

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Withdrawal from the State Implementation Plan

AGENDA REQUESTED: July 23, 2025

DATE OF REQUEST: July 3, 2025

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Jamie Zech, Agenda Coordinator, (512) 239-3935

CAPTION: Docket No. 2019-0692-SIP. Consideration to withdraw from U.S. Environmental Protection Agency (EPA) review, the attainment demonstration, reasonably available control measure analysis, and motor vehicle emissions budget elements from a previously submitted state implementation plan (SIP) revision that was adopted by the commission on March 4, 2020, to meet serious classification requirements for the Houston-Galveston Brazoria nonattainment area under the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS) (Non-Rule Project No. 2019-077-SIP-NR).

The serious SIP elements under consideration for withdrawal are no longer considered legal obligations by EPA due to reclassification of the area to severe nonattainment for the 2008 eight-hour ozone NAAQS. (Alison Stokes, Terry Salem, John Minter; Non-Rule Project No. 2025-022-OTH-NR)

Richard C. Chism

Director

Donna F. Huff

Division Deputy Director

Jamie Zech

Agenda Coordinator

Copy to CCC Secretary? NO ☒ YES ☐

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** July 3, 2025

Thru: Laurie Gharis, Chief Clerk
Kelly Keel, Executive Director

From: Richard C. Chism, Director *RCC*
Office of Air

Docket Nos.: 2014-1262-SIP; 2015-1380-SIP; 2016-1243-SIP; 2019-0692-SIP; and 2019-0693-SIP

Subject: Commission Withdrawal of Certain Dallas-Fort Worth (DFW) and Houston-Galveston-Brazoria (HGB) 2008 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) Moderate and Serious Classification State Implementation Plan (SIP) Elements from U.S. Environmental Protection Agency (EPA) Consideration

DFW-HGB 2008 Ozone NAAQS Outdated SIP Elements Withdrawal
Non-Rule Project No. 2025-022-OTH-NR

Background and reason(s) for the SIP revision withdrawal:

A 10-county DFW area and an eight-county HGB area are currently classified as severe nonattainment for the 0.075 parts per million 2008 eight-hour ozone NAAQS. The Texas Commission on Environmental Quality (TCEQ) previously submitted SIP revisions to meet moderate and serious classification requirements for both nonattainment areas (Non-Rule Project Nos. 2013-015-SIP-NR, 2015-014-SIP-NR, 2016-016-SIP-NR, 2019-077-SIP-NR, and 2019-078-SIP-NR). EPA had not finalized action on attainment demonstration, reasonably available control measure (RACM) analysis, or motor vehicle emissions budget (MVEB) elements in these SIP revisions prior to reclassifying the areas to severe nonattainment in 2022 and the SIP revisions remain pending.

EPA is subject to a consent decree settlement agreement that requires final action on some of these 2008 eight-hour ozone NAAQS submittal elements by September 30, 2025. On December 23, 2024, EPA proposed to disapprove attainment demonstration, RACM analysis, and MVEB elements in the moderate and serious classification SIP submittals for both the DFW and HGB 2008 eight-hour ozone nonattainment areas (89 *Federal Register* (FR) 104476). However, EPA stated that because the areas are classified as severe nonattainment, these specific moderate and serious elements are no longer considered legal obligations under the federal Clean Air Act and are not required SIP submittals (89 FR 104479-104480). This is consistent with EPA's final rule concerning SIP submittal deadlines and implementation requirements for reclassified nonattainment areas, published January 17, 2025 (90 FR 5651). Staff recommends withdrawing these SIP elements from EPA's consideration prior to EPA taking final action.

