

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Proposed State Implementation Plan Revision

AGENDA REQUESTED: November 29, 2023

DATE OF REQUEST: November 13, 2023

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

CAPTION: Docket No. 2023-1222-SIP. Consideration for publication of, and hearing on, the proposed Bexar County 2015 Eight-Hour Ozone Standard Moderate Nonattainment Area Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Revision.

The proposed SIP revision would include a RACT analysis to address federal Clean Air Act, §172(c)(1), and §182(b)(2) RACT requirements. This proposed SIP revision would also incorporate concurrently proposed revisions to rules in 30 Texas Administrative Code Chapter 115 (Rule Project No. 2023-116-115-AI) and Chapter 117 (Rule Project No. 2023-117-117-AI) to address RACT requirements for volatile organic compounds and nitrogen oxides. (Stephanie Frederick, Terry Salem; Project No. 2023-132-SIP-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:** November 13, 2023

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

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

Docket No.: 2023-1222-SIP

Subject: Commission Approval for Proposal of the Bexar County 2015 Eight-Hour Ozone Standard Moderate Nonattainment Area Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Revision

Bexar County RACT SIP Revision
Non-Rule Project No. 2023-132-SIP-NR

Background and reason(s) for the SIP revision:

On October 7, 2022, the U.S. Environmental Protection Agency (EPA) published reclassification of Bexar County to moderate nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS), effective November 7, 2022 (87 *Federal Register* (FR) 60897).

Nitrogen oxides (NO_x) and volatile organic compounds (VOC) RACT requirements mandated by federal Clean Air Act (FCAA), §172(c)(1) and §182(b)(2) must be satisfied for all nonattainment areas classified as moderate or above. A SIP revision that includes RACT requirements for moderate areas was due to EPA by January 1, 2023. The attainment date for the Bexar County 2015 ozone moderate nonattainment area is September 24, 2024, with a 2023 attainment year (87 FR 60897).¹

Scope of the SIP revision:

A.) Summary of what the SIP revision would do:

The proposed SIP revision would include a RACT analysis to address moderate nonattainment area requirements for RACT mandated by FCAA, §172(c)(1) and §182(b)(2). This SIP revision would also incorporate concurrently proposed revisions to rules in 30 Texas Administrative Code Chapters 115 and 117 to implement moderate major source RACT requirements for VOC and NO_x.

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

The proposed SIP revision would include an analysis of RACT for the Bexar County 2015 ozone NAAQS nonattainment area to satisfy EPA's interpretation of FCAA, §172(c)(1) and §182(b)(2) requirements. The FCAA requires RACT for all categories of stationary sources identified by EPA in an alternative control technique (ACT) document or a control techniques guideline (CTG) document in ozone nonattainment areas classified as moderate and above. Additionally, RACT is required for non-ACT/CTG category sources that are classified as major stationary sources of NO_x or VOC.

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

None.

Statutory authority:

The authority to propose and adopt SIP revisions is derived from the following sections of Texas Health and Safety Code, Chapter 382, Texas Clean Air Act (TCAA), §382.002, which provides that

¹ The attainment year ozone season is the ozone season immediately preceding a nonattainment area's attainment deadline.

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the policy and purpose of the TCAA is to safeguard the state's air resources from pollution; TCAA, §382.011, which authorizes the commission to control the quality of the state's air; and TCAA, §382.012, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air. This SIP revision would also be proposed under the commission's general authority under Texas Water Code, §5.102, General Powers and §5.105, General Policy. States are required to submit SIP revisions that specify the manner in which the NAAQS will be achieved and maintained within each air quality control region of the state by 42 United States Code, §§7420 *et seq.*, and implementing rules in 40 Code of Federal Regulations Part 51.

Effect on the:

A.) Regulated community:

The affected regulated community would be that associated with the concurrently proposed Chapter 115 rulemaking (Rule Project No. 2023-116-115-AI) and Chapter 117 rulemaking (Rule Project No. 2023-117-117-AI), incorporated as part of this proposed SIP revision to satisfy major source VOC and NO_x RACT. The regulated community would be obligated to comply with any new requirements adopted by the commission and would incur costs associated with those requirements.

B.) Public:

The general public in Bexar County may benefit from emission reductions associated with any new rules adopted by the commission.

C.) Agency programs:

The Office of Compliance and Enforcement conducts field investigations to verify compliance with the rules addressed in SIP revisions. Enforcement of any revised rules incorporated in this proposed Bexar County RACT SIP revision, if adopted by the commission, would not significantly increase the number of facilities investigated by state and local governments.

No additional burden on agency programs is anticipated as a result of this proposed SIP revision.

Stakeholder meetings:

TCEQ hosted a virtual Bexar County Stakeholders Meeting on June 8, 2022 to discuss what emission reduction strategies (primarily VOC) are being or could be implemented by different source sectors. The meeting was open to the public, but the focus was on stationary sources. In addition, two virtual Technical Information Meetings were hosted by TCEQ. One was held on August 16, 2021, and the other was held on August 22, 2022. The purpose of these meetings was for TCEQ to have an open, consultative forum regarding the technical work associated with the SIP including development of control measures.

If this proposed SIP revision is approved by the commission for public comment and a public hearing, then a formal public comment period will be opened, and public hearing will be offered.

Public Involvement Plan

Yes.

Alternative Language Requirements

Yes. Spanish.

