

## Texas State Implementation Plan (SIP) Update

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On September 26, 2013, the U.S. Environmental Protection Agency (“EPA”) published a final rule disapproving portions of state implementation plan (“SIP”) revisions relating to the Texas Emergency Orders Program that Texas submitted on August 31, 1993, December 10, 1998, February 1, 2006, and July 17, 2006 ([78 Fed. Reg. 59250](#)). EPA found that Texas’ proposed Emergency Orders Program failed to meet Clean Air Act requirements for projects subject to major new source review (“NSR”) by not meeting major NSR public participation requirements and the requirement that an NSR permit be issued prior to commencement of construction of a major source.

On September 9, 2013, the U.S. Environmental Protection Agency (“EPA”) published two proposed rules relating to the continuing progress that the Houston/Galveston/Brazoria (“HGB”) nonattainment area is making toward compliance with the 1997 ozone national ambient air quality standard (“NAAQS”)([78 Fed. Reg. 55037](#) and [78 Fed. Reg. 55029](#)). EPA Region 6’s news release regarding the proposals states: “The EPA is proposing to approve the State of Texas’ plan for the Houston area to attain the 1997 standard for ground-level ozone pollution by 2018. This means EPA believes the emissions-cutting measures in the state’s plan have put the Houston-Galveston-Brazoria area on track to meet the 1997 federal 8-hour ozone standard of 84 parts per billion by 2018.” The proposals relate to Texas State Implementation Plan (“SIP”) submittals relating to the HGB area on April 1 and 6, 2010, and May 6, 2013. Written comments on the proposals must be submitted by October 9, 2013.

On September 9 EPA also published a direct final rule regarding three revisions to the Texas SIP (submitted on December 17, 1999, October 4, 2001 and August 11, 2003) concerning the Texas Title V program ([78 Fed. Reg. 55221](#)). The direct final rule will be effective on November 12, 2013 without further notice unless EPA receives relevant adverse comment by October 10, 2013.

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