

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) UPDATE APRIL 13, 2015 SET PMTC MEETING

Request for Determination of Attainment of the 1997 Eight-Hour Ozone Standard for the Houston-Galveston-Brazoria (HGB) and Dallas-Fort Worth (DFW) Areas and Request for a One-Year Extension of the HGB 2008 Eight-Hour Ozone Standard Attainment Date

On February 27, 2015, the TCEQ submitted a request that the United States Environmental Protection Agency (EPA) issue a determination of attainment, also known as a clean data determination, for the 1997 eight-hour ozone National Ambient Air Quality Standard (NAAQS) for the HGB and DFW nonattainment areas. Under 40 Code of Federal Regulations (CFR) §51.1118, an EPA determination that an area is attaining the 1997 eight-hour ozone NAAQS suspends certain state planning requirements related to attainment of the standard. This determination of attainment request is based on complete, quality-assured, certified ambient air monitoring data that show the HGB and the DFW areas have monitored attainment of the 1997 eight-hour ozone NAAQS for 2012 through 2014. The HGB area monitored attainment of the standard with an 80 parts per billion (ppb) design value. The TCEQ submitted the 2014 Annual Data Certification and the clean data determination request to the EPA on February 24, 2015.

As a result of the December 23, 2014 D.C. Circuit Court ruling and the EPA's final 2008 ozone state implementation plan (SIP) requirements rule, the attainment date for the HGB 2008 eight-hour ozone NAAQS changed from December 31, 2015 to July 20, 2015. Because the attainment year ozone season is the ozone season immediately preceding a nonattainment area's attainment date, the attainment year for the HGB marginal nonattainment area has also changed from 2015 to 2014. The TCEQ requested a one-year attainment date extension to July 20, 2016 for the HGB 2008 eight-hour ozone NAAQS marginal nonattainment area in accordance with Federal Clean Air Act (FCAA), §181(a)(5). All marginal requirements and commitments pertaining to the HGB area have been met with the submittal of a base year emissions inventory SIP revision to the EPA on July 16, 2014. The EPA published direct final approval of this SIP revision in the February 20, 2015 *Federal Register* (80 FR 9204). The HGB area also meets the monitoring data requirement for a one-year extension with a 72 ppb fourth highest daily eight-hour monitored average in the HGB 2008 ozone nonattainment area as measured at the Conroe Relocated monitor (C78/A321) in 2014. The TCEQ included this request with the clean data determination request submitted to the EPA on February 24, 2015. Further information is available on the [SIP Hot Topics](http://www.tceq.texas.gov/airquality/sip/Hottop.html) Web page (<http://www.tceq.texas.gov/airquality/sip/Hottop.html>).

Redesignation Substitute SIP Revision for the 1997 Eight-Hour Ozone NAAQS

The HGB area monitored attainment of the 1997 eight-hour ozone standard based on complete 2012 through 2014 monitoring data. As a result, the TCEQ has initiated development of a redesignation substitute SIP revision for the 1997 eight-hour ozone standard, which is scheduled to be considered for proposal in September 2015. Similar to the one-hour ozone redesignation substitute process, staff anticipates that a 1997 eight-hour ozone redesignation substitute demonstration for the HGB area will be sent to the EPA in the form of a letter and attached report prior to submitting the SIP revision to facilitate a preliminary review by the EPA. This redesignation substitute SIP revision would provide verification of continued attainment of the 1997 eight-hour ozone standard through 2028 via emissions inventory trends, 2012 attainment inventory, and future emissions.

Redesignation Substitute for the Revoked One-Hour Ozone NAAQS

On May 30, 2014, the EPA verified that the 2013 ambient air monitoring data for ozone met all data quality requirements for attaining the one-hour ozone standard. On July 22, 2014, the TCEQ submitted the *Redesignation Substitute Report for the HGB One-Hour Ozone Standard Nonattainment Area* to the EPA. This report fulfills the EPA's redesignation substitute requirements in its final 2008 ozone SIP requirements rule to lift anti-backsliding obligations for the revoked one-hour ozone NAAQS by ensuring that specific redesignation requirements are met under the revoked standard. The report and its attachments are posted on the TCEQ's [HGB: Latest Ozone Planning Activities](#) Web page (<http://www.tceq.state.tx.us/airquality/sip/hgb/hgb-latest-ozone>).

The TCEQ also developed a redesignation substitute SIP revision to follow this report. Although the redesignation substitute is not required to be submitted as a SIP revision based on the 2008 ozone standard SIP requirements rule, the TCEQ is taking this more formal action to help ensure the plan's approval by the EPA. On November 19, 2014, the commission approved proposal of the HGB Redesignation Substitute SIP revision. The SIP revision is scheduled to be considered for adoption by the commission on July 1, 2015. The HGB area continues to monitor attainment of the one-hour ozone standard.

Phase Two Near-Road Monitor –Houston North Loop

The Phase Two near-road site location in Houston will be located at 822 North Loop (AQS 482011052) and deployment is anticipated by the end of April 2015. All monitor parameters, including nitrogen dioxide (NO₂), carbon monoxide (CO), and particulate matter smaller than 2.5 microns (PM_{2.5}), are planned to be activated at the same time. Data from all of TCEQ's continuous monitors are available on the [Air Monitoring Sites](#) Web page (http://www.tceq.texas.gov/airquality/monops/sites/mon_sites.html). The new site and monitor will not be on this list until the monitor is installed and operational. Please be aware that the PM_{2.5} monitor at this site is a non-continuous monitor and data will not be available until the filter has been collected and analyzed in the laboratory. Contact Deanna Sivek at Deanna.Sivek@tceq.texas.gov or 512-239-1763 for further information.

