

EXAMPLES OF WAYS THAT U.S. EPA SAYS TEXAS PERMITTING PROGRAMS ARE INCONSISTENT WITH FEDERAL LAW

| TCEQ rule | Dates of EPA comments | Deficiencies identified in EPA comments include: |
|------------------------|--|---|
| Public Participation | 06/13/08 | <ul style="list-style-type: none"> Failure to allow any notice and comment on some permits and amendments. For other permits and amendments, failure to allow 30-days notice and comment on the info. submitted by the permittee and the agency's analysis. Failure to provide public hearing on PSD permits. Failure to indicate degree of increment consumption in PDS notice. Failure to require notice to required state and local entities. |
| | 11/26/08 | |
| Flexible Permits | 04/11/06 | <ul style="list-style-type: none"> 09/25/07 "Fair Notice" letter to all companies holding a flexible permit that flexible permits do not constitute "federal " permits and that companies must comply with the terms of a permit issued pursuant to the SIP. |
| | 09/25/07 | |
| | 03/12/08 | |
| Qualified Facilities | 9/15/06 | <ul style="list-style-type: none"> Deficiencies include: use of allowable emission increases for determining applicability; exemption of "insignificant" emissions with no definition of "insignificant" and no <i>de minimis</i> demonstration; relaxation of current SIP and no demonstration of protection of NAAQS. |
| NSR Reform Rules | 10/28/05 | <ul style="list-style-type: none"> Rules are inconsistent w/ federal law. Deficiencies include: definition of "baseline emissions," netting provisions, Plantwide Applicability Limit permits, inadequate monitoring, illegal pollution control standard permit, failure to accurately determine ozone standard applicability. |
| Permits by Rule (PBRs) | 06/17/02 02/03/06 03/30/06 11/16/07 05/21/08 | <ul style="list-style-type: none"> PBRs illegally authorize emission increases, emissions from major sources, and emissions requiring a netting analysis. PBRs are not limited to specific and narrowly defined categories of sources. Illegal authorization of maintenance, startup and shutdown emissions through PBR. |