

EVALUATION OF TESTIMONY

Note: In "VI: Ozone Control Strategy, A. Introduction, " text has been deleted to correct an error unintentionally introduced at proposal. On page I-13, second paragraph, the following text is deleted: ". . . the commission committed to perform new mobile source modeling, using MOBILE6, within 24 months of the model's release. In addition, if a conformity analysis is to be performed between 12 months and 24 months after the MOBILE6 release, transportation conformity will not be determined until Texas submits an MVEB which is developed using MOBILE6 and which the EPA finds adequate. In this same SIP revision, . . ." The reason for this deletion is that, although the above commitment was originally proposed on March 21, 2001, it was not included in the final version of the SIP adopted on May 23, 2001. This was because further discussions are needed with EPA and NCTCOG to resolve certain issues, and this item will be addressed in a future SIP revision.

The paragraph in question now reads: "In a further revision of the DFW SIP on May 23, 2001, the commission repealed the airport GSE rule for the DFW area because agreed orders were signed with the area's major airlines, airports, and governmental entities to achieve the same NO_x reductions that would have been achieved by the rule."

EPA commented that since the commission's adopted rules for reductions from DFW airport GSE have been repealed and replaced by agreed orders with the major airlines, airports, and local governmental entities to achieve equivalent reductions, the discussion in Chapter 1, "General," should be moved to Chapter 6, "Required Control Strategy Elements," Section 6.2.1 to reflect this fact.

Section 6.2.1 has been updated in response to EPA's comment.

EPA pointed out that the SIP revision adopted April 19, 2000 and submitted to EPA showed 9.54 tpd NO_x reductions resulting from the GSE rule, while the current revision shows 6.12 tpd NO_x reductions. EPA requested that the state explain or correct this change in emission reductions. EPA further stated that if the state cannot do so, additional reductions would have to be submitted by the state to make up the difference of 3.42 tpd NO_x.

The apparent discrepancy noted by EPA is the result of changes in the inventory and associated calculation methods. The commission emissions inventory staff originally used an inventory number of 10.6 tpd NO_x for GSE emissions in the DFW area. NEVES methodology was used to estimate GSE emissions for all airports except DFW International Airport, which supplied its own emissions inventory. Based on the 10.6 tpd for total GSE, the 90% reduction obtained from the rule was calculated to be 9.54 tpd.

For the final adopted SIP, the ATA methodology was used for all airports in the DFW area. This resulted in a lower estimate of GSE emissions (6.8 tpd), from which the 90% reduction (6.12 tpd) was calculated. The total NO_x reduction resulting from the agreed orders is 6.12 tpd. Therefore, there is no shortfall in the SIP with regard to GSE reductions. In either case, a 90% reduction in emissions was modeled.

EPA commented that in Section 6.2.4, "Accelerated Purchase of Tier 2/Tier 3 Non-road Compression-Ignition Equipment," the emissions reductions shown as resulting from SB 5 (13.8 tpd) are equivalent to the reductions in the April 19, 2000 revision. Similarly, EPA commented that in Section 6.2.10, "Heavy-Duty Diesel Operating Restriction," the emissions reductions shown as resulting from SB 5 (2.5 tpd) are

equivalent to the reductions in the April 19, 2000 revision.

The commission agrees with EPA's comment. The diesel emission reduction incentive program contained in SB 5 will replace the above-referenced rules and result in reductions in excess of the reductions expected from the rules that are being repealed.

EPA commented on the statement contained in Section 6.2.15: ". . . the NO_x reductions previously claimed in the DFW attainment demonstration SIP will, as result of this rulemaking, be achieved through an alternate but equivalent federally enforceable mechanism." EPA stated that the state must submit documentation as evidence that SB 5 measures will achieve the reductions previously claimed.

In determining the allocation of funds available under the SB 5 Texas Emissions Reduction Plan for eligible areas of the state, commission staff have assigned top priority to the HGA and DFW SIPs to replace the credits previously taken for the (now repealed) heavy-duty diesel operating restriction and accelerated Tier 2/3 purchase rules. Under this system, any remaining funds in the program are to be allocated only after sufficient funds have been dedicated to remedy these NO_x deficits in the HGA and DFW SIPs. After the agency completes implementation of the first year's SB 5 program, the agency will complete a thorough analysis of the substitution of the heavy-duty diesel operating restriction and accelerated Tier 2/3 purchase rules with the TERP grant and incentive programs. The commission may, at that time, submit a technical revision to the SIP.

EPA commented that in Table 6-1, "DFW NO_x Reduction Estimates," the entry for point sources in the 2007 future control strategy was 29.1 tpd NO_x, whereas in the April 19, 2000 adopted SIP, the figure was 23 tpd. EPA requested that this change be explained or corrected.

The correct figure for point sources in the 2007 future control strategy is 23 tpd NO_x, as contained in the April 19, 2000 SIP that was submitted to EPA. Due to an oversight, the July 11, 2001 proposal contained the incorrect figure of 29.1 tpd. This error has been corrected, and corresponding changes have been made in the "Percent of 2007 Total" and the "2007 Future Control Strategy" totals. The values in Table 6-1 of the current adopted SIP revision are now identical to the version adopted by the commission in April 2000.