



Protocol for Evaluating Potential and Active Air Pollutant Watch List (APWL) Areas

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Revised March 2020

Executive Summary

House Bill 1981, passed by the 82nd Regular Session of the Texas Legislature, requires the Texas Commission on Environmental Quality (TCEQ) to establish and maintain an Air Pollutant Watch List (APWL). The TCEQ establishes APWL areas statewide to ensure that additional TCEQ resources are focused on areas with elevated ambient concentrations of air toxics. The APWL process helps focus investigations, permitting, and monitoring resources on specific areas where ambient air monitoring has indicated a potential health concern. This process has evolved from an internal list of facilities identified as probable emissions sources of concern based on monitoring data, to its current form, which provides information to the public and legislators. Through collaborative efforts between TCEQ staff and external stakeholders, levels of air pollutants have been successfully reduced below those of potential health concern in several APWL areas.

The APWL protocol provides both the framework and guidance necessary to make the APWL effective. The protocol identifies divisions within the TCEQ who can contribute pollutant- and area-specific expertise to the APWL process. The protocol also provides guidance on the steps the APWL Coordinator and participating program areas of the TCEQ should take when listing, delisting, and addressing levels of concern in APWL areas, and for creating the three supplemental documents that are essential to each APWL area (investigation summary, boundary determination, and delisting documents). Finally, the protocol provides guidance on the division of responsibilities across the TCEQ, ensuring timely progress in achieving short- and long-term goals, and consistency across TCEQ-initiated activities to reduce ambient concentrations of pollutants of concern.

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Introduction

Background

The TCEQ monitors and evaluates ambient concentrations of air toxics, which are pollutants known or suspected to cause cancer or other serious health effects. The TCEQ obtains data on approximately 134 air toxics from over 90 stationary monitoring sites and also from the deployment of mobile monitoring projects. Up-to-date information on the locations of these monitors and the air toxics they monitor for is available on the [TCEQ Air Monitoring Sites](#) webpage. The TCEQ also reviews fence-line monitoring data from numerous facilities across the state. The TCEQ monitors for volatile organic compounds (such as benzene), carbonyls (such as formaldehyde), polycyclic aromatic hydrocarbons (such as naphthalene), metals (such as nickel), and total reduced sulfur compounds (which include hydrogen sulfide). The TCEQ Toxicology, Risk Assessment, and Research Division (TD) evaluates air toxics monitoring data to determine the potential for air contaminants to cause short- and long-term health effects and odors. The TCEQ established ambient state regulatory standards for two air toxics—sulfur dioxide and hydrogen sulfide. For all other monitored air toxics, the TCEQ establishes pollutant-specific air quality guideline levels known as Air Monitoring Comparison Values (AMCVs) to protect human health and welfare. More information on the use of AMCVs in evaluating air monitoring data can be found on the [Toxicology Air Toxics](#) webpage. The TCEQ establishes APWL areas where ambient monitoring indicates persistent concentrations above state standards, AMCVs, or other established metrics designed to identify concentrations of concern. The TCEQ does not use the APWL to identify non-attainment areas or to attain the National Ambient Air Quality Standards (NAAQS) established by the U.S. Environmental Protection Agency for criteria air pollutants. Each state that has areas that do not attain the NAAQS must develop a State Implementation Plan (SIP) to demonstrate how it will attain and maintain the NAAQS. Information about the Texas SIP is available on the TCEQ [Texas State Implementation Plan](#) website.

The APWL is an iterative process that focuses TCEQ resources on areas where monitored ambient air concentrations of pollutant(s) have been determined to be at levels of potential concern to human health or welfare (i.e., monitored ambient air concentrations have persistently exceeded state standards, AMCVs, or other established metrics designed to identify concentrations of concern). The APWL originally began as an internal program in which the TD and the Air Permits Division (APD) maintained a list of facilities that had been identified as having the potential to contribute to elevated concentrations of one or more air pollutants, based on ambient air monitoring data. Once on the list, a facility received greater scrutiny from the APD during the permit review process. At the October 10, 2006 Commissioners' Work Session, the Commission officially broadened the purpose of the APWL to include notification to other divisions of the TCEQ in an effort to focus investigations, monitoring, pollution prevention activities, and permitting resources. The Commissioners approved the implementation of the 30-day public comment period on proposed additions or removals of facilities or areas to or from the APWL. They also approved providing information about

changes to the APWL to subscribers of the APWL email group. