

Clean Air Act Update 2016 Gas and Power Institute

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Topics

- ✓ Ozone Nonattainment Designations
 - Considerations for challenging new nonattainment designations

- 2. Methane ESPS for existing oil and gas sources
 - Potential Clean Power Plan ESPS impact
 - The scope of EPA's information collection requests

- 3. Texas Nuisance case law
 - 2016 Texas Supreme Court Nuisance Decision

Ozone Standard History

1-hour ozone standard 125 ppb

- Promulgated in Feb. 1979
- Revoked by EPA in Jun. 2005

8-hour ozone standard 85 ppb

- Promulgated in 1997
- Revocation signed on 2/13/15

8-hour ozone standard 75 ppb

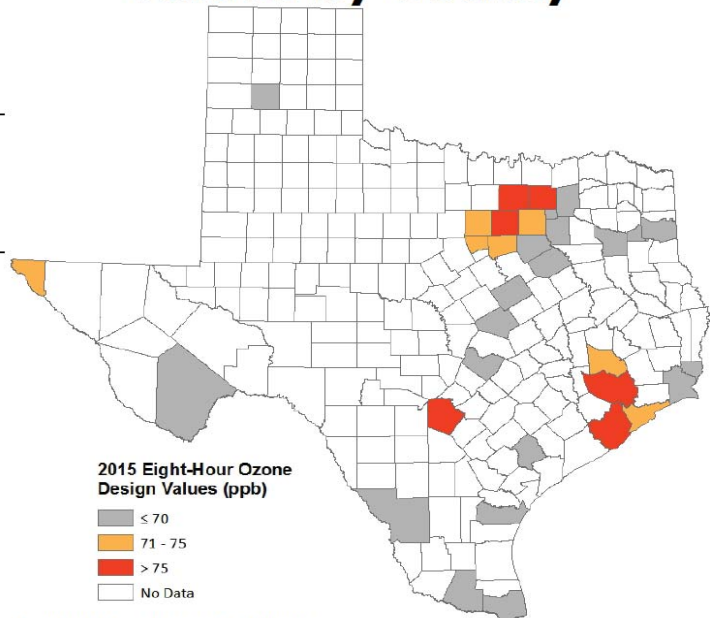
- Promulgated in 2008
- Implementation Rule signed on 2/13/15

8-hour ozone standard 70 ppb

- Promulgated on Oct. 1, 2015
- Effective December 28, 2015

CSA/CBSA	County	2015 8Hr Ozone DV (ppb)
Dallas-Fort Worth	Denton	83
Houston-The Woodlands	Brazoria	80
Dallas-Fort Worth	Tarrant	80
Houston-The Woodlands	Harris	79
San Antonio-New Braunfels	Bexar	78
Dallas-Fort Worth	Collin	76
Dallas-Fort Worth	Dallas	75
Dallas-Fort Worth	Parker	75
Houston-The Woodlands	Galveston	73
Dallas-Fort Worth	Hood	73
Dallas-Fort Worth	Johnson	73
Houston-The Woodlands	Montgomery	73
El Paso-Las Cruces	El Paso	71
Dallas-Fort Worth	Rockwall	70
Killeen-Temple	Bell	69
Dallas-Fort Worth	Ellis	68
Longview-Marshall	Gregg	68
Beaumont-Port Arthur	Jefferson	68
Austin-Round Rock	Travis	68
Dallas-Fort Worth	Kaufman	67
Waco	McLennan	67
Tyler-Jacksonville	Tyler	67
Longview-Marshall	Harrison	66
Dallas-Fort Worth	Navarro	66
Beaumont-Port Arthur	Orange	66
Amarillo-Borger	Randall	66
Corpus Christi-Kingsville-Alice	Nueces	65
Brewster County	Brewster	64
Dallas-Fort Worth	Hunt	64
Victoria-Port Lavaca	Victoria	64
Brownsville-Harlingen-Raymondville	Cameron	59
Laredo	Webb	59
McAllen-Edinburg	Hidalgo	56

2015 Ozone Design Values by County



*2015 design values as of 4/1/2016.

