

**Response to Comments Received Regarding the  
Beaumont-Port Arthur (BPA) 1997 Eight-Hour Ozone  
Redesignation Request and Maintenance Plan  
State Implementation Plan Revision  
Proposed July 9, 2008  
Adopted December 10, 2008**

The commission conducted public hearings in Beaumont on August 14, 2008, at 7:00 p.m. and August 15, 2008, at 10:00 a.m. During the comment period, which closed on August 18, 2008, the commission received comments from BMC Holdings, Inc. (BMC), Bridge City Mayor Kirk Roccaforte (City of Bridge City), Eastman Chemical Company (Eastman), Entergy, the Greater Port Arthur Chamber of Commerce, Industry of Southeast Texas (IST), the Jefferson County Commissioners' Court, the City of Orange, Port Neches Mayor R. Glenn Johnson (City of Port Neches), the South East Texas Regional Planning Commission (SETRPC) Air Quality Advisory Committee, the SETRPC, the Texas Industry Project (TIP), the United States Environmental Protection Agency (EPA), and West Orange Mayor Roy McDonald (City of West Orange).

***RESPONSE TO COMMENTS***

***GENERAL***

The City of Bridge City, Entergy, the Greater Port Arthur Chamber of Commerce, the City of Orange, the City of Port Neches, the City of West Orange, and the SETRPC Air Quality Advisory Committee commented that they enthusiastically support the plan. The Jefferson County Commissioners' Court recognizes that the Texas Commission on Environmental Quality (TCEQ) and the SETRPC have monitored emissions and worked with industry to reduce emissions, and that redesignation of the BPA area to attainment by the EPA will properly reclassify air quality in the area and reward the efforts expended in that endeavor. The EPA commented that it appreciates the efforts of the state in proposing the plan and commends the state for working collaboratively with local stakeholders through the SETRPC to improve air quality in the BPA area. BMC, Eastman, the Greater Port Arthur Chamber of Commerce, IST, and the TIP commented that they support the plan, and that air quality improvements in the BPA area are due to the efforts of many, including local entities, businesses, and other stakeholders.

**The commission appreciates this support and is committed to continue working with stakeholders to improve air quality. The commission also recognizes the efforts of local entities and businesses in helping to reduce measured ozone concentrations in the BPA area.**

IST commented that it hopes that the TCEQ will proceed quickly and pursue adoption of this plan.

**The commission is working expeditiously to adopt the plan, which is scheduled to be submitted to the EPA before the January 1, 2009, deadline.**

The Greater Port Arthur Chamber of Commerce commented that to not redesignate the BPA area as attainment would send mixed messages regarding the air quality condition in the area. Not redesignating would be inconsistent with ambient air quality monitoring data.

**The commission agrees that eight-hour ozone data from 2005, 2006, and 2007 indicate the BPA area is monitoring attainment of the 1997 National Ambient Air Quality Standard (NAAQS). The commission is working expeditiously to adopt this plan and submit it to the**

**EPA, who will make the decision whether to redesignate the area based on the criteria outlined on Page ES-1 of the plan.**

**REDESIGNATION FOR THE ONE-HOUR STANDARD**

The TIP is concerned that the plan is not comprehensive, because it does not expressly request redesignation to attainment of the one-hour ozone standard; and noted that the one-hour ozone data in the plan also support one-hour attainment. The TIP urged the TCEQ to request that the EPA formally redesignate the BPA area to attainment of the 1997 eight-hour ozone NAAQS, make a formal finding of attainment of the one-hour ozone NAAQS by the attainment date and redesignate the BPA area as such, and determine that one-hour anti-backsliding requirements, including New Source Review (NSR), will not take effect in the BPA area.

