

REVISIONS TO THE STATE IMPLEMENTATION PLAN (SIP)
FOR THE CONTROL OF OZONE AIR POLLUTION

REDESIGNATION PETITION AND MAINTENANCE PLAN
FOR THE
VICTORIA COUNTY OZONE NONATTAINMENT AREA

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087

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A. INTRODUCTION

Requirements for State Implementation Plans (SIP) specified in 40 Code of Federal Regulations Part 51.12 provide that "...in any region where existing (measured or estimated) ambient levels of pollutant exceed the levels specified by an applicable national standard," the plan shall set forth a control strategy which shall provide for the degree of emission reduction necessary for attainment and maintenance of such national standard. Ambient levels of sulfur dioxide and oxides of nitrogen (NO_x), as measured from 1975 through 1977, did not exceed the national standards set for these pollutants anywhere in Texas. Therefore, no control strategies for these pollutants were included in revisions to the Texas SIP submitted on April 13, 1979. Control strategies were submitted and approved for inclusion in the SIP for areas in which measured concentrations of ozone, total suspended particulate (TSP), or carbon monoxide (CO) exceeded a National Ambient Air Quality Standard (NAAQS) during the period from 1975 to 1977. On October 5, 1978, the Administrator of the U.S. Environmental Protection Agency (EPA) promulgated a lead ambient air quality standard. The 1977 Amendments to the Federal Clean Air Act (FCAA) required that each state submit an implementation plan for the control of any new criteria pollutant. A SIP revision for lead was submitted in March of 1981.

The control strategies submitted in 1979 provided by December 31, 1982 the amount of emission reductions required by EPA policy to demonstrate attainment of the primary NAAQS, except for ozone in the Harris County nonattainment area. For that area, an extension to December 31, 1987 was requested, as provided for in the 1977 FCAA Amendments.

Supplemental material, including emission inventories for volatile organic compounds (VOC) and TSP submitted with the 1979 SIP revisions, is included in Appendices H and O.

Proposals to revise the Texas SIP to comply with the requirements of the 1977 FCAA Amendments were submitted to EPA on April 13, November 2, and November 21, 1979. On December 18, 1979 (44 FR 75830-74832), EPA approved the proposed revision to the Texas SIP relating to vehicle inspection and maintenance and extended the deadline for attainment of the NAAQS for ozone in Harris County until December 31, 1987. (See Appendix Q for the full text of the extension request and the approval notice.) On March 25, 1980 (45 FR 19231-19245), EPA approved and incorporated into the Texas SIP many of the remaining provisions included in the proposals submitted by the state in April and November 1979. The March 25, 1980 Federal Register notice also included conditional approval of a number of the proposed SIP revisions submitted by the state.

Additional proposed SIP revisions were submitted to EPA by the state on July 25, 1980 and July 20, 1981 to comply with the requirements of the March 25, 1980 conditional approvals. By May 31, 1982, all of the proposed revisions to the Texas SIP submitted to EPA in April and November 1979, July 1980, and July 1981, with the exception of provisions relating to the definition of major modification used in new source review (NSR) and certain portions of the control strategy for TSP in Harris County, had been fully approved or addressed in a Federal Register notice proposing final approval. The NSR provisions were approved on August 13, 1984.

The 1977 FCAA Amendments required SIPs to be revised by December 31, 1982 to provide additional emission reductions for those areas for which EPA approved extensions of the deadline for attainment of the NAAQS for ozone or CO. Paragraph B.5. of this section of the SIP contains the

revision to the Texas SIP submitted to comply with the 1977 FCAA Amendments and EPA rules for 1982 SIP revisions. Supplementary emissions inventory data and supporting documentation for the revision are included in Appendices Q through Z.

The only area in Texas receiving an extension of the attainment deadline to December 31, 1987 was Harris County for ozone. Proposals to revise the Texas SIP for Harris County were submitted to EPA on December 9, 1982. On February 3, 1983, EPA proposed to approve all portions of the plan except for the Vehicle Parameter Inspection/Maintenance (I/M) Program. On April 30, 1983, the EPA Region 6 Administrator proposed sanctions for failure to submit or implement an approvable I/M program in Harris County. Senate Bill 1205 was passed on May 25, 1983 by the Texas Legislature to provide the Texas Department of Public Safety with the authority to implement enhanced vehicle inspection requirements and enforcement procedures. On August 3, 1984, EPA proposed approval of the Texas SIP pending receipt of revisions incorporating these enhanced inspection procedures and measures ensuring enforceability of the program. These additional proposed SIP revisions were adopted by the state on November 9, 1984. Final approval by EPA was published on June 26, 1985.

Although the control strategies approved by EPA in the 1979 SIP revisions were implemented in accordance with the provisions of the plan, several areas in Texas did not attain the primary NAAQS by December 31, 1982. On February 23, 1983, EPA published a Federal Register notice identifying those areas and expressing the intent to impose economic and growth sanctions provided in the FCAA. However, EPA reversed that policy in the November 2, 1983 Federal Register, deciding instead to call for supplemental SIP revisions to include sufficient additional control requirements to demonstrate attainment by December 31, 1987.

On February 24, 1984, the EPA Region 6 Administrator notified the Governor of Texas that such supplemental SIP revisions would be required within one year for ozone in Dallas, Tarrant, and El Paso Counties and CO in El Paso County. The Texas Air Control Board (TACB) requested a six-month extension of the deadline (to August 31, 1985) on October 19, 1984. EPA approved this request on November 16, 1984.

Proposals to revise the Texas SIP for Dallas, Tarrant, and El Paso Counties were submitted to EPA on September 30, 1985. However, the revisions for Dallas and Tarrant Counties did not provide sufficient reductions to demonstrate attainment of the ozone standard and on July 14, 1987, EPA published intent to invoke sanctions. Public officials in the two counties expressed a strong desire to provide additional control measures sufficient to satisfy requirements for an attainment demonstration.

A program of supplemental controls was taken to public hearings in late October 1987. As a result of testimony received at the hearings, a number of the controls were modified and several were deleted, but sufficient reductions were retained to demonstrate attainment by December 31, 1991. These controls were adopted by the TACB on December 18, 1987 and were submitted to EPA as proposed revisions to the SIP. Supplemental data and supporting documentation are included in Appendices AA through AO.

The FCAA Amendments of 1990 authorized EPA to designate areas failing to meet the NAAQS for ozone as nonattainment and to classify them according to severity. The four major areas in Texas and their respective classifications include: Houston/ Galveston (severe), Beaumont/Port Arthur (serious), El Paso (serious), and Dallas/Fort Worth (moderate).