**The Brewster County, Randall County, and Polk County monitors are part of the Clean Air Status and Trends Network (CASTNET) of monitors and report data directly to the EPA. Polk County does not have a valid design value for 2015.

CAA Ozone Nonattainment Designations

CAA requires serious, severe or extreme nonattainment areas to be the equivalent of the “metropolitan statistical area” or “consolidated metropolitan statistical area.” CAA Section 109(d)(4)(A)(iv).

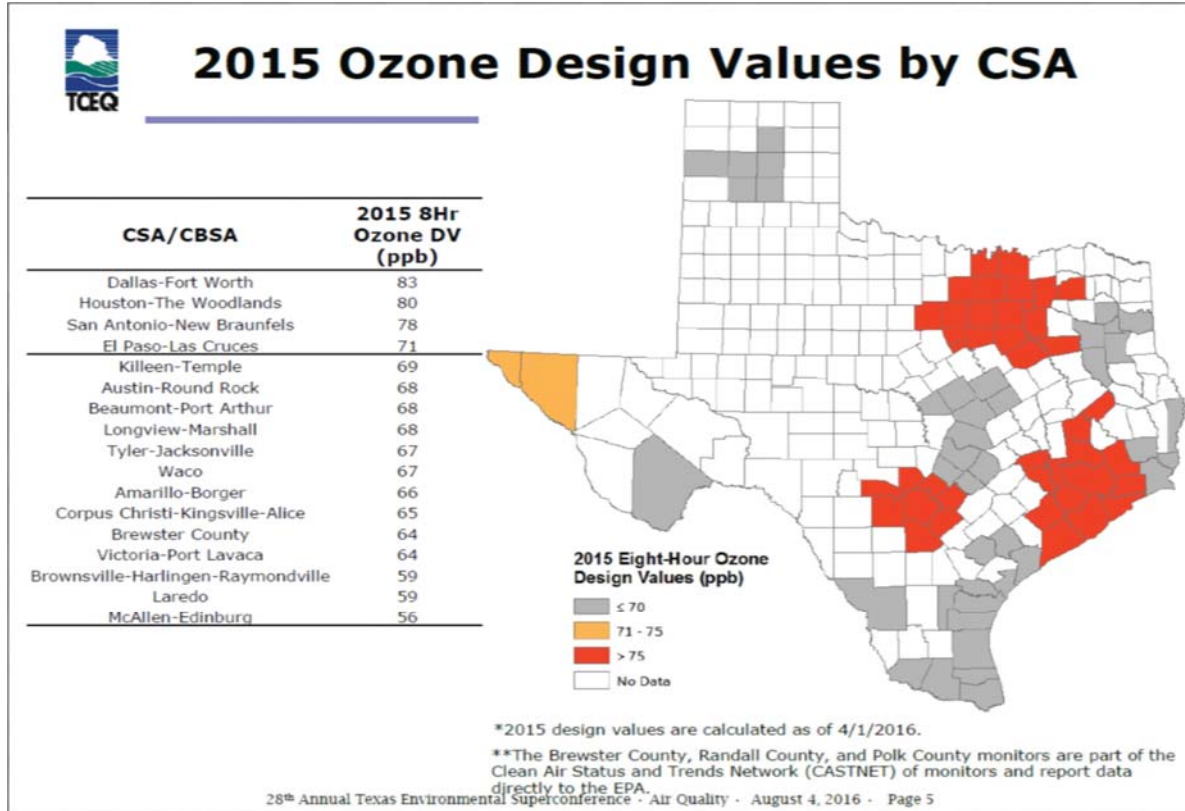
- CBSA designations are based on evidence that the areas within the CBSA are closely integrated economically and socially and must meet the requirement of a MSA. 63 Fed. Reg. 70526, 70555 (Dec. 21, 1998).

Consolidated Statistical Area (CSA)

- Established in 2003 by the OMB and assumes only minimal interaction (roughly 15% commuting) between a micro or metro area.
- This is far less of a connection than either the CBSA or the CBSA predecessor, the Consolidated Metropolitan Statistical Area (CMSA).

2015 Ozone NAAQS Nonattainment Designation Guidance

- EPA will evaluate all counties in the CBSAs or CSAs associated with the violating monitor when determining ozone nonattainment areas



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