

On October 23, 2013, the Texas Commission on Environmental Quality (Commission) considered the petition for rulemaking filed by the Dallas County Medical Society (petitioner) on August 28, 2013. The petitioner requests amendments to 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds, Subchapter E, Multi-Region Combustion Control, Division 1, Utility Electric Generation in East and Central Texas. The petitioner requests that the agency initiate rulemaking to further limit nitrogen oxides (NO<sub>x</sub>) emissions from electric generating units in east and central Texas by requiring that certain coal-fired power plants in east Texas meet more stringent NO<sub>x</sub> emission standards based on selective catalytic reduction technology within five years. Specifically, the petitioner requests the owner of the eight coal-fired electric generating units located at Big Brown Steam Electric Station (Freestone County), Monticello Steam Electric Station (Titus County), and Martin Lake Electrical Station (Rusk County) be required to achieve specific NO<sub>x</sub> emissions reductions. The petitioner requests that the rule amendments requiring NO<sub>x</sub> emissions reductions from the specified electric generating units in east and central Texas for the purpose of reducing ambient ozone levels in the Dallas-Fort Worth (DFW) ozone nonattainment area, attaining of the ozone National Ambient Air Quality Standard (NAAQS) and improving public health, with additional benefits for the Tyler-Longview-Marshall area. The petitioner also requests that the commission hold a public hearing to accept comments on this rulemaking.

The commission has authority pursuant to the Texas Gov't Code, § 2001.021, Texas Water Code, § 5.102, and 30 Texas Administrative Code § 20.15 to consider the petition for rulemaking filed by the Dallas County Medical Society on August 28, 2013.

Commission staff are currently working on a state implementation plan (SIP) attainment demonstration for the DFW area, evaluating sources of NO<sub>x</sub> emissions located in the DFW area and the necessity for emissions reductions to attain and maintain the ozone NAAQS. The commission may consider rulemaking based on the

evaluation during the upcoming SIP planning process for the DFW area, which is currently planned for proposal before the commission in December 2014. As part of the SIP planning process, commission staff provide updates and information to both local air quality planning groups and the public. Therefore, the petitioner's request to initiate rulemaking before the SIP planning process is complete is premature. A SIP attainment demonstration analysis is necessary to determine if additional emissions reductions of NO<sub>x</sub> or other ozone precursor emissions are necessary to achieve attainment of the NAAQS.

IT IS THEREFORE ORDERED BY THE COMMISSION that the petition submitted by the Dallas County Medical Society on August 28, 2013 is denied.

This decision constitutes the decision of the Commission as required by the Texas Gov't Code, § 2001.021(c) and 30 Texas Administrative Code § 20.15.

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

Issued date: OCT 28 2013

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

  
Bryan W. Shaw, Ph.D., Chairman