A fifth ozone nonattainment area is Victoria County. Victoria County was originally designated nonattainment for ozone in the Federal Register dated March 3, 1978 (43 FR 8962). This designation was based on six weeks of EPA contractor-collected data at two sites from September 24, 1977 - November 7, 1977. At an EPA Workshop on Requirements for Nonattainment Area Plans held in Kansas City, Missouri, in March of 1978, EPA indicated that in developing control strategies for ozone, rural and urban counties could be treated separately, with lesser controls necessary in rural counties. A rural county as defined by EPA is any county with an urban place population of less than 200,000 according to the 1970 U.S. Census. Under this definition, Victoria County was designated as a rural nonattainment area in 1978. To determine the impact of the January 1979 revision of the ozone standard to 0.120 parts per million (ppm), the air quality data for all designated nonattainment areas were re-examined. As a result of this re-examination, it was determined that the Victoria County concentrations exceeded the new standard (0.120 ppm) on one occasion. Because of the FCAA Amendments of 1990, Victoria County was designated as an "Incomplete or No Data Ozone Nonattainment Area" on November 15, 1990; therefore, the county retained its prior ozone nonattainment designation by operation of law. The FCAA Amendments required unclassifiable nonattainment areas with incomplete or no data to collect three consecutive years of monitored data and to reach attainment by November 15, 1995. Victoria County completed three consecutive years of good monitoring on May 2, 1994, and then submitted the redesignation petition and maintenance plan on July 27, 1994.

The 1990 FCAA Amendments required a SIP revision to be submitted for all ozone nonattainment areas classified as moderate and above by November 15, 1993 which describes in part how an area intends to decrease VOC emissions by 15%, net-of-growth, by November 15, 1996. The amendments also required all nonattainment areas classified as serious and above to submit a revision to the SIP by November 15, 1994 which described how each area would achieve further reductions of VOC and/or NO_x in the amount of 3.0% per year averaged over three years and which includes a demonstration of attainment based on modeling results using the Urban Airshed Model (UAM). In addition to the 15% reduction, states must also prepare contingency rules that will result in an additional 3.0% reduction of either NO_x or VOC, of which up to 2.7% may be reductions in NO_x. Underlying this substitution provision is the recognition that NO_x controls may effectively reduce ozone in many areas and that the design of strategies is more efficient when the characteristic properties responsible for ozone formation and control are evaluated for each area. The primary condition to use NO_x controls as contingency measures is a demonstration through UAM modeling that these controls will be beneficial toward the reduction of ozone. These VOC and/or NO_x contingency measures would be implemented immediately should any area fall short of the 15% goal.

Texas submitted rules to meet the Rate-of-Progress (ROP) reduction in two phases. Phase I consisted of a core set of rules comprising a significant portion of the required reductions. This phase was submitted by the original deadline of November 15, 1993. Phase II consisted of any remaining percentage toward the 15% net-of-growth reductions, as well as additional contingency measures to obtain an additional 3.0% of reductions. Phase II was submitted by May 15, 1994. In light of revised EPA guidance, the complete list of contingency measures will be submitted by November 15, 1994. The appropriate compliance date was to be incorporated into each control measure to ensure that the required reductions will be achieved by the November 15, 1996 deadline. A commitment listing the potential rules from which the additional percentages and contingency measures were selected was submitted in conjunction with the Phase I SIP on November 15, 1993. That list of Phase II rules

was intended to rank options available to the state and to identify potential rules available to meet 100% of the targeted reductions and contingencies. Only those portions of the Phase II rules needed to provide reasonable assurance of achieving the targeted reduction requirements were adopted by the Texas Natural Resource Conservation Commission.

B. OZONE CONTROL STRATEGY

1. POLICY AND PURPOSE

- a. Primary Purpose of Plan (No Change.)
- b. Attainment of Ozone Standard (No Change.)
- c. Scope of Plan (No change.)
- d. Deletion of Nonessential Requirements (No change.)

2. SUMMARY OF THE PRINCIPAL ELEMENTS ADDRESSED WITHIN THIS PLAN

- a. Definition of Attainment and Nonattainment Areas (No change.)
- b. Responsibilities for Plan Development (No change.)

c. Establishing Baseline Air Quality

In order to determine the ozone air quality in relation to the National Ambient Air Quality Standard (NAAQS) in each nonattainment area, the U.S. Environmental Protection Agency (EPA) required that data from monitoring done in 1975, 1976, and 1977 be examined for the 1979 revisions. Data from 1978 was also considered when it became available. For the 1982 revisions, EPA required that monitoring data collected in 1978, 1979, and 1980 be examined. For Post-1982 revisions, EPA required that data collected in 1981, 1982, and 1983 be examined. Supplemental data collected in 1984 was also used to estimate the concentrations of certain air quality parameters.

The 1990 Federal Clean Air Act (FCAA) Amendments required each Governor to submit a list that designated nonattainment areas in each state. It required that data be collected for three complete years to determine the design values for each area (design values for Texas nonattainment areas are given in ?VI.B.7.a.2). For the initial nonattainment classification, data was used from 1987, 1988, and 1989.

The primary target of the 1993 ROP SIP was demonstrated by a reduction in the Emissions Inventories (EIs) for the nonattainment areas. Therefore, monitoring data was not used in the 1993 Rate-of-Progress (ROP) State Implementation Plan (SIP) revision for that purpose.

The baseline air quality data for the Victoria County redesignation and maintenance plan was collected from May 3, 1991 through May 2, 1994. EPA required 36 consecutive months of air quality monitoring before they would consider a redesignation.

Procedures for selecting or calculating baseline air quality to be used in plan preparation were promulgated by EPA and are discussed and used within this plan.

d. Required Emission Reductions

Emission reduction requirements for each nonattainment area were related to the degree by which baseline air quality exceeds the NAAQS for ozone. Reduction requirements are calculated by the use of algorithms or models that rely on measured data as well as certain assumed values. These procedures and the various factors involved in each are discussed in detail in subsequent sections concerned with specific SIP revisions.

Previously, EPA required that emission reduction requirements were to be calculated only for urban nonattainment areas. The FCAA Amendments OF 1990 recognized that often suburban and rural (perimeter) counties can contribute to ozone nonattainment in an area. Therefore, in most cases, the concept of nonattainment was expanded to include entire Consolidated Metropolitan Statistical Areas or Metropolitan Statistical Areas.

The FCAA Amendments required all ozone nonattainment areas classified as moderate and above to submit a SIP revision by November 15, 1993 which describes in part how an area intends to decrease VOC emissions by 15% from the 1990 Base Year, net-of- growth, by November 15, 1996. In addition to the 15% reduction, states must also prepare contingency rules that will result in an additional 3.0% reduction of either nitrogen oxides (NO_x) or volatile organic compounds (VOC), of which up to 2.7% may be reductions in NO_x. Underlying this substitution provision is the recognition that NO_x controls may effectively reduce ozone in many areas and that the design of strategies

is more efficient when the characteristic properties responsible for ozone formation and control are evaluated for each area. The primary condition to use NO_x controls as contingency measures is a demonstration through Urban Airshed Model modeling that these controls will be beneficial toward the reduction of ozone. These contingency measures would be implemented immediately should any area fall short of the 15% goal.

