

# Resolution

ORDER NO: 2015-1470

DATE: October 20, 2015

STATE OF TEXAS §

COUNTY OF DALLAS §



**BE IT REMEMBERED**, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on the 20<sup>th</sup> day of October, 2015, on a motion made by Dr. Theresa M. Daniel, Commissioner of District 1, and seconded by John Wiley Price, Commissioner of District 3, the following Resolution was adopted:

- WHEREAS**, The DFW area has been in nonattainment with the Clean Air Act since 1991 and is currently classified as "moderate" nonattainment for not meeting the federal National Ambient Air Quality Standards for 2008 8-hour ozone, and the Environmental Protection Agency (EPA) is now considering the designation of "severe;" and
- WHEREAS**, The Texas Commission on Environmental Quality (TCEQ) is in the process of finalizing its State Implementation Plan to be submitted to the EPA in order to meet attainment by 2017; and
- WHEREAS**, Both state and federal regulators have long recognized that coal-fired power plants are a significant industrial contributor of ozone-producing nitrogen oxides (NOx) and other harmful pollutants to DFW and the surrounding regions; and
- WHEREAS**, The EPA has concluded that more pollution control measures will be needed to meet compliance with the Clean Air Act and substantial reductions in NOx emissions will be required in order for the DFW area to attain air quality standards for ozone, a pollutant that also contributes to respiratory illness and premature mortality; and
- WHEREAS**, The EPA's conclusion coincides with the October 2015 findings of a UNT air modeling study showing that the installation of NOx pollution controls for five coal-fired power plants located south and east of the DFW area would reduce emissions by up to 90%, dropping ozone levels sufficiently to reach the area's 2017 attainment goal of 75 ppb; and
- WHEREAS**, Bad air quality has potentially serious negative health and financial impacts on the citizens of Dallas County. The Dallas County Medical Society estimates that pollution controls on these five legacy coal-fired power plants would annually prevent 160 DFW area hospital admissions, 350 emergency room visits, 149,000 restricted activity days in adults, 120,000 school day absences, and 77 premature deaths, with an annual economic impact of \$513 million; and
- WHEREAS**, Energy Future Holdings (EFH) has filed for bankruptcy and a court hearing is scheduled for November 3<sup>rd</sup> that will consider EFH's reorganization plans with a decision to be rendered on whether to retrofit or retire their oldest and most polluting coal plants as part of the bankruptcy proceeding.

**NOW, THEREFORE, BE IT RESOLVED** that the Dallas County Commissioners Court has the utmost concern for the health and well-being of the people in the DFW area. Therefore, we stand with the affected counties and cities in requesting that the bankruptcy court and debtors committee assess the costs that will be required to retrofit these legacy coal-fired power plants with the best available control technology to meet new EPA rules or to consider the retirement of these plants.

**DONE IN OPEN COURT**, this the 20<sup>th</sup> day of October, 2015

Clay Lewis Jenkins  
County Judge

Dr. Theresa M. Daniel  
Commissioner, District 1

Mike Cantrell  
Commissioner, District 2

John Wiley Price  
Commissioner, District 3

Dr. Elba Garcia  
Commissioner, District 4