

## **RESPONSE TO COMMENTS RECEIVED REGARDING THE PROPOSED EL PASO CARBON MONOXIDE MAINTENANCE PLAN SIP REVISION**

The Texas Commission on Environmental Quality (commission or TCEQ) conducted a public hearing to receive testimony regarding proposed revisions to the state implementation plan (SIP) for the control of the pollutant carbon monoxide (CO) in El Paso on October 16, 2007, at 1:30 p.m., at the TCEQ's Regional Office, 401 E. Franklin Avenue, Suite 570. During the comment period, which closed on October 18, 2007, comments were received from the Allergy and Asthma Center of El Paso, El Paso City County Health and Environmental District (EPCCHED), El Paso Metropolitan Planning Organization (El Paso MPO), ExxonMobil Refining and Supply Company (ExxonMobil), the Honorable Norma Chavez Texas House of Representatives, District 76, (Representative Chavez), Texas Oil and Gas Association (TxOGA), and three individuals.

### **RESPONSE TO COMMENTS**

#### ***GENERAL***

The El Paso MPO stated that its Transportation Policy Board voted during its September 28, 2007, meeting to support the TCEQ's revisions to the CO maintenance plan SIP as proposed including the oxygenated fuel program. Representative Chavez stated support for the proposed plan including the oxygenated fuel program and opposes any measures to remove the oxygenated fuel program as part of the CO maintenance plan.

**The commission appreciates the support from the El Paso MPO and Representative Chavez regarding the proposed revisions to the CO maintenance plan SIP revision.**

ExxonMobil stated support for the El Paso CO nonattainment area to be redesignated to attainment. An individual stated that El Paso is now in attainment for CO.

**The commission appreciates the comments. The El Paso area is monitoring attainment. The El Paso area was designated nonattainment for CO in 1990 and classified as moderate nonattainment. El Paso has since implemented control strategies that resulted in no monitored violations of the CO National Air Quality Standard (NAAQS) since 2001. The TCEQ submitted to the EPA a CO redesignation request and maintenance demonstration SIP in 2006. The EPA published a direct final approval in 2007 but withdrew the final approval as a result of adverse comments received during the comment period. Currently, El Paso is classified as moderate nonattainment for CO. However, this submission will allow EPA to consider redesignation to attainment.**

The EPCCHED thanked the TCEQ for holding the hearing and the opportunity to comment.

**The commission appreciates the comment from EPCCHED regarding the public hearing and allowing the public opportunity to express their comments.**

To further show support for the oxygenated fuel program, the El Paso MPO and EPCCHED stated that neither the TCEQ nor the United States Environmental Protection Agency (EPA) have modeled emissions from Ciudad Juarez, Mexico to see the impact on El Paso's air quality.

**The commission appreciates the comments and provides the following clarification. El Paso, Texas and Juarez, Mexico share the common Paso del Norte Airshed. Previous El Paso CO SIP modeling demonstrated that United States sources alone could not account for the measured CO concentrations at that time (1998). Although the modeling did not explicitly calculate the contribution from Mexican sources, it demonstrated that emissions transported from Mexico must be impacting the El Paso airshed. Emissions from Mexican vehicles operating in the United States were included in the Cordoba-Paisano interchange hot spot analysis (see Chapter 4) because a portion of the El Paso local traffic is due to Mexican vehicles. The emissions used in the El Paso CO modeling were conservative in that Mexican vehicles were assumed to constitute 50 percent of the fleet, and Mexican vehicle emissions were calculated with a Mexican version of MOBILE6. Although it may be expected that other Juarez emissions sources impact El Paso air quality, the modeling of those emissions sources is outside the purview of the modeling required by §179B of the Federal Clean Air Act. For clarification, the SIP narrative has been revised to better describe the previous modeling. This could be considered a worst case scenario, since air quality monitors have shown decreasing CO levels since 1998.**

The EPCCHED stated that Ciudad Juarez does not have an effective vehicle emission testing program and oxy fuel program.

