UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

June 30, 2021

The Honorable Martin Heinrich
United States Senate
Washington, DC 20510

RE: El Paso Electric Newman Power Station

Dear Senator Heinrich:

Thank you for your letter dated June 3, 2021, to Administrator Michael Regan of the U.S. Environmental Protection Agency (EPA) concerning the air quality construction permit proposed by the Texas Commission on Environmental Quality (TCEQ) for the above referenced facility and the recent proposed designation of El Paso County as part of the El Paso-Las Cruces nonattainment area for the 2015 Ozone National Ambient Air Quality Standard (NAAQS). Your letter was forwarded to my office for response because Texas falls within the jurisdiction of Region 6.

On May 25, 2021, the EPA announced its intention to designate El Paso County as nonattainment for the ozone NAAQS. The EPA provided notice of this intention to the State of Texas in a letter to the governor, as required by the Clean Air Act (CAA). After carefully considering comments received from the public and from the State of Texas, the EPA will promulgate a final designation no sooner than September 25, 2021. If the EPA finalizes a nonattainment designation, El Paso County would be classified as a Marginal nonattainment for ozone.

If TCEQ issues a final NSR permit for the El Paso Electric Newman power plant project, TCEQ is required to issue that final permit based on the effective 2015 Ozone NAAQS designation in place at the time of final permit issuance. The EPA will monitor TCEQ's permitting process for the facility to ensure that the facility is permitted in accordance with the TCEQ's approved SIP and any effective 2015 Ozone NAAQS designations for the El Paso area. The EPA agrees that TCEQ should take the time to consider future impacts of its pending permitting decision based on the recently announced intended decision to designate the El Paso area as nonattainment for ozone.

If you have questions or wish to discuss this further, please feel free to contact me at (214) 665-2100, or your staff may contact Austin Vela, Congressional Liaison at (214) 665-9792.

Sincerely,

David W. Gray
Acting Regional Administrator