There were no additional emissions reductions required in Victoria County as a result of the redesignation and maintenance plan.

e. Sources of Emission Reductions

Substantial quantities of VOC are emitted by business, industry, consumer products, and motor vehicles. The plan identifies the contributions from known sources and sets forth a program of control measures required to demonstrate a 15% reduction, net-of-growth, of VOC levels in the nonattainment areas.

There were no additional emissions reductions required in Victoria County as a result of the redesignation and maintenance plan.

3. OZONE CONTROL PLAN FOR 1979 SIP REVISION (No change.)
4. CONTROL STRATEGY FOR 1979 SIP REVISION (No change.)
5. 1982 HARRIS COUNTY SIP REVISION (No change.)
6. SIP REVISIONS FOR POST-1982 URBAN NONATTAINMENT AREAS (No change.)
7. SIP REVISIONS FOR 1993 RATE-OF-PROGRESS (No change.)
8. SIP REVISIONS FOR 1994 RATE-OF-PROGRESS (Reserved.)
9. SIP REVISIONS FOR THE ATTAINMENT DEMONSTRATION (Reserved.)
10. SIP REVISIONS FOR THE REDESIGNATION AND MAINTENANCE PLANS (New.)
 - a. Victoria Redesignation and Maintenance Plan (New.)

1) General

The FCAA Amendments of November 15, 1990, §181(a)(1), concerning Classification and Attainment Dates for 1989 Nonattainment Areas, establishes a schedule for attainment of the ozone NAAQS for nonattainment areas classified as marginal and above. FCAA §182, concerning Plan Submissions and Requirements, does not specify the submittal dates for nonattainment areas classified as transitional, submarginal, or with incomplete/no data. The General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 (General Preamble) published in the Federal Register (57 FR 13510) stated that for areas with incomplete or no data, the EPA interpretation of the FCAA §172 requirement is that applicable revisions to the ROP SIP are to be submitted three years from designation under FCAA §107(d)(4)(A)(ii).

Victoria County was originally designated nonattainment for ozone in the Federal Register dated March 3, 1978 (43 FR 8962). As a result of the FCAA Amendments of 1990, Victoria County was designated as an "Incomplete or No Data Ozone Nonattainment Area" on November 15, 1990; therefore, the county retained its prior ozone nonattainment designation by operation of law. The Victoria ROP SIP revision was then due three years later, or November 15,

1993. The Victoria ROP SIP revision was adopted on November 10, 1993, as part of the 1993 Rate-of-Progress SIP for Dallas/Fort Worth, El Paso, Beaumont/Port Arthur, and Houston/ Galveston Ozone Nonattainment Areas, Appendix A. The Victoria ROP SIP revision was entitled Victoria Ozone Nonattainment Area Commitment to Petition for Redesignation After Successful Completion of Attainment Monitoring Period. The General Preamble further stated that the attainment date for Victoria is five years after designation, i.e., November 15, 1995.

As stated further in the General Preamble, EPA believes that some FCAA requirements do apply at least in part as listed below:

a) Attainment Demonstration SIP

An attainment demonstration SIP is not required because it is not required even for marginal nonattainment areas.

b) New Source Review Program

A New Source Review (NSR) program is required under FCAA §173 even for all nonclassifiable areas. The Victoria NSR rules were adopted on May 8, 1992, and were effective on November 15, 1992.

c) Reasonably Available Control Technology

Reasonably Available Control Technology (RACT) is not required except for correction to ensure enforceability of existing rules. The RACT corrections were adopted on October 16, 1992, and were effective on November 16, 1992.

d) Reasonable Further Progress

Reasonable Further Progress (RFP) is not specifically required, but EPA will consider NSR and RACT correction SIPs as fulfillment of RFP.

e) Emissions Inventory

An EI is required specifically under FCAA §172(c)(3) and is necessary to prepare a maintenance plan. The 1992 Victoria EI is located in §VI.B.10.a.7)b), Attainment Emissions Inventory.

f) Monitoring Period

A continuous three-year period of monitoring is required specifically under §§172(b), 172(c), and 110(a)(2) of the FCAA. This three-year period began in Victoria on May 3, 1991, and was completed on May 2, 1994. No violations of the NAAQS were measured during this time as will be discussed in the §VI.B.10.a.2), Attainment of the Standard.

g) Contingency Measures

Contingency measures are not required as part of the ROP SIP submitted by November 15, 1993; however, contingency measures will be required as part of the redesignation and maintenance plan. These contingency measures will be discussed in detail in §VI.B.10.a.7)f), Contingency Plan.

2) Attainment of the Standard

The EPA requires that a demonstration of attainment of the NAAQS involves a reliance on the ambient air quality data and a reliance on supplemental EPA-approved air quality modeling. An EPA memorandum, dated September 4, 1992, from the Director of the Air Quality Management Division to the Regional EPA Air Division Directors, stated that supplemental air quality modeling is not required for ozone nonattainment areas seeking redesignation to attainment. Therefore, the Victoria County demonstration of attainment is based solely on three years of quality-assured ambient air monitoring data. A question arose regarding the requirement for three consecutive calendar years of monitoring data or 36 consecutive months of monitoring data, which was answered in an October 15, 1993, telephone call from Mr. Guy Donaldson of EPA Region 6. Mr. Donaldson stated that the 36 consecutive months of monitored data were acceptable in lieu of three consecutive calendar years of monitored data because Victoria County is one of the south Texas regions in which the ozone season is year-round as stated in the 40 Code of Federal Regulations (CFR) 58, Appendix D, page 1164. Therefore, the Texas Natural Resource Conservation Commission (TNRCC) has submitted air monitoring data from May 3, 1991 through May 2, 1994, to satisfy the three-year requirement instead of air monitoring data from the three calendar years from January 1, 1992 through December 31, 1994. This data was collected from a single monitor that was located in an area that is representative of the highest concentration for the entire three-year period. The data was collected and quality-assured in accordance with 40 CFR 58 and recorded in the Aerometric Information Retrieval System (AIRS) in order for it to be available for public review. This monitoring network has been audited and verified by EPA Region 6 personnel, and therefore, has sufficient integrity to meet the requirements for redesignation.

The Victoria County ambient air monitoring data is tabulated in Appendix 10-a-2. This table shows that Victoria County did not exceed the NAAQS for ozone during the entire 36-month period. The average annual number of expected exceedances was calculated according to 40 CFR 50.9 and determined to be less than one, and the ozone design value for the period was determined to be 0.100 parts per million (ppm). The design value was less than 85% (0.106 ppm) of the ozone standard exceedance level of 0.125 ppm. Table 10-a-1 shows the 25 days with the highest monitored hourly averages during the 36-month period (May 3, 1991 - May 2, 1994).

Table 10-a-1. Victoria County 25 Days With Highest Monitored Hourly Averages
of Ozone (May 3, 1991 - May 2, 1994).

