

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.
- EPA will accept comment during the 60 days following official publication in the Federal Register.
- Official publication is expected in the coming weeks.
- 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.



▪ PALO ALTO

▪ AUSTIN

▪ DALLAS

▪ HOUSTON

▪ NEW YORK

▪ WASHINGTON

▪ LONDON

▪ MOSCOW

▪ RIYADH

▪ DUBAI

▪ ABU DHABI

▪ BEIJING

▪ HONG KONG