# TCEQ LogoNational Comments

# Executive Review Summary

**TCEQ Proposed Comments On:**

***Federal Register*, Vol.** 84, No. 95, May 16, 2019 EPA–R06–OAR–2018–0715; FRL–9993–56–Region 6

Air Plan Approval; Texas; Houston-Galveston-Brazoria Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards; Section 185 Fee Program

**Overview of Proposal:**

On May 16, 2019, the United States Environmental Protection Agency (EPA) proposed:

* determination that the Houston-Galveston-Brazoria (HGB) area continues to attain the 1979 one-hour and 1997 eight-hour ozone National Ambient Air Quality Standards (NAAQS) and has met the federal redesignation criteria;
* termination of all anti-backsliding obligations for the HGB area for the 1979 one-hour and 1997 eight-hour ozone NAAQS; and
* approval of revisions to the Texas State Implementation Plan (SIP) for redesignating and maintaining these standards through 2032 in this area and for addressing Federal Clean Air Act (FCAA) §185 for the 1979 one-hour ozone NAAQS.

**Summary of Comments:**

The following significant substantive comments are made in the comment letter:

* The EPA should redesignate the HGB area to attainment for the 1979 one-hour ozone and 1997 eight-hour ozone NAAQS.
* The TCEQ supports the EPA’s proposed finding that the HGB alternative §185 penalty fee program is equivalent and approvable. The EPA is obligated to ensure that states are relieved of §185 penalty fee obligation in a timely manner.
* The EPA’s past failure to provide for a legally valid mechanism for termination of anti-backsliding obligations for revoked NAAQS has created uncertainty. The EPA’s reluctance to redesignate areas attaining a revoked NAAQS and terminate associated anti-backsliding requirements potentially creates severe economic consequences for the public, regulated industry, and states.
* The EPA continues to have authority to redesignate areas from “nonattainment” to “attainment” post-revocation of a NAAQS. However, if the EPA determines that it does not have authority to redesignate areas to attainment post-revocation, the EPA clearly has authority to determine that an area has met all redesignation requirements necessary for termination of anti-backsliding requirements.
* The EPA has authority to, and should, revise the designation listings in 40 CFR Part 81 to better reflect the status of applicable anti-backsliding obligations for areas.

The letter also includes comments of a more technical nature related to Motor Vehicle Emission Budgets and minor errors in the notice’s tables and Technical Support Document.

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**Deputy Director Approval: Tonya Baer, Deputy Director, Office of Air**

**Deadline: 6/17/19**