# TCEQ LogoNational Comments

# Executive Review Summary

# ****TCEQ Proposed Comments On:****

Docket ID No. EPA-HQ-OAR-2018-0226; 83 *Federal Register* 56781, November 14, 2018, Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas Classified as Moderate for the 2008 Ozone National Ambient Air Quality Standards.

# ****Overview of Proposal:****

On November 14, 2018, the United States (U.S.) Environmental Protection Agency (EPA) published in the *Federal Register* a proposed determination that the Dallas-Fort Worth (DFW) and Houston-Galveston-Brazoria (HGB) areas failed to attain the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS) by the applicable deadline of July 20, 2018. This results in a reclassification by operation of law to the designation of “serious.”

Under the Federal Clean Air Act (FCAA), states with ozone nonattainment areas classified as serious are provided two years from the date of designation to submit a SIP revision complying with the serious ozone nonattainment plan requirements. For areas originally classified as serious for the 2008 ozone NAAQS that deadline was July 20, 2016. Because this date has already passed, the EPA proposes that SIP revisions, not including the Reasonably Available Control Technology (RACT) SIP revision, will be due 12 months after the effective date of the final reclassification notice. The EPA further proposes that the implementation deadline for any RACT measures states determine necessary will be due 12 months after the effective date of the final reclassification notice. The reclassified areas will then be subject to the serious area requirement to attain the 2008 ozone NAAQS no later than July 20, 2021.

# ****Summary of Comments:****

* The proposed SIP submittal deadline of 12 months from the effective date of the final reclassification notice will be challenging for states to meet considering the significant time, effort, and resources required to develop these SIP revisions concurrently, with increased SIP requirements under the serious classification, for both areas. The TCEQ recommends a submittal deadline of 18 months from the effective date of the final reclassification notice.
* The TCEQ disagrees with the proposed 12-month implementation deadline for all reasonably available control measures, including RACT, necessary for demonstrating attainment for the reclassified nonattainment areas, and recommends adjusting this deadline to allow affected entities time to comply with new rule requirements.
* The TCEQ disagrees with the proposed August 3, 2020 RACT implementation deadline for the DFW and HGB reclassified nonattainment areas and recommends adjusting this deadline to allow affected entities to comply with RACT no later than the attainment deadline of July 20, 2021.
* The TCEQ does not agree that FCAA, §182(i) clearly allows the EPA to adjust required SIP submittal deadlines in order to align deadlines that are applicable for different ozone NAAQS, nor has the EPA demonstrated that accelerating RACT deadlines for the 2008 ozone NAAQS is necessary or appropriate.

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**Deputy Director Approval: Steve Hagle, P.E./Office of Air**

**EPA Deadline:** December 14, 2018