Scope of the request:

A.) Summary of what the SIP withdrawal will do:

If approved by the commission, TCEQ would withdraw from EPA's consideration the attainment demonstration, RACM analysis, and MVEB elements from the following SIP revisions:

- DFW Attainment Demonstration SIP Revision for the 2008 Eight-Hour Ozone Standard Nonattainment Area (Non-Rule Project No. 2013-015-SIP-NR; Docket No. 2014-1262-SIP) adopted June 3, 2015, and submitted July 10, 2015;
- DFW 2008 Eight-Hour Ozone Standard Nonattainment Area Attainment Demonstration SIP Revision for the 2017 Attainment Year (Non-Rule Project No. 2015-014-SIP-NR; Docket No. 2015-1380-SIP) adopted July 6, 2016, and submitted August 5, 2016;
- HGB Attainment Demonstration SIP Revision for the 2008 Eight-Hour Ozone Standard Nonattainment Area (Non-Rule Project No. 2016-016-SIP-NR; Docket No. 2016-1243-SIP) adopted December 15, 2016, and submitted December 29, 2016;

Re: Docket Nos. 2014-1262-SIP; 2015-1380-SIP; 2016-1243-SIP; 2019-0692-SIP; and 2019-0693-SIP

- HGB Serious Classification Attainment Demonstration SIP Revision for the 2008 Eight-Hour Ozone NAAQS (Non-Rule Project No. 2019-077-SIP-NR; Docket No. 2019-0692-SIP) adopted March 4, 2020, and submitted May 13, 2020; and
- DFW Serious Classification Attainment Demonstration SIP Revision for the 2008 Eight-Hour Ozone NAAQS (Non-Rule Project No. 2019-078-SIP-NR; Docket No. 2019-0693-SIP) adopted March 4, 2020, and submitted May 13, 2020.

B.) Scope required by federal regulations or state statutes:

There are no required federal regulations or state statutes associated with this SIP withdrawal. Because these SIP revision elements are no longer required and have not been approved by EPA, no public hearing is necessary for the commission to withdraw the submittals from EPA consideration.

C.) Additional staff recommendations that are not required by federal rule or state statute:

None.

Statutory authority:

The request to withdraw these SIP elements is made under the commission's authority in Texas Water Code, (TWC) §5.102, General Powers; TWC, §5.103, Rules; TWC, §5.105, General Policy; TWC, §5.013, General Jurisdiction of Commission. The withdrawal request is also made under Texas Health & Safety Code, (THSC), §382.002, Policy and Purpose; THSC, §382.011, General Powers and Duties; THSC, §382.012, State Air Control Plan; and THSC, §382.017, Rules.

Effect on the:

A.) Regulated community:

None.

B.) Public:

None.

C.) Agency programs:

None.

Stakeholder meetings:

None were held.

Public Involvement Plan

Yes.

Alternative Language Requirements

Yes. Spanish.

Potential controversial concerns and legislative interest:

None expected.

Would this withdrawal affect any current policies or require development of new policies?

No.

Re: Docket Nos. 2014-1262-SIP; 2015-1380-SIP; 2016-1243-SIP; 2019-0692-SIP; and 2019-0693-SIP

What are the consequences if this withdrawal does not go forward? Are there alternatives to withdrawing?

The commission could choose not to withdraw the DFW and HGB 2008 eight-hour ozone NAAQS moderate and serious classification SIP elements from EPA consideration. However, if these provisions are not withdrawn, EPA will be required to make a final determination by September 30, 2025, to comply with the consent decree and may disapprove these SIP elements.

Key points in the withdrawal schedule:

Anticipated adoption date: July 23, 2025

Agency contacts:

Alison Stokes, SIP Project Manager, Air Quality Division, (512) 239-4902
Terry Salem, Staff Attorney, Environmental Law Division, (512) 239-0663
John Minter, Staff Attorney, Environmental Law Division, (512) 239-0469
Jamie Zech, Agenda Coordinator, Air Quality Division, (512) 239-3935

cc: Chief Clerk, 2 copies
Executive Director's Office
Jessie Powell
Krista Kyle
Patrick Lopez
Office of General Counsel
Alison Stokes
Terry Salem
John Minter
Jamie Zech