

Texas Air Permit Rule Approval Update

- **Industry lawsuit last year resulted in a proposed consent decree establishing action dates on NSR SIP "gap" rules.**
- **EPA intends to take final action as required under the Consent Decree on the following dates:**
 - Flexible Permit Program → June 30, 2010
 - Qualified Facilities Program → March 31, 2010
 - NSR Reform Revision SIP → August 31, 2010
 - Public Participation Provisions → November 30, 2009

Texas Air Permit Rule Approval Update

- **In November of 2008 EPA issued a notice of proposed limited disapproval of Texas' public participation program.**
- **On September 8, 2009 EPA proposed disapproval of the following revisions to the Texas SIP:**
 - The Flexible Permit Program
 - The Qualified Facilities Program
 - The NSR Reform Revisions
 - Certain Regulatory Definitions, including BACT

Texas Air Permit Rule Approval Update

- **EPA outlines a detailed analysis of the rules and potential approval requirements.**
- **Official publication on September 23, 2009.**
- **Comment period ends November 23, 2009.**
- **EPA states that any future final disapprovals of the SIP revisions in EPA's proposed disapprovals issued this September will not result in sanctions for Texas, because the SIP revisions did not involve mandatory provisions.**

EPA's Proposed Action Steps

- **In October, EPA met with TCEQ commissioners, and representatives of industry and the environmental community, to discuss EPA's current posture on the Texas air quality permitting programs.**
- **At the meeting, EPA asked the TCEQ to prepare a letter outlining action steps on seven issues, outlined in an email from EPA to TCEQ.**
 - More public participation
 - Greater "transparency"
 - Continued concerns with Texas' 2006 PSD rule revisions

EPA Meetings (October 8, 2009)

- **Seven questions to TCEQ**
 - Request for SIP gap closure road map
 - Request for timing of Citgo/Premcor Title V revisions
 - Request for strategy on existing permit
- **More Title V remands pending resolution**

TCEQ Response (October 23, 2009)

- **Gap Closure Rulemaking Steps**
 - First Tier: Public Notice, BACT and NSR definitions
 - Second Tier: Flex, qualified facilities, NSR reforms
- **Current permitting structure affirmed**
 - Strong affirmation of current PSD permits
 - Rule Revisions integrated at amendment or renewal



• PALO ALTO

• AUSTIN

• DALLAS
• HOUSTON

• NEW YORK
• WASHINGTON

• LONDON

• MOSCOW

• RIYADH

• DUBAI
• ABU DHABI

• BEIJING

• HONG KONG