Potential controversial concerns and legislative interest:

The current project timeline would allow for submission of a SIP revision, including provisions for RACT, to EPA by May 7, 2024, after EPA's SIP submittal deadline. Missing the January 1, 2023

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submittal deadline has led to EPA issuing a finding of failure to submit, which starts clocks for sanctions and a federal implementation plan (FIP) effective November 17, 2023 (88 FR 71757). EPA is required to promulgate a FIP anytime within two years of finding TCEQ failed to make the required submission unless TCEQ submits, and EPA approves, a plan revision correcting the deficiency prior to promulgating the FIP. Sanctions could include transportation funding restrictions, grant withholdings, and 2-to-1 emissions offset requirements for new construction and major modifications of stationary sources in the Bexar County 2015 ozone NAAQS nonattainment area.

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

No

What are the consequences if this SIP revision does not go forward? Are there alternatives to this revision?

On October 18, 2023, EPA issued a finding of failure to submit required SIP revisions for the 2015 eight-hour ozone NAAQS moderate nonattainment areas, effective November 17, 2023 (88 FR 71757). The commission could choose to not comply with the requirements to develop and submit the required SIP elements to EPA. However, a 2-to-1 emissions offset sanction will apply in the nonattainment area 18 months after the effective date of EPA's finding unless TCEQ submits, and EPA deems complete, a plan revision that resolves the deficiency. Highway funding sanctions will apply six months after the offset sanction begins if a complete plan revision has not been submitted to resolve the deficiency. In addition, EPA is required to promulgate a FIP within 24 months of the effective date of the finding of failure to submit if TCEQ does not submit, or if TCEQ submits but EPA does not approve, the required SIP revisions within the 24-month period.

Key points in the proposal SIP revision schedule:

Anticipated proposal date: November 29, 2023

Anticipated public hearing date: January 9, 2024

Anticipated public comment period: December 1, 2023 through January 16, 2024

Anticipated adoption date: April 24, 2024

Agency contacts:

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REVISIONS TO THE STATE OF TEXAS AIR QUALITY
IMPLEMENTATION PLAN FOR THE CONTROL OF OZONE AIR
POLLUTION

BEXAR COUNTY 2015 EIGHT-HOUR OZONE STANDARD
NONATTAINMENT AREA



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087

**BEXAR COUNTY 2015 EIGHT-HOUR OZONE STANDARD
MODERATE NONATTAINMENT AREA REASONABLY AVAILABLE
CONTROL TECHNOLOGY STATE IMPLEMENTATION PLAN
REVISION**

PROJECT NUMBER 2023-132-SIP-NR

Proposal
November 29, 2023

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EXECUTIVE SUMMARY

Bexar County was originally designated nonattainment with a marginal classification for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS) of 0.070 parts per million with a September 24, 2021 attainment date.¹ Based on monitoring data from 2018, 2019, and 2020, Bexar County did not attain the standard by the September 24, 2021 attainment date for the area under the marginal classification and did not qualify for a one-year attainment date extension in accordance with federal Clean Air Act (FCAA), §181(a)(5).² On October 7, 2022, the United States Environmental Protection Agency (EPA) published a final notice reclassifying Bexar County from marginal to moderate with a September 24, 2024 attainment date and a 2023 attainment year.³ The final action was effective November 7, 2022 (87 *Federal Register* (FR) 60897).

The Texas Commission on Environmental Quality was required to submit SIP elements under FCAA, §182(b) for moderate ozone nonattainment areas by January 1, 2023: an attainment demonstration (AD), including reasonably available control technology (RACT), reasonably available control measures (RACM) analyses, and contingency measures, and reasonable further progress (RFP). On October 12, 2023, Texas Governor Greg Abbott signed and submitted a letter to EPA to reclassify the Bexar County, DFW, and HGB moderate 2015 eight-hour ozone NAAQS nonattainment areas to serious. As indicated in EPA's Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach; Final Rule, published on March 9, 2018 (83 FR 10376), the attainment date for a serious classification is September 24, 2027, with a 2026 attainment year.

This proposed SIP revision includes a RACT analysis to fulfill FCAA, §172(c)(1) and §182(b)(2) RACT requirements for volatile organic compounds (VOC) and nitrogen oxides (NO_x). This proposed SIP revision also incorporates concurrently proposed revisions to rules in 30 Texas Administrative Code Chapter 115 (Rule Project No. 2023-116-115-AI) and Chapter 117 (Rule Project No. 2023-117-117-AI) to implement RACT requirements for VOC and NO_x in Bexar County.

¹ Bexar County was designated nonattainment for the 2015 ozone NAAQS effective September 24, 2018, after most of the rest of the country (83 FR 35136, July 25, 2018).

² An area that fails to attain the 2015 eight-hour ozone NAAQS by its attainment date would be eligible for the first one-year extension if, for the attainment year, the area's 4th highest daily maximum eight-hour average is at or below the level of the standard (70 parts per billion (ppb)); Bexar County's fourth highest daily maximum eight-hour average for 2020 was 72 ppb.

³ The attainment year ozone season is the ozone season immediately preceding a nonattainment area's attainment date.

SECTION V-A: LEGAL AUTHORITY

General

The Texas Commission on Environmental Quality (TCEQ) has the legal authority to implement, maintain, and enforce the National Ambient Air Quality Standards (NAAQS) and to control the quality of the state's air, including maintaining adequate visibility.

The first air pollution control act, known as the Clean Air Act of Texas, was passed by the Texas Legislature in 1965. In 1967, the Clean Air Act of Texas was superseded by a more comprehensive statute, the Texas Clean Air Act (TCAA), found in Article 4477-5, Vernon's Texas Civil Statutes. In 1989, the TCAA was codified as Chapter 382 of the Texas Health and Safety Code. The TCAA is frequently amended for various purposes during the biennial legislative sessions.