**The purpose of the plan is to request a redesignation of the BPA area to attainment of the 1997 eight-hour ozone standard and to submit a maintenance plan for that standard, prior to the January 1, 2009, deadline for submittal of a moderate attainment demonstration for the eight-hour standard.**

**The commission acknowledges that the monitoring data in the redesignation request indicates that the BPA area is monitoring attainment for the one-hour ozone NAAQS. This quality assured ambient air monitoring data has been certified and submitted to the EPA. Because the one-hour ozone standard has been revoked, EPA is no longer making redesignations or reclassifications under this standard. However, given that beginning in 2005, the BPA area has not violated the one-hour standard, the commission urges the EPA to make a determination that the BPA area has attained the one-hour NAAQS. Further, if the EPA makes a determination that the one-hour NAAQS has been attained, the commission understands that the one-hour NSR requirements would no longer apply.**

**TEXAS EMISSIONS REDUCTION PLAN (TERP)**

The EPA commented that it supports TERP as an emissions control measure and finds the numbers provided for TERP in the Redesignation Request and Maintenance Plan correct. The EPA also noted that the BPA area will see additional reductions from the applications received for the 2008 funding period and that the area is eligible to apply for additional funds in 2009, so emission reductions from TERP could increase even more.

**The commission appreciates this support for TERP and agrees that emission reductions from TERP could increase in the future.**

**EMISSIONS TRENDS**

The City of Bridge City, Entergy, the Greater Port Arthur Chamber of Commerce, the City of Orange, the City of Port Neches, the City of West Orange, and the SETRPC Air Quality Advisory Committee comment that trend analysis of SETRPC's nitrogen oxides (NO<sub>x</sub>) monitoring data corroborates the TCEQ's NO<sub>x</sub> trend analysis, and note that the SETRPC's monitors at the Southeast Texas Regional Airport and in Mauriceville show roughly 50 percent decreases in the annual average NO<sub>x</sub> concentrations between 1990 and 2007. They further commented that though the TCEQ did not present ambient volatile organic compounds (VOC) trends due to the lack of continuous long-term automated gas chromatography data, SETRPC's VOC canister data, which is measured using EPA methods TO-14 and TO-15 and analyzed by a TCEQ-accredited laboratory, supports the determination that improvement in air quality in the BPA area is due to permanent and enforceable reductions in ozone precursor emissions. They mentioned that SETRPC's VOC monitoring data and associated quality assurance and quality control records are available to the TCEQ upon request.

The commission supports the comment that NO<sub>x</sub> concentrations in the BPA area have decreased. While the plan does not include the data from the SETRPC monitors, data included in the plan show median NO<sub>x</sub> decreases of about 50 percent at West Orange (CAMS 9) and 19 percent at Beaumont (CAMS 2) over the past 17 years. The commission also appreciates the comment regarding VOC decreases in the BPA area and is including SETRPC's VOC data analyzed by a TCEQ-accredited lab in the plan.

The Jefferson County Commissioners' Court recognized that VOC, propylene, NO<sub>x</sub>, and ethylene emissions reductions demonstrate a long-term trend for air quality. TIP commented that ambient levels of VOC and NO<sub>x</sub> are lower, resulting in a dramatic decline in the number of ozone standard exceedances in the BPA area.

The commission supports the comment that the VOC, propylene, NO<sub>x</sub>, and ethylene trends have shown decreases. Section 2.3.3: *Trend Analysis*, shows median NO<sub>x</sub> decreases of about 50 percent at West Orange (CAMS 9) and 19 percent at Beaumont (CAMS 2) over the past 17 years. VOC data from the SETRPC show average ethylene decreases from a range of 9 percent to 84 percent at five canister sites over the past 15 years, and the propylene has decreased from a range of 75 percent to 87 percent at five canister sites over that past 16 years.

#### **EMISSIONS INVENTORY (EI)**

The EPA commented that because of the recent D.C. appellate court ruling that vacated the Clean Air Interstate Rule (CAIR) (*State of North Carolina v. EPA*), it strongly urges the TCEQ to revise the future inventories of the plan by removing any reliance upon CAIR.

To conservatively project emissions for future milestone years when the BPA area is designated as attainment, the TCEQ used the EPA's Economic Growth Analysis System (EGAS) 5.0 to project emissions for electric generating units (EGUs). This method was used even though the sector showed a decrease in emissions from 2002 to 2005. A different projection method is warranted because EGUs differ from non-EGUs in that, in the absence of new controls, EGU emissions are related to population growth and economic growth.