3) State Implementation Plan Approval

The maintenance plan for Victoria County must be fully approved under §110(k) of the FCAA and must satisfy all requirements that apply to the area. Part of the SIP requirements which must be fully approved by EPA is the Victoria County RACT fix-up SIP which ensures enforceability of existing rules in Victoria County. The RACT fix-up SIP was promulgated by the TNRCC on October 16, 1992, and submitted to EPA on November 18, 1992. Although EPA should have approved or disapproved the RACT fix-up SIP within 18 months of submittal or April 1994, they have not as yet approved the SIP. An EPA memorandum dated September 4, 1992, from John Calcagni, Air Quality Management Division Director, to the EPA Regional Air Division Directors, stated that approval action on the maintenance plan and the redesignation request may occur simultaneously. For this reason, the Victoria County redesignation request and the maintenance plan have been combined in this submittal. The EPA Region 6 officials have agreed to parallel (simultaneously) process the Victoria County RACT fix-up SIP, the redesignation request, and the maintenance plan.

4) Permanent and Enforceable Air Quality Improvement

The improvement in the Victoria County air quality can reasonably be attributed to emissions reductions which are permanent and enforceable. Although the reductions cannot be accurately quantified because of a lack of emissions inventory data from 1978 (the year of designation) until 1990, the reductions can be reasonably demonstrated by the ambient air monitoring data. A six-week period of monitoring in the fall of 1977 showed several violations of the ozone NAAQS which was 0.080 ppm at the time. A 13-month monitoring period from April 1, 1989 through May 8, 1990, and a 36-month monitoring period from May 3, 1991 through May 2, 1994 showed no violations of the ozone NAAQS. Furthermore, the ozone design value for Victoria, based on the 36-month monitoring period, was determined to be 0.100 ppm or approximately 80% of the ozone standard exceedance level of 0.125 ppm. This actual reduction in the ambient air quality levels can be attributed to several measures such as the Federal Motor Vehicle Control Program, the Federal Reid Vapor Pressure (RVP) reduction program (7.8 pounds/square inch during the peak ozone season), the Federal NSR program with its concomitant NSR offset ratio of 1.10, the State permit program, and RACT corrections on major industrial sources.

5) Section 110 and Part D Requirements

Section 110 (a)(2) and Part D of the FCAA contain general requirements applicable to all areas which are designated nonattainment based on a violation of the NAAQS. With respect to the unique situation of the Victoria County ozone nonattainment area, all pre-redesignation requirements have been completed as specified in §VI.B.10.a)1) of this document. The FCAA §172(c) requirements of RFP, identification of certain emissions increases, and other measures needed for attainment do not apply to redesignation because they only have meaning for areas that have not attained the standard. The requirements for an EI have been satisfied by the attainment year EI in the maintenance plan. The requirements of the Part D NSR program will be replaced by the prevention of significant deterioration (PSD) program once the redesignation request for the area has been officially approved by the EPA. The State of Texas was officially delegated full PSD responsibilities on June 24, 1992 (57 FR 28093). The State must also work with the EPA to show that its SIP provisions are consistent with the §176(c)(4) conformity requirements. The Federal Transportation Conformity rules were promulgated on November 24, 1993 (58 FR 62188), and the Federal General Conformity rules were promulgated on November 30, 1993 (58 FR 63214). The State of Texas commits to revise its regulations and SIP to adopt transportation conformity rules no later than

November 23, 1994, and general conformity rules no later than November 30, 1994. In addition, the State of Texas commits to follow the Federal conformity rules until such time that the State conformity rules are approved by EPA.

EPA published (59 FR 31238, dated June 17, 1994) a national interpretation of transportation conformity and FCAA Amendments ?182(f) exemptions entitled "Transportation Conformity; General Preamble for Exemption From Nitrogen Oxides Provisions." This General Preamble clarified and interpreted how nonclassifiable ozone nonattainment areas, such as Victoria County, which have air quality monitoring data demonstrating attainment of the ozone NAAQS, may be exempted from certain NO_x requirements. This national interpretation provided policy guidelines concerning both the transportation conformity rule and FCAA ?182(f)(1)(A), stating that NO_x requirements may not apply in nonattainment areas outside the ozone transport region if the Administrator, in response to a ?182(f) exemption request, determines that additional reductions of NO_x would not contribute to attainment of the ozone NAAQS in the area. Three years of air quality data demonstrating compliance with the ozone NAAQS will qualify an area as a "clean data area" eligible for exemption from the NO_x "build/no-build test" of transportation conformity. Because Victoria County demonstrated through monitoring that it was a clean data area, the TNRCC requested a NO_x build/no build exemption request in a letter dated May 4, 1994 (Appendix 10-a-3), from the TNRCC to the EPA Region 6 Administrator.

6) Petition for Redesignation to Attainment

Based upon the guidance received from EPA, the three years of quality-assured ambient air monitoring data with no exceedances, an ozone design value of 0.100 ppm, an attainment year EI (1992), and submittal of the maintenance plan (?VI.B.10.a.7)), the TNRCC requests that EPA, upon approval of the maintenance plan, redesignate Victoria County to attainment of the ozone NAAQS.

7) Maintenance Plan

a) General

The general elements required for maintenance plans in incomplete data areas, such as Victoria County, were stated in a May 17, 1994 EPA letter from Dr. A. Stanley Meiburg, EPA Region 6 Director of the Air, Pesticides and Toxics Division to Ms. Beverly Hartsock, Deputy Executive Director, Office of Air Quality, TNRCC. The letter stated that incomplete data areas with ozone design values which are less than 85% of the ozone standard exceedance level of 0.125 ppm can be provided with relief from certain maintenance plan requirements. Eighty-five percent of the ozone standard is 0.106 ppm. The Victoria County design value is 0.100 ppm, which was based on the 36 consecutive months of monitoring data completed on May 2, 1994. The general elements required for incomplete data areas that meet the design value criteria, such as Victoria County, include the following:

(1) New Source Review Program

The nonattainment NSR requirements would be replaced with the provisions of the PSD program for stationary sources. As soon as EPA approves the maintenance plan, the TNRCC will then process all new stationary source construction or modification projects in Victoria County, which are received after the approval date, under the PSD program rules.

(2) Emissions Inventory

An EI must be submitted for the area, providing an account of VOC and NO_x levels, and must be developed from one of the three years during which the area demonstrated attainment. However, no future emissions projections or emissions budgets would be required.

(3) Conformity

By not requiring an emissions budget for stationary sources or for mobile sources, EPA effectively exempts these areas from the transportation conformity requirements.

(4) Continued Monitoring

Areas which submit a minimal maintenance plan must commit to continue monitoring to detect any future violations of the ozone standard and to provide triggers for any contingency measures developed. The TNRCC commits to continue the monitoring effort throughout the entire maintenance period.

(5) Contingency Measures

The minimal maintenance plan must list and describe any contingency measures deemed necessary to provide for prompt correction of an exceedance of the ozone standard, along with a schedule of adoption. These contingency measures could be measures already contained in the SIP. Furthermore, if the area violates the ozone standard, the contingency plan must provide for the submittal of a full maintenance plan with emissions projections and budgets, along with a schedule for adoption.