Originally, the TCAA stated that the Texas Air Control Board (TACB) was the state air pollution control agency and was the principal authority in the state on matters relating to the quality of air resources. In 1991, the legislature abolished the TACB effective September 1, 1993, and its powers, duties, responsibilities, and functions were transferred to the Texas Natural Resource Conservation Commission (TNRCC). In 2001, the 77th Texas Legislature continued the existence of the TNRCC until September 1, 2013 and changed the name of the TNRCC to TCEQ. In 2009, the 81st Texas Legislature, during a special session, amended section 5.014 of the Texas Water Code, changing the expiration date of TCEQ to September 1, 2011, unless continued in existence by the Texas Sunset Act. In 2023, the 88th Regular Session of the Texas Legislature continued the existence of TCEQ until 2035.

With the creation of the TNRCC (and its successor TCEQ), authority over air quality is found in both the Texas Water Code (TWC) and the TCAA. The general authority of TCEQ is found in TWC, Chapter 5 and enforcement authority is provided by TWC, Chapter 7. TWC, Chapter 5, Subchapters A - F, H - J, and L, include the general provisions, organization, and general powers and duties of TCEQ, and the responsibilities and authority of the executive director. TWC, Chapter 5 also authorizes TCEQ to implement action when emergency conditions arise and to conduct hearings. The TCAA specifically authorizes TCEQ to establish the level of quality to be maintained in the state's air and to control the quality of the state's air by preparing and developing a general, comprehensive plan. The TCAA, Subchapters A - D, also authorize TCEQ to collect information to enable the commission to develop an inventory of emissions; to conduct research and investigations; to enter property and examine records; to prescribe monitoring requirements; to institute enforcement proceedings; to enter into contracts and execute instruments; to formulate rules; to issue orders taking into consideration factors bearing upon health, welfare, social and economic factors, and practicability and reasonableness; to conduct hearings; to establish air quality control regions; to encourage cooperation with citizens' groups and other agencies and political subdivisions of the state as well as with industries and the federal government; and to establish and operate a system of permits for construction or modification of facilities.

Local government authority is found in Subchapter E of the TCAA. Local governments have the same power as TCEQ to enter property and make inspections. They also may make recommendations to the commission concerning any action of TCEQ that affects

their territorial jurisdiction, may bring enforcement actions, and may execute cooperative agreements with TCEQ or other local governments. In addition, a city or town may enact and enforce ordinances for the control and abatement of air pollution not inconsistent with the provisions of the TCAA and the rules or orders of the commission.

In addition, Subchapters G and H of the TCAA authorize TCEQ to establish vehicle inspection and maintenance programs in certain areas of the state, consistent with the requirements of the federal Clean Air Act; coordinate with federal, state, and local transportation planning agencies to develop and implement transportation programs and measures necessary to attain and maintain the NAAQS; establish gasoline volatility and low emission diesel standards; and fund and authorize participating counties to implement vehicle repair assistance, retrofit, and accelerated vehicle retirement programs.

Applicable Law

The following statutes and rules provide necessary authority to adopt and implement the state implementation plan (SIP). The rules listed below have previously been submitted as part of the SIP.

Statutes

All sections of each subchapter are included, with the most recent effective date, unless otherwise noted.

TEXAS HEALTH & SAFETY CODE, Chapter 382	September 1, 2023
TEXAS WATER CODE	September 1, 2023

Chapter 5: Texas Natural Resource Conservation Commission

Subchapter A: General Provisions

Subchapter B: Organization of the Texas Natural Resource Conservation Commission

Subchapter C: Texas Natural Resource Conservation Commission

Subchapter D: General Powers and Duties of the Commission

Subchapter E: Administrative Provisions for Commission

Subchapter F: Executive Director (except §§5.225, 5.226, 5.227, 5.231, 5.232, and 5.236)

Subchapter H: Delegation of Hearings

Subchapter I: Judicial Review

Subchapter J: Consolidated Permit Processing

Subchapter L: Emergency and Temporary Orders (§§5.514, 5.5145, and 5.515 only)

Subchapter M: Environmental Permitting Procedures (§5.558 only)

Chapter 7: Enforcement

Subchapter A: General Provisions (§§7.001, 7.002, 7.0025, 7.004, and 7.005 only)

Subchapter B: Corrective Action and Injunctive Relief (§7.032 only)

Subchapter C: Administrative Penalties

Subchapter D: Civil Penalties (except §7.109)

Subchapter E: Criminal Offenses and Penalties: §§7.177, 7.178-7.183 only

Rules

All of the following rules are found in 30 Texas Administrative Code, as of the following latest effective dates:

Chapter 7: Memoranda of Understanding, §§7.110 and 7.119	December 13, 1996 and May 2, 2002, respectively
Chapter 19: Electronic Reporting	March 15, 2007
Subchapter A: General Provisions	
Subchapter B: Electronic Reporting Requirements	
Chapter 39: Public Notice	
Subchapter H: Applicability and General Provisions, §§39.402(a)(1) - (a)(6), (a)(8), and (a)(10) - (a)(12); §§39.405(f)(3) and (g), (h)(1)(A), (h)(2) - (h)(4), (h)(6), (h)(8) - (h)(11), (i) and (j), §39.407; §39.409; §§39.411(a), (e)(1) - (4)(A)(i) and (iii), (4)(B), (e)(5) introductory paragraph, (e)(5)(A), (e)(5)(B), (e)(6) - (e)(10), (e)(11)(A)(i), (e)(11)(A)(iii) - (vi), (11)(B) - (F), (e)(13), and (e)(15), (e)(16), and (f) introductory paragraph, (f)(1) - (8), (g) and (h); §39.418(a), (b)(2)(A), (b)(3), and (c); §39.419(e), §39.420(c)(1)(A) - (D)(i)(I) and (II), (c)(1)(D)(ii), (c)(2), (d) - (e), and (h), and Subchapter K: Public Notice of Air Quality Permit Applications, §§39.601 - 39.605	September 16, 2021
Chapter 55: Requests for Reconsideration and Contested Case Hearings; Public Comment, all of the chapter, except §55.125(a)(5) and (a)(6)	September 16, 2021
Chapter 101: General Air Quality Rules	May 14, 2020
Chapter 106: Permits by Rule, Subchapter A	April 17, 2014
Chapter 111: Control of Air Pollution from Visible Emissions and Particulate Matter	November 12, 2020
Chapter 112: Control of Air Pollution from Sulfur Compounds	October 27, 2022
Chapter 114: Control of Air Pollution from Motor Vehicles	April 21, 2022
Chapter 115: Control of Air Pollution from Volatile Organic Compounds	July 22, 2021
Chapter 116: Control of Air Pollution by Permits for New Construction or Modification	July 1, 2021
Chapter 117: Control of Air Pollution from Nitrogen Compounds	March 26, 2020
Chapter 118: Control of Air Pollution Episodes	March 5, 2000

Chapter 122: Federal Operating Permits Program
§122.122: Potential to Emit

February 23, 2017

SECTION VI: CONTROL STRATEGY

- A. Introduction (No change)
- B. Ozone (Revised)
 - 1. Dallas-Fort Worth (No change)
 - 2. Houston-Galveston-Brazoria (No change)
 - 3. Beaumont-Port Arthur (No change)
 - 4. El Paso (No change)
 - 5. Regional Strategies (No change)
 - 6. Northeast Texas (No change)
 - 7. Austin Area (No change)
 - 8. San Antonio Area (Revised)
 - 9. Victoria Area (No change)
- C. Particulate Matter (No change)
- D. Carbon Monoxide (No change)
- E. Lead (No change)
- F. Oxides of Nitrogen (No change)
- G. Sulfur Dioxide (No change)
- H. Conformity with the National Ambient Air Quality Standards (No change)
- I. Site Specific (No change)
- J. Mobile Sources Strategies (No change)
- K. Clean Air Interstate Rule (No change)
- L. Transport (No change)
- M. Regional Haze (No change)

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Chapter 6: Ongoing and Future Initiatives (Placeholder for Future Attainment Demonstration)

LIST OF ACRONYMS

ACT	alternative control techniques
AD	attainment demonstration
BACT	best available control technology
CTG	control technologies guidelines
CFR	Code of Federal Regulations
EPA	United States Environmental Protection Agency
EI	emissions inventory
FCAA	Federal Clean Air Act
FR	Federal Register
MACT	maximum achievable control technology
NAAQS	National Ambient Air Quality Standard
NO _x	nitrogen oxides
NSR	new source review
ppb	parts per billion
PTE	potential to emit
RACM	reasonably available control measures
RACT	reasonably available control technology
SIP	State Implementation Plan
TAC	Texas Administrative Code
TACB	Texas Air Control Board
TCAA	Texas Clean Air Act
TCEQ	Texas Commission on Environmental Quality (commission)
TERP	Texas Emissions Reduction Plan
TNRCC	Texas Natural Resource Conservation Commission
tpy	tons per year
VOC	volatile organic compounds

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CHAPTER 1: GENERAL

1.1 BACKGROUND

Information on the Texas State Implementation Plan (SIP) and a list of SIP revisions and other air quality plans adopted by the commission can be found on the [Texas State Implementation Plan](https://www.tceq.texas.gov/airquality/sip) webpage (<https://www.tceq.texas.gov/airquality/sip>) on the [Texas Commission on Environmental Quality's](https://www.tceq.texas.gov/) (TCEQ) website (<https://www.tceq.texas.gov/>).

1.2 INTRODUCTION

The following history of the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS) for Bexar County is provided to give context and greater understanding of the complex issues involved in the area's ozone challenge.

1.2.1 2015 Eight-Hour Ozone NAAQS History

On October 1, 2015, the United States Environmental Protection Agency (EPA) lowered the primary and secondary eight-hour ozone standards to 0.070 parts per million (ppm) and published the final rule revising the NAAQS in the *Federal Register* (FR) on October 26, 2015, effective December 28, 2015 (80 FR 65291). On June 4, 2018, EPA published final designations for areas under the 2015 eight-hour ozone NAAQS (83 FR 25766), effective August 3, 2018; however, EPA did not designate Bexar County as part of that action. The EPA published the nonattainment designation for Bexar County for the 2015 ozone NAAQS with a marginal classification on July 25, 2018, effective September 24, 2018 (83 FR 35136).

1.2.1.1 Marginal Classification for the 2015 Eight-Hour Ozone NAAQS

Under a marginal classification, Bexar County was required to attain the 2015 ozone NAAQS by the end of 2020, the attainment year, to meet a September 24, 2021 attainment date.⁴ On January 15, 2020, the commission approved proposal of a federal Clean Air Act (FCAA), §179B Demonstration SIP revision (Non-Rule Project No. 2019-106-SIP-NR) that demonstrated that the Bexar County marginal ozone nonattainment area would attain the 2015 eight-hour ozone standard by its attainment deadline “but for” anthropogenic emissions emanating from outside the United States. On January 9, 2020, EPA issued draft guidance for the development of §179B demonstrations. On July 1, 2020, the commission adopted the Bexar County §179B Demonstration SIP revision. It was submitted to EPA on July 13, 2020. On December 21, 2020, EPA issued final guidance for the development of §179B demonstrations.