The commission has revised all references to future inventories, including Tables 4-1: *Summary of VOC Emissions in BPA by Source Type (2005, 2011, 2014, 2017, and 2021)*, 4-2: *Summary of NO<sub>x</sub> Emissions in BPA by Source Type (2005, 2011, 2014, 2017, and 2021)*, 4-3: *Summary of Total VOC and NO<sub>x</sub> Emissions in BPA (2005, 2011, 2014, 2017, and 2021)*, 4-15: *Summary of Emissions for BPA Area Railway/Locomotive Activity*, 4-16: *Summary of Emissions for BPA Area Marine/Boating Activity*, and 4-17: *BPA Three-County Stationary Point Source VOC and NO<sub>x</sub> Emissions* and Figures 4-1: *BPA VOC Emissions by Source Category* and 4-2: *BPA NO<sub>x</sub> Emissions by Source Category*, to reflect the revisions to the emissions inventory projections described in the previous paragraph.

BMC and Eastman commented that the redesignation request and maintenance plan does not include representative emissions of the BMC plant, in the attainment emissions inventory, projected future emissions, or in the attainment analyses. The commenters stated that two methanol and ammonia manufacturing units at the BMC methanol plant in Beaumont have been temporarily shutdown since 2004, due to a contractual agreement. In order to include these units in the redesignation and maintenance plan emissions inventory, the commenters suggested an appropriate adjustment could be made to the 2005 base inventory using either the 2002 data or the average of its 2000 and 2002 data. The commenters claimed either adjustment would provide a

reasonable representative estimate of the plant's actual emissions when not in temporary shutdown.

**Actual reported 2005 emissions for these units were included in the maintenance plan inventory. Using anything other than actual 2005 emissions for these units is contrary to EPA guidance and TCEQ policy and would not improve the accuracy of the base year and projected emissions. This methanol plant was shutdown prior to the final compliance date (May 1, 2005) for 30 TAC Chapter 117, Emission Specifications for Attainment Demonstration, in Section 117.110, which was adopted as part of the BPA one-hour ozone standard attainment demonstration SIP. It is unclear whether BMC could calculate what emissions would have occurred in 2005 if additional controls and monitoring were not yet installed to meet that standard. The commission is not certain the units will restart under the current authorization. It would be highly inaccurate and against EPA guidance and TCEQ policy to include a predicted emissions level for a prior year for units that may never resume operation.**

Eastman made the general comment that excluding representative emissions from the BMC plant "seems contrary to EPA requirements, similar decisions made by the TCEQ in this proceeding, and TCEQ's established pattern of practice in other attainment demonstration proceedings." BMC stated that failure to consider the impact of typical, representative emissions from the BMC facility, which has maintained the right to restart, on the 2005-2007 ambient ozone monitoring data may not be consistent with the requirement that the TCEQ determine that improvements in ozone air quality in the BPA area are due to permanent and enforceable reductions in emissions and may not be consistent with the requirement that the maintenance plan develop an attainment emissions inventory that is comprehensive, accurate, and current. Eastman references the EPA's redesignation of the Detroit-Ann Arbor nonattainment area, which states the Federal Clean Air Act (FCAA) "requires that, for USEPA to approve a redesignation, it must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions," and that "reduced production or shutdown due to temporary adverse economic conditions...would not qualify as an air quality improvement due to permanent and enforceable reductions." BMC references EPA guidance for maintenance plans, the FCAA, and the 2007 Dallas-Fort Worth (DFW) Attainment Demonstration SIP to support the proposition that the EPA does not require every emissions inventory to be based solely on actual emissions and that growth factors used in projecting emissions must be realistic. Both Eastman and BMC commented that the TCEQ's exclusion of representative emissions from the BMC plant in the 2005 base inventory and projections from that base inventory are, therefore, contrary to EPA requirements and inconsistent with EPA policy.

