

Proposed Revision of the Texas Regional Haze Federal Implementation Plan and Denial of Petition for Reconsideration of Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations

FACT SHEET

What is EPA proposing here?

On April 19, 2023, EPA proposed a rule to address Clean Air Act requirements to protect visibility in national parks and wilderness areas, such as Big Bend National Park in Texas and Caney Creek Wilderness Area in Arkansas. This action proposes emission limits for sulfur dioxide (SO₂) and particulate matter (PM) at twelve electric generating units (EGUs) located at six power plants in Texas. EPA projects that these limits would reduce SO₂ emissions in Texas by more than 80,000 tons per year. These sources are already meeting the proposed PM limits with existing PM control equipment. The proposed SO₂ emission limits are based on conventional, proven, at-the-source pollution control technology that is in place across a vast portion of the existing EGU fleet in the United States.

EPA is also proposing to affirm the current Regional Haze Rule provision allowing states whose EGUs participate in a CSAPR trading program for a given pollutant to continue to rely on CSAPR participation as a BART alternative for its BART-eligible EGUs for that pollutant. In this action, EPA is also denying a petition for partial reconsideration submitted by environmental groups objecting to an earlier decision that CSAPR continues to satisfy requirements as a BART alternative. This will provide certainty to the 19 states that currently rely on CSAPR participation as a BART alternative for their BART-eligible EGUs by making it clear that they can continue to rely on CSAPR as a BART alternative. This includes Texas, which relies on participation in CSAPR for ozone season NO_x to address NO_x BART requirements for its BART-eligible EGUs

To learn more about this proposed action, visit <https://www.epa.gov/tx/texas-regional-haze-best-available-retrofit-technology-federal-implementation-plan-and-cross>.

What is Regional Haze?

Visibility-impairing “regional haze” is caused when sunlight encounters tiny particles of pollution (both naturally occurring and human-made) in the air. While the particles absorb some of the light, other light is scattered before it becomes visible. The greater the number of pollutant particles, the more light is absorbed and scattered. The haze reduces clarity and color of what we can see, in this instance, above the nation’s Class I areas. EPA has typically focused on nitrogen oxides, sulfur dioxide, and particulate matter as key, man-made visibility-impairing pollutants.

What is the Regional Haze Rule and best available retrofit technology (BART)?

As part of an overall strategy to achieve natural visibility conditions in protected national parks and wilderness areas, the Regional Haze Rule requires states to determine emission controls known as best available retrofit technology or BART for specific categories of stationary sources built between 1962 and 1977. The rule also includes provisions that allow states to adopt alternative measures to BART so long as the “BART alternative” will achieve greater overall visibility improvement. Many states rely on Cross State Air Pollution Rule (CSAPR) participation as a BART alternative for their BART-eligible power plants.

States are required to develop state implementation plans (SIPs) to show how they will address BART requirements and reach visibility goals. EPA must review and either approve SIPs or implement a Federal Implementation Plan (FIP) when a SIP is determined to be deficient.

What is the background for this proposal?

2017 Texas BART FIP

On October 17, 2017, EPA promulgated a FIP for Texas to address certain deficiencies in the 2009 Texas Regional Haze State Implementation Plan (SIP) submission. The FIP addressed the SO₂ BART requirements for Texas sources through a BART alternative that consists of an intrastate emissions trading program (Texas SO₂ Trading Program) that applies to certain EGUs in Texas. EPA took final action to affirm and make minor revisions to the Texas SO₂ Trading Program FIP in August 2020. EPA also approved the portion of the Texas Regional Haze SIP that found no additional controls were necessary to address emissions of particulate matter (PM) for regional haze. After further consideration, EPA is now proposing to find that the basis for the Texas SO₂ Trading Program as a BART alternative was in error. EPA is also proposing that our prior approval of the portion of the Texas Regional Haze SIP that addresses the BART requirement for EGUs for PM was made in error given that it relies on the Texas SO₂ Trading Program. The Agency is therefore proposing to withdraw the existing Texas Regional Haze FIP and replace it with a FIP containing source specific emission limits for SO₂ and PM.

CSAPR Better-than-BART Affirmation

On November 28, 2017, EPA received a petition for reconsideration of certain aspects of EPA’s September 29, 2017, final rule titled, “Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas.” EPA concluded that the November 2017 petition did not meet the statutory criteria to warrant reconsideration and therefore denied the petition in 2020 (2020 Denial). On August 28, 2020, the Sierra Club, NPCA, and Earthjustice submitted a petition for partial

reconsideration (2020 Petition) under Clean Air Act section 307(d)(7)(B) of EPA's 2020 Denial of their November 2017 petition for reconsideration. EPA is proposing to deny the 2020 Petition because the objections raised to the 2020 Denial are not centrally relevant under a scenario in which EPA finalizes the proposal to withdraw the present BART-alternative Texas SO₂ Trading Program FIP for Texas EGUs and replaces those requirements with source-specific SO₂ BART requirements. As part of EPA's proposal to deny the 2020 Petition, the EPA is affirming the current Regional Haze Rule provision allowing states whose EGUs continue to participate in a CSAPR trading program for a given pollutant to continue to rely on CSAPR participation as a BART alternative for its BART-eligible EGUs for that pollutant.

What is the impact of this action?

This proposed rule (if finalized) would impose SO₂ and PM emission limits on 12 EGUs located at six power plants in Texas. Affected sources have flexibility to decide what control technology and/or operational changes to implement to meet these emission limits. The proposed SO₂ emission limits are expected to reduce SO₂ emissions in Texas by over 80,000 tons per year. The existing PM controls at the affected sources are sufficient to meet the PM emission limits proposed in this action.

What sources will be impacted by the proposed promulgation of source-specific BART, and where are these sources located?

All six affected power plants are located in Texas. The attached map depicts the location of the affected sources (orange circles) and monitoring stations at the surrounding protected national parks and wilderness areas (blue circles).

- W.A. Parish Station is in Fort Bend County (approximately 25 miles southwest of Houston, TX).
- Fayette Power Project is in Fayette County (approximately halfway between Austin and Houston, TX).
- Coleto Creek Plant is in Goliad County (approximately 140 miles southwest of Houston, TX).
- Martin Lake Electrical Station is in Rusk County (in East Texas, approximately 140 miles east of Dallas, TX).
- Welsh Power Plant is in Titus County (in East Texas, approximately 130 miles east of Dallas, TX).
- Harrington Station is in Potter County (in Amarillo, TX, in the Texas Panhandle).

Why is EPA denying the August 28, 2020 petition for reconsideration related to CSAPR Better-Than-BART?

EPA is proposing to deny the August 2020 Petition because the objections raised are not centrally relevant under a scenario in which EPA finalizes the proposal to withdraw the

present BART-alternative Texas SO₂ Trading Program FIP for Texas EGUs and replaces those requirements with source-specific SO₂ BART requirements.

Where can I find information on how to submit comments on EPA's proposal?

EPA will publish a Federal Register notice with instruction on how to submit comments. See Docket No. EPA-R06-OAR-2016-0611 at <https://www.regulations.gov>. Additionally, we will post the information for instructions to submit comments and how to participate in the virtual public hearing at <https://www.epa.gov/tx/texas-regional-haze-best-available-retrofit-technology-federal-implementation-plan-and-cross>.

How many days do I have to comment on EPA's proposal?

This proposed action was signed by the EPA Administrator on April 20, 2023. The public comment period will last 60 days from the date EPA's notice is published in the Federal Register.

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The map below depicts the location of the affected sources (orange circles) and monitoring stations at the surrounding protected national parks and wilderness areas (blue circles).