On June 10, 2020, the commission adopted an emissions inventory (EI) SIP revision for the 2015 eight-hour ozone NAAQS marginal nonattainment areas, including Bexar County (Non-Rule Project No. 2019-111-SIP-NR). It was submitted to EPA on June 24, 2020. The revision satisfied FCAA EI reporting requirements for areas designated nonattainment for the 2015 eight-hour ozone NAAQS and also included certification statements to confirm that emissions statement and nonattainment new source review (NSR) SIP requirements had been met for the 2015 eight-hour ozone nonattainment areas. On June 29, 2021, EPA published final approval of the EI for the Bexar County

⁴ The attainment year ozone season is the ozone season immediately preceding a nonattainment area's attainment date.

2015 ozone NAAQS nonattainment area (86 FR 34139). On September 9, 2021, EPA published final approval of the emissions statement and nonattainment NSR certification statements (86 FR 50456).

1.2.1.2 Reclassification to Moderate for the 2015 Eight-Hour Ozone NAAQS

Based on monitoring data from 2018, 2019, and 2020, Bexar County did not attain the 2015 eight-hour ozone NAAQS in the 2020 attainment year under the marginal classification and did not qualify for a one-year attainment date extension in accordance with FCAA, §181(a)(5).⁵ On October 7, 2022, EPA published the final notice reclassifying the Bexar County 2015 ozone NAAQS nonattainment area from marginal to moderate, effective November 7, 2022 (87 FR 60897). The attainment date for the Bexar County moderate nonattainment area was set as September 24, 2024, with a 2023 attainment year. In this same action, EPA also disapproved the Bexar County §179B Demonstration SIP Revision.

On October 12, 2023, Texas Governor Greg Abbott signed and submitted a letter to EPA requesting the moderate 2015 eight-hour ozone NAAQS nonattainment areas in Texas be voluntarily reclassified to serious. As indicated in EPA's Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach; Final Rule, published on March 9, 2018 (83 FR 10376), the attainment date for a serious classification is September 24, 2027, with a 2026 attainment year.

1.3 HEALTH EFFECTS

In 2015, EPA revised the primary eight-hour ozone NAAQS to 0.070 ppm (70 ppb). To support the 2015 eight-hour primary ozone standard, EPA provided information that suggested that health effects may potentially occur at levels lower than the previous 0.075 ppm (75 ppb) standard. Breathing relatively high levels of ground-level ozone can cause acute respiratory problems like cough and decreases in lung function and can aggravate the symptoms of asthma. Repeated exposures to high levels of ozone can potentially make people more susceptible to allergic responses and lung inflammation.

Children are at a relatively higher risk from exposure to ozone when compared to adults since they breathe more air per pound of body weight than adults and because children's respiratory systems are still developing. Children also spend a considerable amount of time outdoors during summer and during the start of the school year (August through October) when elevated ozone levels are typically measured. Adults most at risk from exposures to elevated ozone levels are people working or exercising outdoors and individuals with preexisting respiratory diseases.

⁵ An area that fails to attain the 2015 eight-hour ozone NAAQS by its attainment date would be eligible for the first one-year extension if, for the attainment year, the area's 4th highest daily maximum eight-hour average is at or below the level of the standard (70 parts per billion (ppb)); Bexar County's fourth-highest daily maximum eight-hour average for 2020 was 72 ppb.

1.4 STAKEHOLDER PARTICIPATION AND PUBLIC MEETINGS

1.4.1 Bexar County Virtual Technical Information Meeting (TIM)

The Bexar County Air Quality TIMs were provided to present technical and scientific information related to air quality modeling and analysis in the Bexar County nonattainment area. The TCEQ hosted two virtual TIMs, one on August 16, 2021, and the other was held on August 22, 2022. These TIMs included presentations on ozone planning, ozone design values, modeling platform updates, emissions inventory development, and updates from EPA. More information is available on the [San Antonio Air Quality TIM](https://www.tceq.texas.gov/airquality/airmod/meetings/aqtim-sa.html) webpage (https://www.tceq.texas.gov/airquality/airmod/meetings/aqtim-sa.html).

1.4.2 Bexar County Stakeholders Meeting

The TCEQ hosted a virtual Bexar County Stakeholder Meeting on June 8, 2022 related to SIP planning for the Bexar County area. The purpose of the meeting was to discuss what emission reduction strategies (primarily VOC) are being or could be implemented by different source sectors. The meeting was opened to public, but the focus was on companies and industry in Bexar County with stationary sources of ozone precursor emissions.

1.5 PUBLIC HEARING AND COMMENT INFORMATION

The commission will offer a public hearing for this proposed SIP revision at the following time and location:

Table 1-1: Public Hearing Information

City	Date	Time	Location
San Antonio	January 9, 2024	7:00 p.m.	Alamo Area Council of Governments 2700 NE Loop 410, Suite 101 San Antonio, TX 78217

The public comment period will open on December 1, 2023 and close on January 16, 2024. Written comments will be accepted via mail, fax, or through the Texas Commission on Environmental Quality (TCEQ) [Public Comment](https://tceq.commentinput.com/) system (https://tceq.commentinput.com/). File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference the “Bexar County RACT SIP Revision” and should reference Project Number 2022-132-SIP-NR. Comments submitted via hard copy may be mailed to Alison Stokes, MC 206, State Implementation Plan Team, Air Quality Division, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. Comments submitted electronically must be submitted through the TCEQ Public Comment system. Comments must be received by 11:59 p.m. CST on January 16, 2024.