(6) Maintenance Plan Submittal

The minimal maintenance plan would be required at the time of a redesignation request for the area.

b) Attainment Emissions Inventory

(1) General

The Meiburg letter stated that the EI must be developed from one of the three years during which the area demonstrated attainment; however, no future emissions projections or budgets would be required. The calendar year 1992 EI in ?VI.B.10.a.6.b) fulfills the criteria for the attainment EI.

This EI presents the 1992 base year EI for reactive VOC, NO_x, and carbon monoxide (CO) from stationary point, area, non-road mobile, on-road mobile, and biogenic sources for Victoria County. This EI was compiled by the TNRCC as part of the minimal maintenance plan for Victoria County. It is based upon and consistent with the FCAA Amendments OF 1990 requirements for conducting EIs related to the preparation and submissions of ozone SIPs. Summaries of VOC, NO_x, and CO emissions totals by emission source category for Victoria County are provided in Tables 10-a-2 through 10-a-4 respectively. Graphic representation of the 1992 emissions by major category are depicted in Figure 10-a-1. Figure 10-a-2 reflects the emissions by major category with the biogenic VOC emissions removed.

Table 10-a-2

Summary of VOC Emissions in Victoria County by Source Type

Point Sources		Area Sources		Non-Road Mobile Sources	
TPY	TPD	TPY	TPD	TPY	TPD
2180.10	5.97	1940.41	6.04	962.24	3.55
On-Road Mobile Sources		Biogenic Sources		Total Sources	
TPY	TPD	TPY	TPD	TPY	TPD
NA	4.44	NA	26.32	NA	46.32

Notes: Biogenic emissions are calculated through use of an Environmental Protection Agency software package called PC-BEIS which yields results in U. S. short tons per day; no annual totals are calculated. Annual totals are not required in the On-Road Mobile Sources category per E.P.A. guidelines.

Table 10-a-3

Summary of NO_x Emissions in Victoria County by Source Type

Point Sources		Area Sources		Non-Road Mobile Sources	
TPY	TPD	TPY	TPD	TPY	TPD
13339.91	36.55	206.73	0.35	985.47	3.31
On-Road Mobile Sources		Biogenic Sources		Total Sources	
TPY	TPD	TPY	TPD	TPY	TPD
NA	8.01	NA	NA	NA	48.22

Notes: Biogenic emissions are calculated through use of an Environmental Protection Agency software package called PC-BEIS which yields results in U. S. short tons per day; no annual totals are calculated. Annual totals are not required in the On-Road Mobile Sources category per E.P.A. guidelines.

Table 10-a-4

Summary of CO Emissions in Victoria County by Source Type

Point Sources		Area Sources		Non-Road Mobile Sources	
TPY	TPD	TPY	TPD	TPY	TPD
4194.02	11.49	84.88	0.15	7539.39	25.23
On-Road Mobile Sources		Biogenic Sources		Total Sources	
TPY	TPD	TPY	TPD	TPY	TPD
NA	43.73	NA	NA	NA	80.60

Notes: Biogenic emissions are calculated through use of an Environmental Protection Agency software package called PC-BEIS which yields results in U. S. short tons per day; no annual totals are calculated. Annual totals are not required in the On-Road Mobile Sources category per E.P.A. guidelines.

