

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 8, 2013

Mr. Guy Donaldson, Chief
Air Planning Section (6PD-L)
Environmental Protection Agency
1445 Ross Avenue
Suite 1200
Dallas, Texas 75202-2733

Attn: Docket ID No. EPA-R06-OAR-2010-0333 and EPA-R06-OAR-2013-0387

Re: Approval and Promulgation of Implementation Plans; Texas; Houston: Reasonable Further Progress Plan, Contingency Measures, and Transportation Conformity Budgets for the 1997 8-Hour Severe Ozone Nonattainment Area and Approval and Promulgation of Implementation Plans; Texas; Attainment Demonstration for the Houston-Galveston-Brazoria 1997 8-Hour Ozone Nonattainment Area

Dear Mr. Donaldson:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to respond to the United States Environmental Protection Agency's (EPA) announcement of a public comment period for the proposed approval of state implementation plan revisions for the Houston-Galveston-Brazoria 1997 eight-hour ozone nonattainment area.

As these two EPA actions are closely related, the TCEQ is submitting the same comments to both rulemaking dockets. Detailed comments on the proposed actions are enclosed. If there are any questions concerning the TCEQ's comments, please contact Mr. David Brymer, Director, Air Quality Division, at 512-239-1725 or david.brymer@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Zak Covar", with a long, sweeping horizontal line extending to the right.

Zak Covar
Executive Director

Enclosure

**Comments by the Texas Commission on Environmental Quality
regarding**

**Approval and promulgation of implementation; Texas; Houston: Reasonable Further
Progress Plan, Contingency Measures, and Transportation Conformity Budgets for the
1997 8-hour Severe Ozone Nonattainment Area
Docket ID No. EPA-R06-OAR-2010-0333**

and

**Approval and Promulgation of Implementation Plans; Texas; Attainment Demonstration
for the Houston-Galveston-Brazoria 1997 8-Hour Ozone Nonattainment Area
Docket ID No. EPA-R06-OAR-2013-0387**

Summary

On September 9, 2013, the United States Environmental Protection Agency (EPA) published in the *Federal Register* proposed approval of the Reasonable Further Progress (RFP) State Implementation Plan (SIP), Contingency Measures, and Transportation Conformity Budgets for the 1997 8-Hour Severe Ozone Nonattainment Area (78 FR 55029) and the Attainment Demonstration SIP for the Houston-Galveston-Brazoria (HGB) 1997 8-Hour Ozone Nonattainment Area (78 FR 55037). Together, the notices propose approval of the following SIP submittals:

- attainment demonstration SIP revision submitted to the EPA on April 6, 2010;
- RFP SIP revision submitted to the EPA on April 6, 2010;
- motor vehicle emissions budget (MVEB) update SIP revision submitted to the EPA May 6, 2013;
- Mass Emissions Cap and Trade (MECT) Program and Highly Reactive Volatile Organic Compound (HRVOC) Emissions Cap and Trade (HECT) Program revisions submitted to the EPA on April 6, 2010; and
- general air quality definitions revisions submitted to the EPA on August 17, 2007 and March 11, 2011.

II. Comments

1) TCEQ Support for EPA Proposals

The TCEQ supports the EPA's proposed approval of these SIP revisions. The TCEQ appreciates the EPA's analysis of the photochemical modeling and the weight of evidence, which concludes that the Houston-Galveston-Brazoria area will reach attainment of the 1997 eight-hour ozone National Ambient Air Quality Standards by the end of the 2018 ozone season.

2) Cap and Trade Program Considerations

The TCEQ supports the EPA's proposed approval of the MECT Program and the HECT Program revisions submitted to the EPA on April 6, 2010. However, the TCEQ requests that the EPA not take action on the revisions submitted for the HECT Program in Title 30 Texas Administrative Code §101.396(b) and instead retain the current SIP-approved rule language for §101.396(b). The revisions to §101.396(b) are in conflict with §115.722(c) and §115.761(c), and the executive director plans to ask the commission to consider technical corrections to §101.396(b) in future rulemaking.