An electronic version of this SIP revision and appendix are available at TCEQ’s [San Antonio: Latest Ozone Planning Activities](https://www.tceq.texas.gov/airquality/sip/san/san-latest-ozone) webpage (https://www.tceq.texas.gov/airquality/sip/san/san-latest-ozone). An electronic version of the public hearing notice will be available on the [Texas SIP Revisions](https://www.tceq.texas.gov/airquality/sip/siplans.html) webpage (https://www.tceq.texas.gov/airquality/sip/siplans.html).

1.6 SOCIAL AND ECONOMIC CONSIDERATIONS

For a detailed explanation of the social and economic issues involved with the concurrently proposed rule revisions associated with this proposed SIP revision (Rule Project Nos. 2023-116-115-AI and 2023-117-117-AI), please refer to the preamble of each proposed rulemaking.

1.7 FISCAL AND MANPOWER RESOURCES

The state has determined that its fiscal and manpower resources are adequate and will not be adversely affected through the implementation of this plan.

**CHAPTER 2: ANTHROPOGENIC EMISSIONS INVENTORY DESCRIPTION
(PLACEHOLDER)**

CHAPTER 3: PHOTOCHEMICAL MODELING (PLACEHOLDER)

CHAPTER 4: CONTROL STRATEGIES AND REQUIRED ELEMENTS

4.1 INTRODUCTION

The Bexar County 2015 ozone National Ambient Air Quality Standard (NAAQS) nonattainment area, which consists of Bexar County, includes a variety of major and minor industrial, commercial, and institutional entities. The Texas Commission on Environmental Quality (TCEQ) has implemented regulations that address emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOC) from many of these sources. This chapter describes existing ozone control measures for Bexar County and a proposed reasonably available control technology (RACT) analysis as well as the proposed regulations necessary to implement RACT requirements.

The FCAA and 40 Code of Federal Regulations (CFR) Part 51, as amended, require nonattainment areas classified as moderate or above to submit a SIP revision that addresses: nonattainment new source review (NNSR), reasonable further progress (RFP), an attainment demonstration (AD) for the 2015 ozone NAAQS, a reasonably available control measure (RACM) analysis, contingency measures (CM), a vehicle inspection and maintenance (I/M) program, and a reasonably available control technology (RACT) analysis.

The Bexar County 2015 ozone NAAQS nonattainment area was initially classified as marginal with a September 24, 2021 attainment date. Based on monitoring data from 2018, 2019, and 2020, Bexar County did not attain the 2015 ozone NAAQS in the 2020 attainment year and did not qualify for a one-year attainment date extension in accordance with FCAA, §181(a)(5).^{6,7} On October 7, 2022, the EPA published a final notice reclassifying Bexar County from marginal to moderate nonattainment for the 2015 eight-hour ozone NAAQS, effective November 7, 2022 (87 FR 60897). SIP revisions to address moderate classification SIP requirements under the 2015 ozone NAAQS were due to the EPA no later than January 1, 2023.

This SIP revision proposes a reasonably available control technology (RACT) analysis and describes the regulations to be adopted, as necessary, to implement RACT requirements in Bexar County associated with a moderate classification.

4.2 EXISTING CONTROL MEASURES

Bexar County has existing VOC and NO_x regulations that were promulgated during the 1970s when the county was not attaining the photochemical oxidants air quality standard, the predecessor to the 1979 One-Hour Ozone NAAQS. Additional VOC regulations were added as part of the San Antonio early action compact state implementation plan (SIP) revision for the 1997 eight-hour ozone NAAQS, submitted to the United States Environmental Protection Agency (EPA) in 2004. Bexar County has also been included in regulations affecting east and central Texas and various

⁶ The attainment year ozone season is the ozone season immediately preceding a nonattainment area's attainment deadline.

⁷ An area that fails to attain the 2015 eight-hour ozone NAAQS by its attainment date would be eligible for the first one-year extension if, for the attainment year, the area's 4th highest daily maximum eight-hour average is at or below the level of the standard (70 parts per billion (ppb)); the Bexar County area's fourth highest daily maximum eight-hour average for 2020 was 74 ppb as measured at the Camp Bullis C58 monitor. The Bexar County area's design value for 2020 was 72 ppb.

statewide and inter-regional rules designed to implement controls to address detrimental effects on air quality from emissions in one Texas nonattainment on other Texas ozone nonattainment areas. Several statewide requirements for various consumer-related products also apply to Bexar County. Table 4-1: *Existing Ozone Control and Voluntary Measures Applicable to Bexar County* lists the existing ozone control strategies and the corresponding rules in 30 Texas Administrative Code (TAC) that are currently applicable in Bexar County for the 1979 one-hour ozone NAAQS and the 1997 and 2008 eight-hour ozone NAAQS.