Figure 10-a-1 Victoria County Total Emissions by Major Source Category

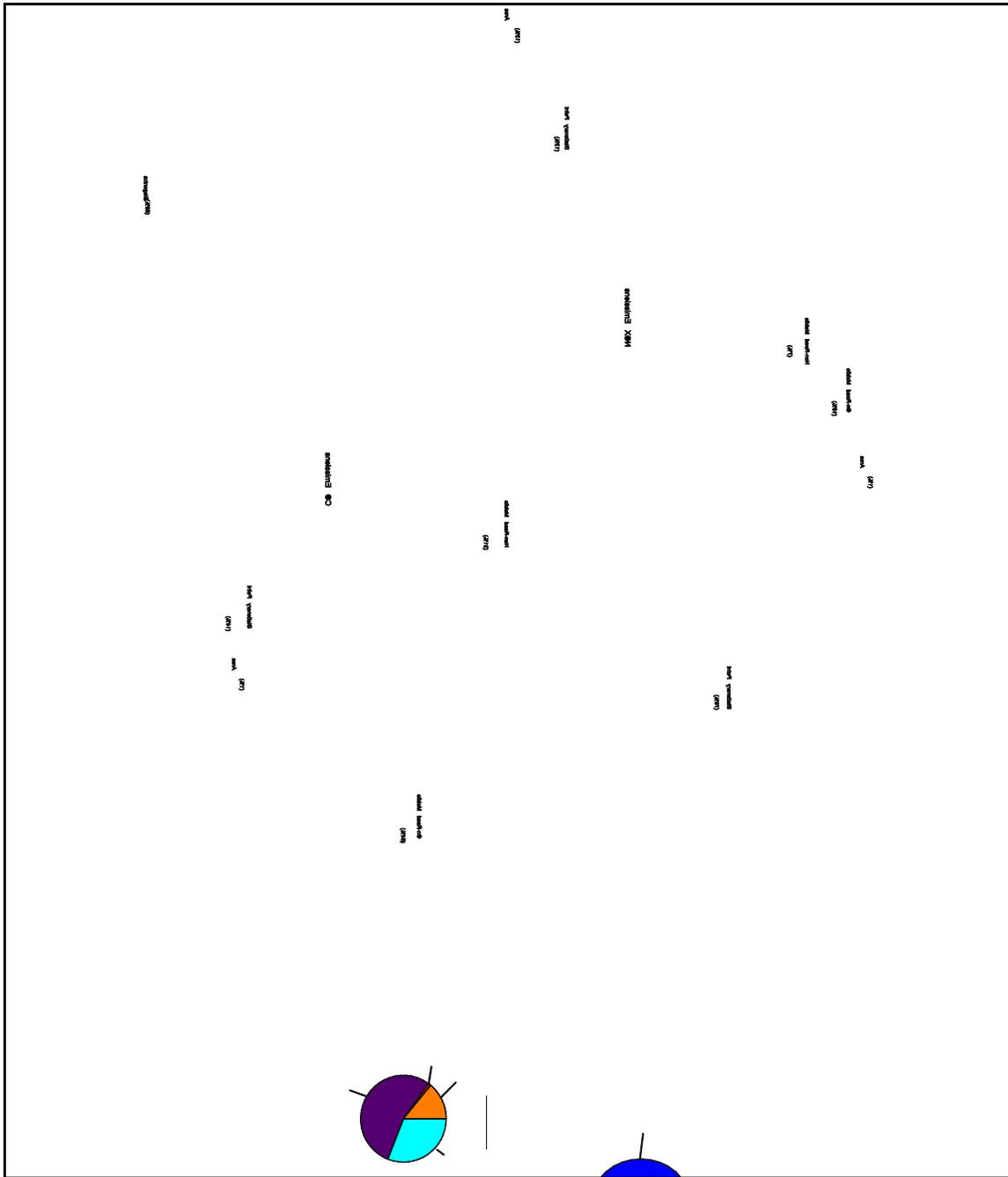
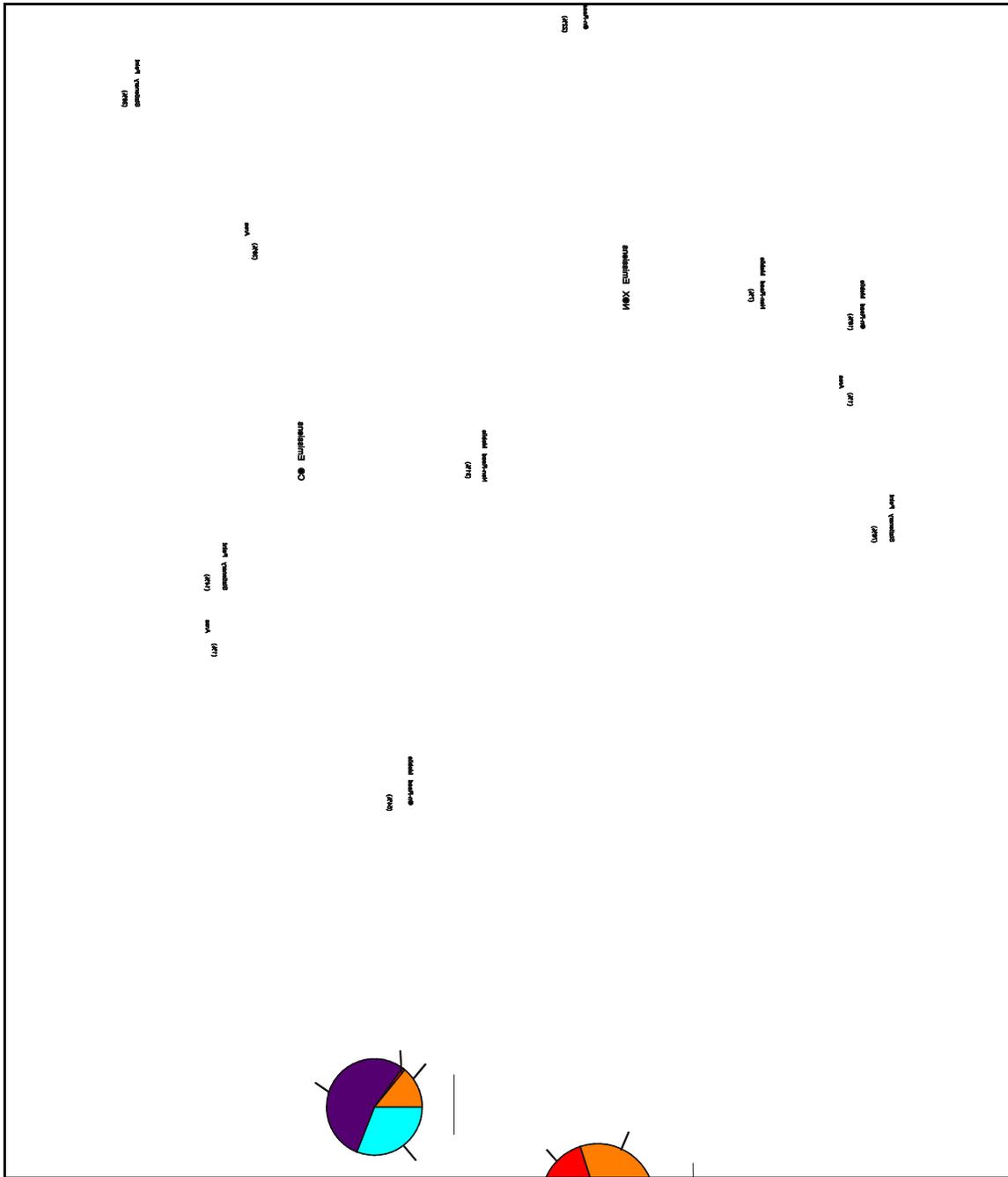


Figure 10-a-2 Victoria County Anthropogenic Emissions by Major Source Category



(2) Stationary Point Sources

For the purposes of this emissions inventory, point sources are defined as stationary commercial or industrial operations that emit more than 100 tons per year of VOC, NO_x, or CO. The point source inventory consists of actual emissions for the base year 1992. Each company meeting the emissions criteria submitted complete EI questionnaires which had been designed to obtain site-specific data in conformance with EPA guidance for ozone nonattainment areas.

The TNRCC staff thoroughly reviewed data submitted with all EI questionnaires, especially emissions data. For the ozone nonattainment areas, EPA required the TNRCC to develop a quality assurance (QA) program documenting the methodology implemented in QA procedures. The QA plan was compiled in accordance with EPA's Guidance for Preparation of Quality Assurance Plans for Ozone/ Carbon Monoxide State Implementation Plans. The QA methods include use of checks on emissions calculations using sampling reports, EPA's AP-42, and the TNRCC permitting procedures.

(3) Area Sources

Area sources are those considered too small to meet the requirements for submitting point source EI questionnaires. Individually they are insignificant, but collectively for a given area their significance becomes noteworthy. There are two major categories of area sources in Victoria County: evaporative and combustion. Examples of evaporative sources include gasoline stations, dry cleaners, small print and paint shops, asphalt applications, bakeries, and waste disposal sites. Combustion sources include structure and forest fires, open burning of refuse, and home and industrial heating units. Some categories may be considered both point and area sources.

Calculation of area source emissions of VOC, NO_x, and CO were performed in accordance with EPA's Procedures for the Preparation of Emissions Inventories for Precursors of Carbon Monoxide and Ozone Volume I and AP-42. Methodology in emissions calculation of area sources varies. In some categories activity data such as fuel use or production rates are available. With others, an EPA emission factor may be applied to the total county population to acquire a county-wide emission rate. The QA of area sources relies upon the acquisition of valid activity data to provide accurate calculations of emissions. These procedures include comparing those categories that are considered both point and area sources to ensure that emissions are not double counted.

(4) Non-Road Mobile Sources

Non-road mobile sources are all mobile vehicles other than those considered highway vehicles. They include aircraft, locomotives, marine vessels, recreational vessels, boats, recreational vehicles, and lawn mowers. Also included are agricultural, commercial, and industrial equipment such as tractors and forklifts. As with area sources, emissions of VOC, NO_x, and CO from non-road mobile sources are considered as a county-wide total. Emissions from aircraft, locomotives, and vessels were calculated using methodology recommended in EPA's Procedures for Emission Inventory Preparation. Volume IV: Mobile Sources. For all other non-road mobile categories emissions were provided by an EPA-sponsored study titled Nonroad Engine Emission Inventories for CO and Ozone Nonattainment Boundaries. QA, as with area sources, is dependent upon the accuracy of fuel use and other activity data for each category.