**The commission disagrees with the commenters. The inventories used in this request and maintenance plan comply with the FCAA requirements and EPA guidance. The commenters reference the September 4, 1992, EPA memorandum entitled "Procedures for Processing Requests to Redesignate Areas to Attainment" (hereafter referred to as the Calcagni memo). The passage cited concerns the EPA's guidance on determining whether implemented controls lead to the monitored attainment, rather than the memo's guidance on developing the attainment inventory or maintenance plan. Attainment must be attributable to enforceable and permanent reductions resulting from implementation of federal measures and state adopted measures. Therefore, attainment cannot be based on controls implemented by the commission for a temporary period of time that is not sustainable for continued attainment.**

The TCEQ uses the most current EPA guidance available for preparing SIP emissions inventories, issued in November 2005: *Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations*, EPA-454/R-05-001. Sections 2 and 3 of this document identify and explain the key elements needed for ozone, PM<sub>2.5</sub>, and regional haze SIP emission inventories. Consistent with past TCEQ SIP revisions, actual emissions are considered a key component of the base year inventory, as referenced in italics below:

*“The EPA anticipates that each State, local and Tribal agency will use data obtained through their current annual emission source reporting requirements, Emission Statement program, and/or operating permits program to compile emissions data for its point source inventory. [...] If emissions data reported under an operating permits program are used, the State or local agency should ensure that the emissions represent actual rather than allowable or potential emissions for the base year inventory.” [page 16]*

Furthermore, the Calcagni memo states on page 8: *“The State should develop an attainment emissions inventory to identify the level of emissions in the area which is sufficient to attain the NAAQS. [Footnote 5 - Where the state has made an adequate demonstration that air quality has improved as a result of the SIP (as discussed previously), the attainment inventory will generally be the actual inventory at the time the area attained the standard.] This inventory should be consistent with EPA's most recent guidance on emission inventories for nonattainment areas available at the time and should include the emissions during the time period associated with the monitoring data showing attainment.”*

This guidance reinforces that states should use actual emissions for the attainment year specified.

To comply with these requirements, as well as the requirement that the inventory be comprehensive, accurate, and current, the TCEQ obtained point source data for the 2005 base year inventory of actual ozone season daily emissions of NO<sub>x</sub> and VOC as reported by each site located in the BPA area that submitted a point source emissions inventory for 2005. At the time the TCEQ developed the maintenance plan, this was the most current data available.

The TCEQ has specified lower emissions reporting thresholds for the point source emissions inventory in 30 TAC §101.10 than those established by the EPA in the Consolidated Emissions Reporting Rule, which ensures a comprehensive point source inventory that provides the level of detail required for airshed modeling of ozone nonattainment areas. Furthermore, the TCEQ verifies the accuracy of the point source inventory using extensive, established quality assurance procedures. These procedures ensure that sites meeting the point source reporting thresholds determine actual calendar year emissions using the best available method, in accordance with TCEQ guidance ([http://www.tceq.state.tx.us/comm\\_exec/forms\\_pubs/pubs/rg/rg-360\\_07/index.html](http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/rg/rg-360_07/index.html)).

BMC also commented that though its facility has been idled since December 2004, BMC has always intended to resume operations. BMC noted that the facility has maintained all relevant permits, paid all annual operating and emissions inventory fees, maintained compliance with all applicable state and federal regulations, and continued all related recordkeeping. BMC also provided a table that displays emissions inventory values for the facility in 2000, 2002, and 2005. Therefore, the BMC facility “should be considered to be in a temporary idle state and not permanently shutdown.”

**Regarding BMC's assertion that the methanol plant shutdown is temporary and should be considered as such, the TCEQ is not making any determination with regard to the permanent or temporary shutdown status of the BMC plant through its treatment of emissions in the inventory.**

Eastman commented that the emissions inventory projections for the BPA redesignation request and maintenance plan uses normalized emissions from oil refinery expansions to project future emissions from those facilities, that are based on recently issued permits; not already operating facilities. The commenter stated that this approach is consistent with EPA regulation and policy, but not with the TCEQ's handling of the BMC facility in the emissions inventory. BMC asserted that the TCEQ's failure to take into account the likely restart of the BMC facility in projecting emissions inventories for the milestone years in the maintenance plan may not be consistent with applicable law and guidance on the development of emissions inventories for maintenance plans. Additionally, BMC stated "...TCEQ's apparent conclusion that emissions in Standard Industrial Classification (SIC) code 2869 decreased from 2002 to 2005 may have been skewed by the temporary shutdown of the BMC plant ... . While the impact on the NO<sub>x</sub> maintenance inventory is still small, it might be enough to alter the growth factor applied to SIC code 2869 and thus to impact the 2021 horizon year inventory for NO<sub>x</sub> by more than the suggested adjustment to the base maintenance inventory."