Table 4-1: Existing Ozone Control and Voluntary Measures Applicable to Bexar County

Measure	Description	Effective Date(s)
VOC Storage Rules 30 TAC Chapter 115, Subchapter B, Division 1	VOC control requirements applicable to storage tanks to satisfy federal Clean Air Act (FCAA) requirements for the Metropolitan San Antonio Intrastate Air Quality Control Region. ⁸	December 31, 1973
VOC Vent Gas Rules 30 TAC Chapter 115, Subchapter B, Division 2	VOC control requirements applicable to stack emissions to satisfy FCAA requirements for the Metropolitan San Antonio Intrastate Air Quality Control Region.	December 31, 1973
VOC Water Separation 30 TAC Chapter 115 Subchapter B, Division 3	VOC control amendments satisfy RACT requirements for the Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds control techniques guidelines category (EPA450/2-77-025).	December 31, 1973
VOC Loading and Unloading Rules 30 TAC Chapter 115, Subchapter C, Division 1	VOC control consistent with the EPA's 1977 Control of Volatile Organic Emissions from Bulk Gasoline Plants control techniques guidelines (EPA-450/2-77-035).	December 31, 1973
VOC Transport Rules 30 TAC Chapter 115, Subchapter C, Division 3	VOC control requirements for VOC transport vessels in covered attainment counties, including Bexar.	April 30, 2000
VOC Degreasing Rules 30 TAC Chapter 115, Subchapter E, Division 1	VOC controls to implement RACT requirements for degreasing processes based on the EPA's 1977 Control of Volatile Organic Emissions from Solvent Metal Cleaning control techniques guidelines document (EPA-450/2-77-022).	May 7, 1979

⁸ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-81/subpart-B/section-81.40>

Measure	Description	Effective Date(s)
VOC Windshield Washer Fluid Rules 30 TAC Chapter 115, Subchapter G, Division 1	VOC content controls for consumer windshield washer fluid sold in Texas. Enacted to generate VOC reductions required for FCAA 15% Rate of Progress requirements. Rules made applicable statewide.	May 27, 1994
Refueling - Stage I 30 TAC, Chapter 115, Subchapter C, Division 2	Requirements for capture of gasoline vapors that are released when gasoline is delivered to a storage tank. Vapors returned to tank truck as storage tank is filled with fuel, rather than released into ambient air.	December 31, 2005
Utility Electric Generation in East and Central Texas 30 TAC Chapter 117, Subchapter E, Division 1	NO _x emission limits for electric power boilers and stationary gas turbines (including duct burners used in turbine exhaust ducts) at utility electric generation sites in East and Central Texas, including Bexar County.	May 1, 2003 through May 1, 2005
Cement Kiln Rule 30 TAC Chapter 117, Subchapter E, Division 2	NO _x emission limits for all Portland cement kilns located in Bexar County.	May 1, 2005
Natural Gas-Fired Small Boilers, Process Heaters, and Water Heaters 30 TAC Chapter 117, Subchapter E, Division 3	NO _x emission limits on small-scale residential and industrial boilers, process heaters, and water heaters equal to or less than 2.0 million British thermal units per hour (statewide rule).	July 1, 2002
NO _x Emission Standards for Nitric Acid Manufacturing-General 30 TAC Chapter 117, Subchapter F, Division 3	NO _x emission limits for nitric acid manufacturing facilities (state-wide rule - no nitric acid facilities in the Bexar County).	November 15, 1999
Texas Emissions Reduction Plan (TERP) 30 TAC Chapter 114, Subchapter K	Voluntary program provides grant funds for on-road and non-road heavy-duty diesel engine replacement/retrofit.	January 2002 See Section 5.3.1.4: <i>Texas Emissions Reduction Plan (TERP)</i>
Texas Low Emission Diesel 30 TAC Chapter 114, Subchapter H, Division 2	Requires all diesel fuel for both on-road and non-road use to have a lower aromatic content and a higher cetane number.	Phased in from October 31, 2005 through January 31, 2006
30 TAC Chapter 114, Subchapter I, Division 3	Standards for non-road gasoline engines 25 horsepower and larger.	May 1, 2004

Measure	Description	Effective Date(s)
Voluntary Energy Efficiency/Renewable Energy (EE/RE)	See Section 5.3.1.2: <i>Energy Efficiency and Renewable Energy Measures</i> .	See Section 5.3.1.2
Federal On-Road Measures	Series of emissions limits implemented by the EPA for on-road vehicles. Included in measures: Tier 1, Tier 2, and Tier 3 light-duty and medium-duty passenger vehicle standards, heavy-duty vehicle standards, low sulfur diesel standards, National Low Emission Vehicle standards, and reformulated gasoline.	Phase in through 2010 Tier 3 phase in from 2017 through 2025
Federal Area/Non-Road Measures	Series of emissions limits implemented by the EPA for area and non-road sources. Examples: diesel and gasoline engine standards for locomotives and leaf-blowers.	Phase in through 2018

4.3 NEW CONTROL MEASURES

The FCAA and 40 Code of Federal Regulations (CFR) Part 51, as amended, require a basic vehicle emissions I/M program in ozone nonattainment areas classified as moderate. Rulemaking is required to implement I/M and set the testing fee applicable in Bexar County, and a SIP revision is required to incorporate a Bexar County I/M program into the SIP. On May 31, 2023, the commission approved a proposed 30 TAC Chapter 114 rulemaking and associated SIP revision for publication, public comment, and hearing (Project Nos. 2022-026-114-AI and 2022-027-SIP-NR). These projects, if adopted, would satisfy the I/M requirements for Bexar County.