(5) On-Road Mobile Sources

On-road vehicles are those light and heavy duty gasoline and diesel automobiles and trucks that travel primarily on public highways. Emissions of VOC, NO_x, and CO were calculated on a county-wide basis using EPA's MOBILE5a computer model. The Texas Transportation Institute (TTI) performed a 1990 base year air quality analysis in conjunction with transportation conformity requirements for Victoria County. The TTI also performed a 1992 air quality analysis for the maintenance plan. A series of computer models were used to disaggregate a 24-hour travel assignment into vehicle miles of travel (VMT) and to assign vehicle speeds by roadway. The VMT was matched to the 1992 Highway Performance Monitoring System VMT for the study area. MOBILE5a and supporting spreadsheet programs were used to develop 1992 emission factors by highway speed for EPA's eight vehicle classifications. MOBILE5a default vehicle registration distributions and vehicle fleet mix were also used. Other model inputs included a RVP of 7.8 psi and temperature inputs by time of day. Emission totals were obtained by applying the MOBILE5a emission factor to the VMT for each roadway and vehicle type.

(6) Biogenic Sources

Biogenic sources include vegetation types which produce significant VOC emissions that are reactive in ozone formation. Although many species may be included, the largest contributors are pine and deciduous forests. Biogenic emissions are calculated using EPA's computer model PC-Biogenic Emissions Inventory System (PC-BEIS). Biogenic emissions calculations differ from the other four major categories in that the emissions are based upon a day which measured a monitored high ozone reading rather than a total annual emission rate or daily average. For this reason no annual rate of VOC emissions is reported. Also, there are no NO_x or CO emissions associated with these biogenic emissions. The data input into PC-BEIS includes individual county vegetation types and local meteorological information such as temperature, wind speed, and cloud cover for the "high ozone day" identified. PC-BEIS totals the VOC emissions for all plant species and reports them in a ton-per-day rate.

c) Maintenance Demonstration

The EPA Calcagni memorandum, dated September 4, 1992, stated that a State may generally demonstrate maintenance of the NAAQS by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory (emissions budget), or by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. The memorandum further stated that in areas where no such modeling is required, the State should be able to rely on the attainment inventory approach. In both instances, the demonstration should be for a period of ten years following the redesignation. The Calcagni memorandum finally stated that modeling is not required for ozone nonattainment areas seeking redesignation to attainment. The EPA Meiburg letter, dated May 17, 1994, stated that the EI did not have to project emissions for the length of the maintenance period, nor was an emissions cap necessary for those areas with clean data, or with a design value less than 85% of the NAAQS (0.106 ppm). Victoria County is a nonattainment area which is redesignating to attainment, and is an area with clean data; therefore, the maintenance demonstration method will be ambient air monitoring.

Although the minimal maintenance plan does not require an emissions cap or any

Victoria County-specific controls which will ensure that the total emissions in the county do not exceed the cap, several Federal and Statewide rules will be in place which will significantly improve the ambient air quality in Victoria County. The rules, although not targeted at Victoria County specifically, will also counteract emissions growth as the county experiences economic growth over the life of the maintenance plan. These rules include the Federal Motor Vehicle Control Program (cleaner new car standards), lower emitting architectural coatings, small engine controls, marine engine controls, recreational vehicle controls, consumer and commercial product controls, alternatively fueled fleets, the hazardous organic National Emissions Standards for Hazardous Air Pollutants controls, dry cleaner controls (petroleum based dry cleaners only), and autobody shop controls. In addition, the State permits program, the PSD permits program, and the Federal Operating Permits program will help counteract emissions growth. Existing Federal controls, which limit RVP (7.8 psi maximum) for gasoline sold in Victoria County, will not be lifted upon redesignation. Even though the TNRCC did not quantify any reductions associated with these controls, they will be quantified if the full maintenance plan is ever required for the county.

d) Monitoring Network

The Victoria County monitoring network consists of one ambient air monitor located in the City of Victoria in accordance with 40 CFR Part 58, to verify the attainment status of the county. The TNRCC commits to keep the monitor in place until the end of the maintenance period, which will be used to detect whenever appropriate levels have been exceeded for contingency measure triggering purposes.

e) Verification of Continued Attainment

The method chosen to verify continued attainment was the ambient air monitoring method. The ambient air monitoring site will remain active at its present location during the entire length of the maintenance plan period. This data will be quality controlled and submitted to EPA AIRS on a monthly basis. A set of indicators and trigger levels, based on monitoring data, is specified in ?VI.B.10.a.7)e), Contingency Plan.

f) Contingency Plan

Section 175A of the FCAA requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area to attainment. These contingency measures are distinguished from those generally required for nonattainment areas under FCAA ?172(c)(9) and those specifically required for ozone nonattainment areas under FCAA ?182(c)(9). In accordance with the EPA Calcagni memorandum, a State is not required to have fully adopted contingency measures that will take effect without further action by the State in order for the maintenance plan to be approved. However, the contingency plan is considered to be an enforceable part of the SIP and should ensure that the contingency measures are adopted expeditiously once they are triggered. The plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State. Finally, as a necessary part of the plan, the State should also identify specific indicators and triggers which will be used to determine when the contingency measures need to be implemented. These triggers should allow the State to take early action to address violations of the NAAQS before they occur. By taking early action, the State may be able to prevent any actual violations of the NAAQS and, therefore, prevent EPA from redesignating the area back to nonattainment.

An EPA memorandum, dated June 1, 1992, from G. T. Helms, Ozone/ Carbon Monoxide Programs Branch Chief, to the EPA Regional Air Branch Chiefs, stated that a maintenance contingency plan should include the following items. The plan should include several potential indicators and trigger levels which could require implementation of the contingency plan. The plan should identify various levels of contingencies and should be structured to the severity of the triggering levels. Finally, to ensure promptness, the plan should identify the procedure to be used to adopt and implement the contingency measure.

(1) Contingency Indicators

The contingency indicator for Victoria County will be the ambient air quality monitor data. The other possible indicator, an actual emissions level which is compared to an emissions budget, is not feasible at this time for Victoria

because EPA guidance does not require an emissions budget for the Victoria County minimal maintenance plan. The contingency indicator data will be taken from a rolling 36-month monitor period until December 31, 1994, when it will convert to the most recent three calendar years (current year plus previous two complete calendar years) of monitoring data.

(2) Trigger Levels

Three basic trigger levels are specified for the activation of the various contingency measures as stated below. An ozone exceedance is a one-hour period of monitoring time during which the average ozone concentration exceeds 0.125 ppm. An ozone violation is four exceedances over a continuous three-year period. The ozone design value is the fourth highest recorded one-hour average of ozone concentration during a continuous three-year period. The three trigger levels that would activate contingency measures are as follows:

(a) Ozone design value equals or exceeds 85% of the NAAQS or 0.106 ppm.

(b) Monitor shows one to three exceedances of the NAAQS during a three-year period.

(c) Monitor shows the fourth exceedance, and therefore a violation, of the NAAQS during a three-year period.