**For projecting emissions from sources not subject to area-wide emissions caps, the TCEQ's policy and practice has been to base projections only on actual emissions for the base case year. The commission directs the commenters to the DFW Reasonable Further Progress, El Paso Maintenance Plan, and Victoria Maintenance Plan SIP revisions as examples.**

**For the projected milestone inventories to be consistent with the attainment inventory, per the Calcagni Memo, emissions for future years are typically projected by applying growth factors to the base case. These growth factors are based on Texas economic data as well as emissions trends and are assumed to account for statistical variations in plants' operations, such as idled sources.**

**The total decrease in NO<sub>x</sub> emissions for the Jefferson County SIC 2869 category from 2002 to 2005 was approximately 6.5 tons per day (tpd). BMC's idled sources' contribution to this trend is approximately 3.2 tpd. Thus, even if BMC's idled sources were operational, the Jefferson County SIC category emissions would still demonstrate a decreasing trend, and no growth in emissions would still be projected to the 2021 horizon year, as it was in the maintenance plan. Many of these NO<sub>x</sub> emissions reductions resulted from the implementation of Chapter 117 NO<sub>x</sub> rules between 2003 and 2005.**

**Additionally, if the TCEQ attempted to include BMC's idled source emissions in the maintenance plan, representative emissions would not be available since these sources ceased operation before the 30 TAC Chapter 117 compliance date for BPA became effective. Without representative data existing during the control period, these sources' typical emissions could not accurately be predicted. Since BMC idled applicable sources before the compliance date was effective, it is neither accurate nor representative to include pre-control period emissions in either the base or projected inventories.**

**As for the projections associated with three refineries' expansions, both Valero and Motiva have broken ground. All three refinery projects permitted new and/or modified equipment under nonattainment NSR review. Furthermore, as part of these expansions, the refineries**

have committed to federally enforceable emissions reductions from existing sources. The projected growth for the refineries was based on actual 2005 emissions data and accounts for the complex interaction of installing controls and shutting down existing equipment in future years as new emissions units become operational.

**In contrast, BMC is neither expanding (adding new equipment) nor modifying existing equipment; it has only stated that it plans to resume operations and no definitive date was provided. Even if a similar projection method were employed for BMC's idled sources, no emissions would be projected for future milestone years since these sources did not operate during the attainment year.**

BMC commented that making adjustments for the temporary shutdown of the BMC plant does not require TCEQ to make adjustments for other sources that may not have been operating at full capacity.

**For the most recent point source inventories submitted as part of SIP revisions, the TCEQ has attempted to consistently develop inventories and projections that accurately reflect anticipated growth. To allow an adjustment for BMC emissions would indeed necessitate contacting all idled sources in the BPA area to ascertain future plans. Also, these estimates would almost certainly over-predict emissions and not accurately assess the benefit of proposed control strategies.**

Eastman and BMC pointed to the adjustment of several aspects of the emissions inventory in the 2007 DFW Attainment Demonstration SIP revision, particularly EGUs. Eastman references the SIP revision, stating: "where TCEQ found zero emissions from an EGU in the attainment demonstration that had not been retired 'the TCEQ checked with the facility to obtain its current operational status.'" The commenter stated that the status of the BMC facility is "identical to that of a temporarily idled EGU," and that "consistency obligates TCEQ to verify the intentions of BMC (and Eastman) regarding planned operations." BMC pointed out that in the DFW attainment demonstration, the TCEQ evaluated the base case emission inventory for the modeling exercise and made some minor adjustments to account for things such as temporarily shutdown EGUs that were expected to be operation during the 2009 modeled year.