**The commission appreciates the commenter's concerns; however the TCEQ has no jurisdiction over the air quality programs in Mexico.**

#### ***OXYFUEL PROGRAM AS A CONTROL MEASURE***

TxOGA and ExxonMobil recommended removing the oxyfuel program as a control measure in the SIP revision and instead put it in the plan as a contingency measure, to be implemented if ambient CO concentrations reach a suitable trigger level. To support their recommendations, TxOGA and ExxonMobil referenced a Texas Transportation Institute (TTI) report on CO inventory estimates that shows ambient CO concentrations steadily declining out to year 2020 with or without the oxyfuel program. The TCEQ presumes TxOGA and ExxonMobil are referring to the TTI 93-page report: El Paso County Re-Designation Emissions Inventories – Task 4: Alternate Control Strategies – CO season, August 2005. Using TTI's CO inventory estimates report, "*El Paso County Re-Designation Emissions Inventories- Task 2: CO Season*," TxOGA performed further analyses on CO concentrations. Based on the TTI report coupled with TxOGA further

analyses, TxOGA states that the oxygenated fuel program is no longer needed. TxOGA commented that numerous former CO nonattainment areas once subject to winter oxygenated fuel programs have received EPA approval to move those programs to contingency measures as part of their redesignation plans. TxOGA added that to date, not one of these areas has experienced an exceedance of the CO NAAQS, or reinstated their oxygenated fuel program. (Source - <http://www.epa.gov/otag/oxygenate.htm>).

One individual commented that a 5 percent increase in population due to expansions in Fort Bliss is negligible and not a good argument to keep the oxyfuel program as a control measure.

**The commission appreciates TxOGA's and ExxonMobil's comments. Due to support for the oxyfuel program stated by the local governmental entities the commission is, at this time, retaining the oxyfuel program as a committed control measure as part of the redesignation request and maintenance plan. Should the commission consider removing the oxyfuel program as a committed control measure at a later date, another public hearing and comment period would be held as part of a separate rulemaking and SIP revision process.**

**The population increases in Fort Bliss as well as a variety of factors were included in the emissions trend projections through year 2020. In addition, Table 2: El Paso County Control Scenario CO Season Weekday On-Road Mobile Source VMT, Average Speed (mph) and Emissions (tons per day) of the TTI report - *El Paso County Re-Designation Emissions Inventories – Task 4: Alternate Control Strategies – CO season August 2005*, shows that even though vehicle miles traveled (VMT) increases from 2005 through 2020, the CO levels continue to decrease from 2005 through 2020.**

Allergy and Asthma Center of El Paso stated that the oxyfuel program is no longer needed because improved automobile technology has reduced exhaust CO levels.

**The commission appreciates the comment and confirms that there have been no monitored violations of the eight-hour CO NAAQS standard in the El Paso area since 2001, which may be partially based on technology. However, due to support for the oxyfuel program stated by the local governmental entities the commission is, at this time, retaining the oxyfuel program as a committed control measure as part of the redesignation request and maintenance plan. Should the commission consider removing the oxyfuel program as a committed control measure at a later date, another public hearing and comment period would be held as part of a separate rulemaking and SIP revision process.**

The El Paso MPO, EPCCHED, Representative Chavez, and one individual stated support that the oxyfuel program should remain as a control measure in El Paso. Despite El Paso's position in the air basin shared with Dona Ana County and Ciudad Juarez, Mexico, El Paso implemented control measures that have succeeded in the area monitoring attainment for the CO NAAQS. Representative Chavez stated that removing

the oxyfuel program would be unwise and unhealthy for El Paso residents. Representative Chavez also commented that because auto emissions affect the environment, we should maintain or tighten emissions standards, not removing or relaxing them. EPCCHED and the El Paso MPO stated that the oxyfuel program has proven to be the most effective control measure in the area. The EPCCHED said that it cannot be part of a plan that may jeopardize the health of the citizens. The El Paso MPO, EPCCHED, Representative Chavez, and one individual stated concern that removing the oxyfuel program may cause the area to not meet the CO NAAQS. The individual also stated that El Paso must not backslide in the face of increasing traffic, increased population, and higher amounts of particulate matter of 2.5 microns and less (PM<sub>2.5</sub>) and 10 microns and less (PM<sub>10</sub>).

**The commission expresses appreciation for the comments and concern for El Paso's air quality. Due to support for the oxyfuel program stated by the local governmental entities the commission is, at this time, retaining the oxyfuel program as a committed control measure as part of the redesignation request and maintenance plan. Should the commission consider removing the oxyfuel program as a committed control measure at a later date, another public hearing and comment period would be held as part of a separate rulemaking and SIP revision process.**

One individual commented that oxyfuel costs add a burden to the consumer. The Allergy and Asthma Center of El Paso stated that the oxyfuel program increases gasoline prices and imposes economic burden on the poverty-stricken El Paso population.