(3) Contingency Measures

(a) Voluntary Ozone Advisory Program

At any time during the period of the maintenance plan, if the Victoria County ozone design value equals or exceeds the 85% level (0.106 ppm) of the NAAQS (exceedance level = 0.125 ppm); Victoria County, the city of Victoria, and the Metropolitan Planning Organization (MPO) for Victoria County will establish a voluntary ozone advisory program. This advisory program will be coordinated with the TNRCC staff regarding ozone advisory predictions, candidate voluntary compliance measures on specific ozone advisory days, and public information and notification matters. The ozone advisory program will be established and functional within six months of notification by the TNRCC that the ozone design value has reached the trigger level.

(b) Formal Ozone Advisory Program

At any time during the period of the maintenance plan, if the Victoria County air quality monitor records an exceedance of the NAAQS (exceedance level = 0.125 ppm), Victoria County, the city of Victoria, and the MPO for Victoria County will establish a formal ozone advisory program. This advisory program will be established through formal city and county resolutions and will be staffed sufficiently to manage the program on a daily basis during the prime ozone season (May 1 - September 30). The ozone advisory staff will coordinate with the TNRCC regarding ozone advisory predictions, candidate voluntary compliance measures on specific ozone advisory days, and public information and notification matters. The ozone advisory program will be established and functional within six months of notification by the TNRCC that the ozone design value has reached the trigger level.

(c) Industrial Curtailment

At any time during the period of the maintenance plan, if the Victoria County air quality monitor records two exceedances of the NAAQS (exceedance level = 0.125 ppm) within a three-year period, the ozone advisory staff will institute a voluntary program with industry to reschedule, revise, or curtail activities for the ozone advisory days. This program will be developed and available for use within 30 days after notification by TNRCC that the contingency measure will be required.

(d) Stage I Gasoline Controls

At any time during the period of the maintenance plan, if the Victoria County air quality monitor records a third exceedance of the NAAQS (exceedance level = 0.125 ppm) within a three consecutive year period, the TNRCC will promulgate a rule change to implement Stage I gasoline controls in Victoria County. These rules will be taken through public hearing and submitted by the TNRCC to EPA no later than six months after the NAAQS violation occurs. The compliance date for the Stage I gasoline controls will be no later than six months after the TNRCC adoption of the Stage I gasoline rule for Victoria County.

(e) Full Maintenance Plan

At any time during the period of the minimal maintenance plan, if the Victoria County air quality violates the NAAQS (exceedance level = 0.125 ppm), the TNRCC will develop a full maintenance plan to include a complete baseline emissions inventory, grown to the end of the period of the maintenance plan, and an emissions budget for VOCs. This full maintenance plan will be taken through public hearing and submitted by the TNRCC to EPA no later than twelve months after the NAAQS violation occurs.

11. SOCIAL AND ECONOMIC CONSIDERATIONS OF THE PLAN

- a.-g. (No change.)
- h. Evaluation of the 1994 SIP Revisions (Reserved.)
- i. Evaluation of Redesignation/Maintenance Plans (New.)
 - 1) Effect of the Victoria County Redesignation/Maintenance Plan Change.

Replacing the NSR program with the PSD program for stationary sources will remove a significant economic disincentive toward industrial growth in the area. Eliminating the requirement for transportation conformity and general conformity will also be an incentive for growth within the county.

Industrial growth in the county will become significantly less difficult due to the removal of the emissions offset and other very stringent permitting requirements of the NSR program. The MPO will no longer have to perform the annual transportation conformity analysis, at a cost savings of about \$50,000 per year. As stated in the December 12, 1991 edition of the Federal Register (56 FR 31238) the redesignation to attainment will not remove the requirement for gasoline retailers to sell only gasoline with a Reid Vapor Pressure (RVP) limit of 7.8 pounds/square inch. The estimated annual cost to the consumers in Victoria County for lower RVP limits is \$250,000; however, RVP limited gasoline is probably the most effective control measure which helped Victoria County reach attainment.

This proposed SIP affects the Victoria City and County officials, industry and other business interests in Victoria County, the TNRCC, the Texas Department of Transportation, and every federal agency that plans an emissions producing activity in Victoria County. This SIP also affects the citizens of Victoria County with respect to the cost of gasoline and to the prospect of future economic growth, while at the same time preserving the quality of the air they breathe.

12. FISCAL AND MANPOWER RESOURCES (No change.)

13. HEARING REQUIREMENTS

- a.-f. (No change.)
- g. (Reserved.)
- h. Evaluation of the Attainment Demonstrations (Reserved.)
- i. Public Hearings for Redesignation/Maintenance Plans (New.)
 - 1) Victoria Workshop and Hearing

A workshop and a public hearing were scheduled for the Victoria redesignation and maintenance plan. The meeting dates, times, and locations are listed on Table 10-a-5.

TABLE 10-a-5

Public Workshop and Hearing for the Victoria Redesignation and Maintenance Plan

MEETING TYPE	DATE	TIME	LOCATION
Workshop	Wednesday June 22, 1994	1:30 p.m.	Victoria Bank & Trust, Victoria
Hearing	Thursday July 7, 1994	6:00 p.m.	Victoria Community Center Annex

APPENDIX 10-a-1

EPA Guidance Documents

<u>Date</u>	<u>Document Description</u>
Jun 18, 1990	Ozone and Carbon Monoxide Design Value Calculations, letter from William Laxton (EPA Office of Air Quality Planning and Standards) to EPA Regional Air Directors
May 29, 1992	Requirements for Redesignation of Victoria County to Attainment, letter from Thomas Diggs (EPA Region 6 Air Planning Section) to Lane Hartsock (TACB Air Quality Planning Division)
Jun 1, 1992	Contingency Measures for Ozone and Carbon Monoxide Redesignations, memorandum from G.T. Helms (EPA Ozone/Carbon Monoxide Programs Branch) to EPA Regional Air Branch Chiefs
Sep 4, 1992	Procedures for Processing Requests to Redesignate Areas to Attainment, memorandum from John Calcagni (EPA Office of Air Quality Planning and Standards) to EPA Regional Air Directors
Mar 25, 1994	Ozone Designation of Victoria County, letter from Carol Browner (EPA Administrator) to Ann Richards (Texas Governor)
May 9, 1994	Maintenance Plan Requirements for Incomplete/No Data Areas, memorandum from Lydia Wegman (EPA Office of Air Quality Planning and Standards) to Stanley Meiburg (EPA Region 6 Air, Pesticides, and Toxics Division)
May 17, 1994	General Requirements for Maintenance Plans in Incomplete Data Areas, letter from Stanley Meiburg (EPA Region 6 Air, Pesticides, and Toxics Division) to Beverly Hartsock (TNRCC Office of Air Programs)
Jun 17, 1994	Transportation Conformity; General Preamble for Exemption from Nitrogen Oxides Provisions (59 FR 31238)

APPENDIX 10-a-2

Victoria County Ambient Air Monitoring Data
(May 3, 1991 - May 2, 1994)

APPENDIX 10-a-3

Victoria County NO_x Build/No Build Exemption Request