Proposed new control measures are contained in two rule projects developed concurrent with this proposed SIP revision. The proposed rulemakings would revise 30 TAC Chapter 115 pertaining to control of VOC emissions (Rule Project No. 2023-116-115-AI) and Chapter 117 pertaining to control of NO_x emissions (Rule Project No. 2023-117-117-AI). These rules are proposed to address RACT associated with a moderate classification for the Bexar County 2015 ozone NAAQS nonattainment area. The proposed compliance date for these rules is January 1, 2025.

4.4 RACT ANALYSIS

4.4.1 General Discussion

Ozone nonattainment areas classified as moderate and above are required to meet the mandates of the FCAA under §172(c)(1) and §182(b)(2) and (f) to address RACT. According to EPA's *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements: Final Rule* (2015 eight-hour ozone standard SIP requirements rule) published on December 6, 2018, states containing areas classified as moderate ozone nonattainment or higher must submit a SIP revision to fulfill RACT requirements for all source categories addressed by control techniques guidelines (CTG) or alternative control techniques (ACT) as well as any non-ACT/CTG category sources that are classified as major stationary sources of NO_x or VOC (83 *Federal Register* (FR) 62998). Specifically, this SIP contains proposed RACT regulations,

certifications where appropriate that existing provisions are RACT, or negative declarations affirming that there are no sources within the nonattainment area that are subject to a specific CTG or ACT source category.

RACT is defined as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979). RACT requirements for moderate and higher classification ozone nonattainment areas are included in the FCAA to ensure that significant source categories at major sources of ozone precursor emissions are controlled to a reasonable extent but not necessarily to the best available control technology (BACT) levels expected of new sources or to maximum achievable control technology (MACT) levels required for major sources of hazardous air pollutants.

While RACT and reasonably available control measures (RACM) have similar consideration factors like technological and economic feasibility, there is a significant distinction between RACT and RACM. A control measure must advance attainment of the area towards the meeting the NAAQS for that measure to be considered RACM. Advancing attainment of the area is not a factor of consideration when evaluating RACT because the benefit of implementing RACT is presumed under the FCAA.

The TCEQ reviewed the emission sources in Bexar County and the applicable TCEQ rules to verify that all CTG or ACT emission source categories and non-CTG or non-ACT major emission sources in Bexar County were subject to requirements that meet or exceed RACT requirements associated with a moderate classification, or that further emission controls on the sources were either not economically feasible or not technologically feasible. The major source threshold for moderate ozone nonattainment areas is a potential to emit (PTE) 100 tons per year (tpy) or more of either NO_x or VOC. To identify major source RACT categories, the 2019 emissions inventories (EI) were screened for all sources within the Bexar County area that demonstrate either a PTE or actual emissions of 50 tpy or more. Emission sources subject to the more stringent BACT or MACT requirements were determined to also fulfill RACT requirements. Additional details are provided in Appendix A: *Reasonably Available Control Technology Analysis* of this SIP revision.

4.4.2 NO_x RACT Determination

The TCEQ reviewed the 2019 point source emissions inventory (EI) to verify that the NO_x controls and proposed reductions that would be implemented through concurrent rule revisions to 30 TAC Chapter 117 for the Bexar County 2015 ozone NAAQS nonattainment area would address RACT controls required for all NO_x source categories identified in the EPA's ACT documents for moderate areas (Project No. 2023-117-117-AI).⁹ Details of this analysis are included in Appendix A, specifically Table A-1: *State Rules Addressing NO_x RACT Requirements in ACT Reference*

⁹ All data submitted in the EI are reviewed for quality assurance purposes and then stored in the State of Texas Air Reporting System (STARS) database. The [TCEQ's Point Source Emissions Inventory](https://www.tceq.texas.gov/airquality/pointsources-ei/psei.html) webpage (<https://www.tceq.texas.gov/airquality/pointsources-ei/psei.html>) contains guidance documents and historical point sources.

Documents and Table A-4: State Rules Addressing NO_x RACT Requirements for Major Emission Sources in Bexar County.

4.4.3 VOC RACT Determination

All VOC emission source categories subject to EPA CTG or ACT documents that are in existence within Bexar County would be controlled by proposed rules included in a concurrent rulemaking to revise 30 TAC Chapter 115 (Rule Project No. 2023-116-115-AI). Additional information is available in Appendix A, specifically Table A-2: *State Rules Addressing VOC RACT Requirements in CTG Reference Documents* and Table A-3: *State Rules Addressing VOC RACT Requirements in ACT Reference Documents*.

Based on a review of the 2019 point source EI data, the TCEQ is submitting negative declarations for the following CTG source categories for the Bexar County 2015 ozone NAAQS nonattainment area:

- Fiberglass Boat Manufacturing Materials;
- Manufacture of Pneumatic Rubber Tires;
- Shipbuilding and Ship Repair Surface Coating Operations;
- Surface Coating for Insulation of Magnet Wire; and
- Flat Wood Paneling Coatings, Group II issued in 2006.

For all non-CTG and non-ACT major VOC emission sources for which VOC controls are technologically and economically feasible, RACT associated with a moderate classification would be fulfilled by the proposed revisions to rules in 30 TAC Chapter 115 (Rule Project No. 2023-116-115-AI). Additional VOC controls on certain major sources were determined either not to be economically feasible or not to be technologically feasible. Additional information is available in Appendix A, Table A-5: *State Rules Addressing VOC RACT Requirements for Major Emission Sources in the Bexar County Area* provides additional detail on the non-CTG and non-ACT major emission sources.

CHAPTER 5: WEIGHT OF EVIDENCE (PLACEHOLDER)

CHAPTER 6: ONGOING AND FUTURE INITIATIVES (PLACEHOLDER)

Appendices Available Upon Request

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