**The commission appreciates the concern regarding the potential economic burden of the oxygenated fuel program. The estimated price increase of \$0.04 per gallon was considered when the El Paso oxyfuel program was implemented in 1991. Due to support by the local governmental entities the commission, at this time, is retaining the oxyfuel program as a committed control measure as part of the redesignation request and maintenance plan. Should the commission consider removing the oxyfuel program as a committed control measure at a later date, another public hearing and comment period would be held as part of a separate rulemaking and SIP revision process.**

### ***POPULATION GROWTH AND FLEET TURNOVER***

The El Paso MPO, the EPCCHED, and Representative Chavez commented that an increase in Fort Bliss' population will impact CO emissions; EPCCHED stated the increase expected is 35,000 – 50,000 people due to additional troops and their families at Fort Bliss within the next few years. The El Paso MPO stated that by year 2035 the regional population, including Ciudad Juarez, the El Paso MPO, and parts of Dona Ana and Otero Counties, is projected to approach five million people. Two individuals commented that population increases in the El Paso area will be offset by fleet turnover and fuel efficiency.

**The commission appreciates the comments. The population increases in Fort Bliss as well as a variety of factors were included in the emissions trend projections in the SIP revision. In addition, Table 2: El Paso County Control Scenario CO Season Weekday On-Road Mobile Source VMT, Average Speed (mph) and Emissions (tons per day) of the TTI report - *El Paso County Re-Designation Emissions Inventories – Task 4: Alternate Control Strategies – CO season August 2005*, shows that even though vehicle miles traveled (VMT) increases from 2005 through 2020, the CO levels continue to decrease from 2005 through 2020. The required maintenance plan for the second ten year period will look out toward 2035.**

### **MISCELLANEOUS**

An individual stated that there should be more rigid standards for sport utility vehicles.

**The commission appreciates the comments. The Federal Clean Air Act, Section 202, Part A regulates vehicle emission standards and federal law preempts the state from directly regulating engine standards.**

The EPCCHED commented that El Paso streets have many unregistered, tampered vehicles from other cities. Because these tampered vehicles are not registered in El Paso, EPCCHED asked what their impact is on CO emissions. The EPCCHED further states that the SIP does not contain emission inventories and modeling from Ciudad Juarez and Dona Ana County. The El Paso MPO stated that many vehicles in Ciudad Juarez have been imported from the United States to Mexico and these vehicles are older and have been tampered resulting in excessive emissions and are being driven into El Paso. The El Paso MPO also states that neither the TCEQ nor the EPA have modeled emissions from Ciudad Juarez to determine the impacts on El Paso's air quality.

**The commission appreciates these comments. 30 TAC §114.20 addresses motor vehicle anti-tampering requirements and corresponding penalties. This rule prohibits any person from selling, offering for sale, or using any system or device for the purpose of circumventing the emission control device on a vehicle or vehicle engine in the State of Texas. The rule prohibits any person from removing or disconnecting any part of the emission control system of a motor vehicle, except to install replacement parts that are equally effective in reducing emissions. Violators are subject to penalties under the Texas Clean Air Act of up to \$25,000 per violation. The Texas Department of Public Safety (DPS) confirms that there is no enforcement on vehicles registered in Ciudad Juarez, Mexico, because the DPS has no jurisdiction over such vehicles. Emissions estimates from Mexican vehicles operating in the United States were included in the Cordoba-Paisano interchange hot spot analysis (see Chapter 4) because a portion of the El Paso local traffic is due to Mexican vehicles. The emissions used in the El Paso CO modeling were conservative in that Mexican vehicles were assumed to constitute 50 percent of the fleet, and Mexican vehicle emissions were calculated with a Mexican version of MOBILE6. Although it may be expected that other Juarez emissions sources**

**impact El Paso air quality, the modeling of those emissions sources is outside the purview of the modeling required by §179B of the Federal Clean Air Act. For clarification, the SIP narrative has been revised to better describe the modeling. Dona Ana County, New Mexico, was included in the CO emissions inventory and was captured in the Regional Air Modeling (RAM) (*see Appendix C: El Paso County Redesignation Mobile Source Emissions Inventory Documentation and Chapter 1, respectively*).**

The El Paso MPO noted that Petróleos Mexicanos (PEMEX) has not implemented the oxyfuel program in Mexico.

**The commission appreciates this comment. The TCEQ has no jurisdiction over PEMEX or its operations.**

An individual stated concern that idling of multiple vehicles on bridges produces poor air quality. The EPCCHED commented that the plan should restrict vehicle idling on the border crossings.

**The commission appreciates this comment and considers idling restrictions as local initiatives under 30 TAC §114.510-512 and §114.517. El Paso does not currently have any idling restrictions in place. In order to do so, local entities must develop ordinances and initiate agreements with the TCEQ. The TCEQ has no jurisdiction to address idling on the Mexican side of border crossings.**