

EPA rejects a Texas clean-air plan, orders pollution upgrades on some big coal plants

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The Environmental Protection Agency on Monday rejected parts of a key Texas clean-air plan, setting up a conflict with deep implications both for the state's electricity mix and air quality across much of the country.

The partial rejection of Texas' regional haze plan, a federally required strategy for reducing pollution that causes hazy skies, would require 15 coal-burning generating units at eight Texas power plants to install or improve controls that limit emissions of sulfur dioxide.

The plants are mostly upwind of urban North Texas, meaning their emissions often drift to the metropolitan area and further north to Oklahoma. They include Luminant's Big Brown, Monticello and Martin Lake plants.

Coal plants already face economic and environmental pressures from cheap natural gas and rules on emissions of mercury, carbon dioxide and other pollution. In addition, EPA Administrator Gina McCarthy must propose revisions to the nation's standard on urban ozone by Dec. 1. Coal plants are a major source of ozone-causing emissions.

The federal Clean Air Act requires states to submit plans for limiting the types of pollution, mostly from power plants, that cause hazy skies in Class One natural areas such as national parks. The same emissions also can affect human health.

Texas' regional haze plan does not do enough to curb pollution to meet minimum legal requirements, the EPA said. By law, the federal agency must act on its own authority to regulate pollution sources when a state has failed to do so, the EPA said.

The EPA also found that Texas had not done enough to limit the effect of its pollution on downwind states, Oklahoma in particular.

The EPA is proposing a federal plan in place of the disapproved parts of Texas' plan. Typically, federal plans stay in effect only until federal and state officials resolve differences and a state plan can take its place.

The EPA will take public comments on its proposals for 60 days. A final decision is expected next year.

Critics of the state's plan, which was prepared by the Texas Commission on Environmental Quality, noted one detail: the time it would take to achieve clear skies over Texas' two big national parks, Big Bend and Guadalupe Mountains.

"Waiting more than a century until 2155 as TCEQ proposed to do to return clear skies, is simply unacceptable," Cyrus Reed, acting director of the Sierra Club's Texas chapter, said in a statement.

"We applaud the EPA for protecting our heritage and state treasures. Now generations of Texans and people from around the world can continue to experience Big Bend's incredible sights, the spectacular peaks at Guadalupe Mountains, and the wildlife refuges in nearby states without pollution from [coal plants](#). We must protect these national treasures."

The TCEQ said Monday that it believes that its regional haze plan meets all legal requirements. In a statement, the state agency said the EPA

requirements would cost "more than \$2 billion, for a negligible increase in visibility in Class One areas, such as [national parks](#) and wildlife areas.

"These costs would invariably be passed on to consumers, either directly or indirectly, and could have consequential impacts on the state's power grid."

The EPA's ruling came two days before a Wednesday deadline for the agency to approve or reject Texas' plan. At the same time, Texas Attorney General Greg Abbott, who has sued the EPA frequently over clean-air rules, takes office as governor in January.

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