

Oppose Slowing or Stopping Construction of Needed Generation Through Cumulative Effects Analysis

CSSB 16 by Averitt

Proposal

- Section 11.01 of SB 16 would require that for each new electric generating unit (EGU) that will be located within an unspecified distance from an ozone non-attainment area, the Texas Commission on Environmental Quality (TCEQ) must consider the cumulative effects of the emissions from the new EGU and from other permitted facilities on the ability of the non-attainment area to attain the ozone standard.
- The TCEQ would also have to consider whether the emissions from the new EGU will negatively impact compliance with an ozone state implementation plan (SIP).

AECT Position

- AECT supports CSSB 16, except for Section 11.01, which AECT opposes.
- The cumulative effects analysis that Section 11.01 would require would negatively impact permitting for new EGUs that are needed to meet Texas' electricity needs, by making such permitting more stringent than under federal law and by creating uncertainty for new EGU investment.
- Such analysis is unnecessary since the premise underlying it is flawed, and since ozone attainment is already adequately addressed by the SIP process, which addresses many types of NO_x and VOC sources, not just new EGUs.
 - Such premise is that the emissions from new EGUs located in ozone attainment areas could cause increases in ozone in an ozone non-attainment area that would prevent the area from attaining the ozone standard.
 - Such premise is flawed because:
 - It incorrectly assumes that winds transport the emissions from each new EGU to a central point of impact in the non-attainment area where all of the facilities' maximum ozone impacts will occur jointly, and
 - Numerous ozone modeling studies over the years have all shown that no individual EGU has a significant impact relative to ozone levels in any non-attainment area.
- The cumulative effects analysis would be a costly and unjustified burden that would apply solely to the electric generation industry.
 - Even without that analysis, each new EGU will be equipped with the best available control technology for NO_x emissions and, therefore, will be low-emitting for NO_x.
 - Ozone non attainment areas are impacted the greatest by local sources of NO_x and VOC emissions, rather than by new EGUs located far away from the areas.
 - In fact, over 70% of the NO_x and VOC emissions in the DFW area come from mobile sources, such as cars, trucks, buses, and construction equipment, that are located in the area.
- For these reasons, AECT requests that Section 11.01 be deleted.