Projects Scheduled for Commission Agenda Meetings

April 29, 2015

- Adoption – Low Income Vehicle Repair Assistance, Retrofits, and Accelerated Vehicle Retirement Program (LIRAP) Rule Revision (Project No. 2014-027-114-AI)
 - This rulemaking would allow a county participating in LIRAP to opt out of the program without a future rulemaking.
 - Contact: Jamie Zech, jamie.zech@tceq.texas.gov, 512-239-3935.

Documents are available on the [Pending Rule Adoption](#) Web page (<http://www.tceq.texas.gov/rules/pendadopt.html>).

May 13, 2015

- Proposal – Infrastructure and Transport SIP Revision for the 2012 Primary PM_{2.5} NAAQS (Project No. 2014-029-SIP-NR)
 - This proposed SIP would outline the requirements of FCAA, §110(a)(2)(A) - (M), and the Texas provisions supporting the requirements for the 2012 PM_{2.5} NAAQS. This

proposed revision includes a technical demonstration to support the determination that Texas meets the interstate transport requirements of FCAA, §110(a)(2)(D)(i)(I).

- If approved, a public hearing is scheduled on June 16, 2015 in Austin with a May 15, 2015 - June 22, 2015 comment period.
- Contact: Amanda Sharp, amanda.sharp@tceq.texas.gov, 512-239-4901.

Documents are scheduled to be filed with the Chief Clerk's Office on April 24, 2015 and will be available on the [Pending Rule Proposals](http://www.tceq.texas.gov/rules/pendprop.html) Web page (<http://www.tceq.texas.gov/rules/pendprop.html>).

June 3, 2015

- Adoption - Emissions Banking and Trading (EBT) Updates (Project No. 2014-007-101-AI)
 - This rulemaking would revise EBT rules in 30 Texas Administrative Code (TAC) Chapter 101, Subchapter H, Divisions 1, 3, 4, and 6, which cover respectively the Emission Reduction Credit (ERC) Program, the Mass Emission Cap and Trade (MECT) Program, the Discrete Emission Reduction Credit (DERC) Program, and the Highly Reactive Volatile Organic Compound Emissions Cap and Trade (HECT) Program. Additional information is available on the EBT [Stakeholder Group](#) Web page.
 - Contact: Joe Thomas, joe.thomas@tceq.texas.gov, 512-239-0012.
- Adoptions – Two DFW reasonably available control technology (RACT) rulemakings with other minor rule revisions that would extend to the HGB area.
 - Volatile Organic Compounds (VOC) RACT Rules for the DFW 2008 Eight-Hour Ozone Nonattainment Area (Project No. 2013-048-115-AI)
 - In addition to implementing RACT requirements for the DFW area, the rulemaking would include technical corrections to 30 TAC Chapter 115 that would extend to the HGB nonattainment area and in some instances extend to other areas. Technical corrections are intended to add compliance flexibility, streamline and consolidate requirements, remove obsolete language and requirements that have been superseded by more stringent rules, and clarify the rules for consistency with the agency's intent and Control Technique Guidelines (CTG) recommendations. The technical corrections are only for the rules that are simultaneously being revised to implement RACT.
 - Contact: Frances Dowiak, frances.dowiak@tceq.texas.gov, (512) 239-3931.
- Nitrogen Oxides (NO_x) RACT Rules for the DFW 2008 Eight-Hour Ozone Nonattainment Area (Project No. 2013-049-117-AI)
 - The rulemaking would also provide compliance flexibility to testing requirements of 30 TAC Chapter 117 for temporary boilers and process heaters, and it would clarify the definition of electric power generating system to distinguish rule requirements for independent power producers located in all Texas ozone nonattainment areas, including the HGB nonattainment area.
 - Contact: Javier Galvan, javier.galvan@tceq.texas.gov, 512-239-1492.

Documents are scheduled to be filed with the Chief Clerk's Office on May 15, 2015 and will be available on the [Pending Rule Adoption](http://www.tceq.texas.gov/rules/pendadopt.html) Web page (<http://www.tceq.texas.gov/rules/pendadopt.html>).

July 1, 2015

- Adoption: Removal of Rule Language Requiring Small Source Reporting of Certain Air Elements (Rule Project No. 2014-023-101-AI)

- The rulemaking would amend 30 TAC §101.201 and §101.211 to remove the requirement for sources not otherwise required to report annual emissions per §101.10 to report specific emissions data to the TCEQ.
- Rule Project Manager: Kathy Pendleton, kathy.pendleton@tceq.texas.gov, 512-239-6348.
- Adoption –HGB One-Hour Ozone Standard Redesignation Substitute SIP Revision (Project No. 2014-011-SIP-NR)
 - Contact: Melanie Rousseau, melanie.rousseau@tceq.texas.gov, 512-239-0707.

Documents are scheduled to be filed with the Chief Clerk's Office on June 12, 2015 and will be available on the [Pending Rule Adoption](http://www.tceq.texas.gov/rules/pendadopt.html) Web page (<http://www.tceq.texas.gov/rules/pendadopt.html>).