**While the TCEQ has applied some site-specific adjustments in a previous SIP revision (as mentioned in 73 FR 40210), these were used for modeling purposes in attainment demonstration SIP revisions. In contrast, the EPA's guidance on developing emissions inventories for maintenance plans states that the base year emissions inventory should reflect actual emissions during the specified attainment year. The guidance further states on page 7: "The CAA [§ 172(c)(3)] calls for State, local and Tribal agencies to ensure that the base year inventory is comprehensive, accurate, and current for all actual emissions." Emissions inventory development for this maintenance plan is consistent with this guidance.**

#### **FUTURE EMISSIONS AND VERIFICATION OF CONTINUED ATTAINMENT**

The EPA commented that to clarify how the decreases in the NO<sub>x</sub> future inventories more than sufficiently offset the increases in VOC future inventories, the TCEQ should revise the last paragraph in Section 4.2: *FUTURE EMISSIONS AND VERIFICATION OF CONTINUED ATTAINMENT*. The EPA also provided a suggested revision to the paragraph, which more explicitly detailed how decreases in the NO<sub>x</sub> future inventories more than sufficiently offset the increases in VOC future inventories for the BPA area. The suggested revision made no substantive changes to the meaning of the paragraph.

**The commission appreciates the EPA's suggested revision and has incorporated it into Section 4.2: *FUTURE EMISSIONS AND VERIFICATION OF CONTINUED ATTAINMENT*.**

**CLEAN FUEL VEHICLES PROGRAM**

The EPA commented that the Clean Fuel Fleet Program (CFFP) analysis discussed in Section 2.2.2.1: *One-Hour Nonattainment Area Requirements* on Page 2-7 should have been based on the program starting with the 2006 model year rather than the 2007 model year.

**As summarized in the plan, the EPA's August 1998 CFFP implementation guidance defines the beginning of the model year for fleet purchase requirements as September 1 of the previous calendar year. Under the scenario of a 2006 model year start, fleet purchases beginning on September 1, 2005, would have had to come under CFFP requirements. This would be impractical because it would have allowed less than eighteen months for the TCEQ to propose, seek public comment, and finalize such a rule.**

**Nonetheless, even with a 2006 model year start for CFFP, the net benefits would still be zero because the most recent light-duty and heavy-duty standards promulgated by the EPA have eclipsed the clean fuel vehicle (CFV) standards referenced in the FCAA. As referenced in Section 2.2.2.1: *One-Hour Nonattainment Area Requirements* on Page 2-7, Appendix A of the plan is a July 21, 2005, *EPA Letter to Vehicle and Engine Manufacturers* that states "subsequent to publishing its CFV regulations, the EPA has promulgated new emission standards that are generally more stringent than or equivalent to the CFV emission standards for light-duty vehicles, light-duty trucks, and heavy-duty engines." Since this letter is dated July 21, 2005, it would apply to fleet purchases that began with the beginning of the 2006 model year on September 1, 2005.**

**In addition, the EPA's Clean Fuel Fleets Web site (<http://www.epa.gov/otaq/cff.htm>) contains a listing of vehicles under a category labeled as "Certified Alternative Fuel and/or Clean-Fuel Fleet Vehicles." However, the latest available list is for the 2002 model year, which was last posted to the Web site on May 23, 2001. This further leads to the conclusion that any vehicle purchases for 2006 or later model years would either already meet or exceed CFV standards.**

**Chapter 2: *REDESIGNATION REQUIREMENTS* has been updated to demonstrate that no CFFP benefits would have resulted whether the requirements started with the 2006 or 2007 model years.**

The EPA recommended a change to the statement in Section 2.2.2.1: *One-Hour Nonattainment Area Requirements* on Page 2-7 that "the most recent federal standards for both light-duty and heavy-duty vehicles have essentially rendered the CFV standards obsolete." Since Clean Fuel Fleet (CFF) requirements have not been officially removed from the FCAA, the EPA recommended using a phrase such as "eclipsed the CFV standards." The EPA also commented that the CFFP analysis should include a clear statement about the lack of benefit for a program that would have started with either the 2006 or 2007 model years. Suggested example language is "Beginning with the model year 2006, the analysis shows that the federal standards for new vehicles have eclipsed the current CFF standards and that no benefit would be derived from a CFFP; therefore, no substitute reductions are required from the State."

**The commission agrees with these suggested revisions and has incorporated them into Chapter 2: *REDESIGNATION REQUIREMENTS*.**

### **MOTOR VEHICLES EMISSIONS BUDGET (MVEB)**

The EPA commented that the VOC and NO<sub>x</sub> MVEB and applicable year must be clearly delineated, preferably in a table.

