

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners **Date:** May 30, 2008
Thru: LaDonna Castañuela, Chief Clerk
Glenn Shankle, Executive Director
From: David C. Schanbacher, P.E., Chief Engineer *DCS*
Docket No.: 2008-0655-MIS
Subject: Commission Approval for Signing of the Austin-Round Rock Eight-Hour Ozone Flex Memorandum of Agreement (MOA) Plan
Project No. 2007-020-MIS-NR

Reasons for the Memorandum of Agreement:

The Austin-Round Rock urban airshed, comprised of Bastrop, Caldwell, Hays, Travis, and Williamson Counties, is designated attainment by the United States Environmental Protection Agency (EPA) under the 1997 eight-hour ozone standard. The area implemented an Early Action Compact (EAC) that was signed on December 18, 2002. The commission adopted the corresponding Austin Area EAC Ozone State Implementation Plan (SIP) Revision on November 17, 2004, and submitted it to the EPA. The EAC ended on December 31, 2007. However, the EAC SIP revision demonstrates maintenance through 2012 as part of the area's commitment.

The area's current design value, based on the years 2005-2007, is 80 parts per billion (ppb). The EPA issued guidelines for the Eight-Hour Ozone Flex Plan on May 18, 2006. The guidance is similar to the previous one-hour ozone flex plan that the EPA administered. A letter of intent to participate in the Eight-Hour Ozone Flex Program was sent to the EPA from the mayor of Austin on December 20, 2006. The mayor of Austin mailed a subsequent letter on April 17, 2007, to the commission detailing the components of the proposed plan and asking for guidance from the TCEQ on some items.

Background information:

Similar to the One-Hour Ozone Flex Program, the Eight-Hour Ozone Flex program will be implemented through a voluntary intergovernmental agreement (memorandum of agreement or MOA) among the EPA, the TCEQ, and the local communities. Areas eligible to participate in the Eight-Hour Ozone Flex program are those designated as attainment or unclassifiable/attainment for the eight-hour ozone standard, as published on April 30, 2004 (69 FR 23858). The local entities in the Austin-Round Rock area initiated and wrote the Eight-Hour Ozone Flex plan according to writing guidance that may differ in style and format from standard agency SIP document guidelines.

Statutory Authority:

This MOA will allow the area to maintain compliance with the 1997 eight-hour ozone National Ambient Air Quality Standard (NAAQS).

Effect on the:

There are no proposed rulemaking changes associated with this agreement.

- Regulated Community: At this time, not applicable.
- Public: Air Quality benefits – The 1997 eight-hour ozone standard maintained and continuing work towards the attainment of the revised standard.

- Agency programs: No new effects, however, the TCEQ will continue air monitoring and emissions inventory data gathering activities in support of the proposed Eight-Hour Ozone Flex Plan.

Upon signing the MOA, the Austin-Round Rock area will commit to the continuation of: the implementation of EAC SIP and voluntary emission reduction measures; analysis of measure effectiveness and emissions growth; and area-wide programs such as Commute Solutions, Clean Cities and Clean School Bus. The MOA will also include: applying for Texas Emission Reduction Plan (TERP) grants, when available; Transportation Emission Reduction Measures (TERMS); regional rideshare program; inviting five or more additional cities to join the area's Clean Air Coalition and becoming signatories to the MOA; implement a watch/warning ozone alert system for the area; implement AirCheck Texas local initiative projects with Low Income Repair Assistance Program (LIRAP) funds; and road paving projects.

To address maintenance for growth issues the plan includes: applying for TERP grants, when available; inviting all nonparticipating cities in the metropolitan statistical area (MSA) with a population greater than or equal to 10,000 to join the Clean Air Coalition and become signatories to the MOA; TERMS; energy efficiency and conservation programs; and other measures identified and mutually agreed upon.

If the area's design value reaches 84 ppb for ozone, the region must commit to implement at least one Tier One contingency measure from the plan. The measure may or may not require a SIP revision. The area has identified the following contingency measures: apply for any available TERP grants; additional TERMS; inviting additional cities to join the anti-idling MOA with the TCEQ; update regional rideshare and Clean Air Partners programs; and the voluntary use of nitrogen oxides (NO_x) emission-reducing diesel additive for area fleets, school district buses and/or non-road vehicles.

If the area's design value reaches 85 ppb for ozone, the region must commit to implement at least one of the Tier Two contingency measures from the plan that may require a SIP revision. The area has identified the following Tier Two contingency measures: Tier One contingency measures not already implemented; an expansion of the inspection and maintenance (I/M) program, if requested by the county and its principal city to Bastrop, Caldwell, and/or Hays Counties; a request to upgrade the I/M program to include additional remote sensing and the inclusion of diesel testing, if available; additional TERMS; and other appropriate measures identified and mutually agreed upon between the area and the TCEQ.

The area and the TCEQ are also requesting from the EPA the right to submit an alternative strategy if the ones selected are not the most appropriate, at the time, to reduce ozone precursors.

Stakeholder meetings:

Stakeholders involved in this plan are Bastrop, Caldwell, Hays, Travis, and Williamson Counties, the Cities of Austin, Bastrop, Elgin, Lockhart, Luling, Round Rock and San Marcos, the TCEQ, and the EPA. All stakeholder cities and counties have approved this MOA.

Key points in the MOA schedule:

Agenda date: June 18, 2008

The Clean Air Coalition Advisory Committee (formally the EAC Task Force) proposes a signing ceremony in June 2008 with TCEQ and EPA representatives.

Public comment:

The EPA's Eight-Hour Ozone Flex Program guidance does not require public hearings for these types of plans. However, the Clean Air Coalition Advisory Committee posted the plan to receive public committee on their Web site for a 30-day comment period, as well as the following Web sites: the CLEAN AIR Force of Central Texas, the Capital Metropolitan Planning Organization (CAMPO), and the Capital Area Council of

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Governments (CAPCOG). The CLEAN Air Force of Central Texas also placed ads in eight local newspapers including the *Austin-American Statesman* on October 25, 2007, to solicit ideas from the community. Nine comments were received from the public in support of the plan. The comments can be found in Appendix F.

Agency contacts:

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