Title 30 TAC §101.396(b) requires HRVOC emissions to be calculated for each hour of the year and summed to determine the annual emissions for compliance. During the 2010 rulemaking, the TCEQ deleted the portion of §101.396(b) that limited the hourly emissions included in the calculation for emissions from emissions events to the short-term limits in §115.722(c) and §115.761(c). The revision to §101.396(b) was initially proposed for deletion as part of an attempt to create an emissions event set aside pool for affected facilities. In response to public comments, the rule revisions adopted by the

commission did not include the emissions event set aside. The preamble to the adopted rulemaking indicates that the commission's intent was to continue to treat emissions events in the same manner as required by the approved rule language for purposes of the HECT program and only deduct allowances for emissions during emissions events up to the short-term limits in §115.722(c) and §115.761(c) (35 TexReg 2537). Although the emissions event set aside was not included in the adopted version of §101.396, the TCEQ inadvertently retained the corresponding changes in §101.396(b). These changes to §101.396(b) are in conflict with the SIP-approved rules in §115.722(c) and §115.761(c), and the executive director plans to propose rulemaking before the commission to correct §101.396(b).

3) Clarifications Needed to Support Consistency Across TCEQ and EPA Documents

Several issues were identified during review of the EPA's proposed rule to approve the HGB RFP SIP Revision. The issues are documented below.

- Table 1: *Revisions to the 2002 RFP Base Year Emissions Inventory* on Page 55031 is not the original 2002 RFP Base Year. It is an attainment demonstration base year table. Table 2: *RFP 2002 Baseline Emissions Inventory Summary* is the revised RFP Base Year Emissions Inventory and is correct. Table 1 needs to be updated to contain the original RFP base year information.
- In the center column on Page 55031, there are several incorrect references to a 15% reduction for HGB between 2002 and 2008. The correct reduction for HGB between 2002 and 2008 is 18%. The references to the required reduction for HGB between 2002 and 2008 may need to be updated to be 18% throughout the whole document, as appropriate.
- The EPA's RFP demonstration summary and the associated Table 6 on Page 55033 only discuss an RFP demonstration for 2018. There are RFP demonstrations for 2008, 2011, 2014, 2017, and 2018. The summaries of the RFP controls (Tables 4 and 5) have all five years but the RFP demonstration table only has 2018. The RFP demonstration discussion may need to be updated to include all five RFP demonstration years.
- The last column on Page 55033 indicates that the RFP contingency may be met by including a demonstration of 27% volatile organic compounds (VOC) and nitrogen oxides (NO_x) reductions in the RFP plan. On Page 55034, the 27% is stated as being calculated by adding 15% and 12%. The RFP contingency is met by including a cumulative demonstration of 51%, which is the sum of the VOC and NO_x reduction requirements, from the 2002 base year, with 2008, 2011, 2014, 2017 milestone years, 2018 attainment year, and 2019 contingency year (18+9+9+9+3+3). Either the amount needs to be changed to 51% or a further explanation of the 27%, 15%, and 12% reductions is suggested for clarification.
- In the first full paragraph of the middle column on Page 55036, the description of the values in Table 9: *RFP Motor Vehicle Emissions Budgets for HGB* are referred to as the total projected transportation emissions for milestone years 2008 to 2018. In actuality, the values are the MVEBs, which are the projected emissions adjusted with transportation conformity safety margins. The description may be more accurate if it is modified: a) to indicate the safety margin adjustment; or b) to refer to values as the MVEBs rather than the projected emissions.
- As EPA notes in the technical support document (TSD), there was an error in the spreadsheet calculations that lowered the VOC values in Tables 7-29 through 7-31 by 19.82 tons per day of VOC. This error resulted in a conservative projection of VOC emission reductions taking place by that amount. The resulting surplus of VOCs could have been greater by 19.82 tons per day. EPA should clarify in the final approval notice that this surplus is appropriate for the HGB area, and that TCEQ will address this error in the next applicable SIP submittal, without penalty.