**The commission appreciates this comment. The MVEB has been more clearly distinguished in Section 4.2: *FUTURE EMISSIONS AND VERIFICATION OF CONTINUED ATTAINMENT*, and the 2021 budgets have been depicted in a new table Table 4-11: *2021 Horizon Year MVEB for the BPA Area*. The location of the MVEB discussion has also been added to the table of contents.**

The SETRPC requested that the commission assign the maximum MVEB safety margin permitted for VOC and NO<sub>x</sub> to help it maintain compliance as the BPA area experiences future growth and development.

**As shown in Chapter 4: *MAINTENANCE DEMONSTRATION*, it is not projected that total VOC emissions from all source categories will be lower than needed to provide for continued maintenance. Therefore, in accordance with 40 Code of Federal Regulations (CFR) § 93.124 (a), the commission cannot provide a safety margin for VOC in this plan. Further, because of the recent federal court ruling that vacated the Clean Air Interstate Rule (CAIR), the commission has removed future emissions reductions expected from the CAIR from the emissions inventory of the plan. Doing so has left fewer total NO<sub>x</sub> emissions to allocate to a safety margin for NO<sub>x</sub>. Nonetheless, the commission has kept the one tpd NO<sub>x</sub> safety margin in place.**

### **MONITORING NETWORK**

The EPA commented that air quality monitors operated by the SETRPC provide important information and because there is no commitment in the plan by the SETRPC to maintain its monitoring network in accordance with 40 CFR Part 58, it may be necessary for the TCEQ to replace one or more of the SETRPC monitors in the unlikely event of discontinued use of the monitors. The EPA commented that this may be necessary to maintain an adequate network.

**In the unlikely event that the SETRPC discontinues use of one or more of its monitors listed in Chapter 5: *MONITORING NETWORK* of the plan, the commission will work with the EPA to evaluate whether moving an already existing TCEQ-operated monitor or replacing any discontinued monitors is appropriate to maintain an adequate monitoring network.**

### **CONTINGENCY PLAN**

The EPA commented that a contingency plan should clearly identify the measures to be adopted, a schedule for adoption and implementation, and a specific time limit for action by the state. They further commented that the state should identify triggers to be used to determine when the contingency measures will be implemented. The EPA also included the following specific comments regarding the contingency plan in the proposed SIP revision:

- In Section 6.2: [*CONTINGENCY MEASURES AND TRIGGER LEVEL*] the second paragraph, the last sentence: Revise this sentence to more clearly identify the measures to be adopted; for example, “Contingency measures for implementation include, but are not limited to the following.”
- Regarding Section 6.2: [*CONTINGENCY MEASURES AND TRIGGER LEVEL*] the second to last paragraph, last sentence: to ensure that the schedule for implementation and the definition of the trigger are not ambiguous:

- The phrase “would be adopted” must be changed to “will be adopted.”
- The following parenthetical “(subject to commission approval and opportunity for public comment)” must be deleted.
- Also, regarding the trigger, [the EPA] understand[s] that TCEQ will continue to report air monitoring data in the BPA area to the EPA on the schedule required by 40 CFR part 58.

**The commission will continue to report TCEQ air monitoring data to the EPA on the schedule required by 40 CFR Part 58. Should ambient air quality monitoring data in the BPA area indicate that ozone concentrations are approaching the trigger level described in Section 6.2: *CONTINGENCY MEASURES AND TRIGGER LEVEL*, the commission will work with the EPA to determine what the most appropriate contingency measures are at that time. The phrase “would be adopted” has been changed to “will be adopted”; however, the parenthetical “(subject to commission approval and opportunity for public comment)” recognizes that the commission must follow certain statutory procedures to adopt rules. As such, the parenthetical has not been deleted from the plan.**

#### **MISCELLANEOUS**

The EPA commented that it would like the TCEQ to change the text in Section 2.1.1: *Ozone Data* to reflect the EPA’s threshold of attainment for the 1997 ozone standard, which is 84 parts per billion (ppb), not 85 ppb, and to refer to the EPA’s air monitoring database as Air Quality System (AQS) instead of AIRS.

**The commission agrees with these comments and has made the requested revisions to the plan.**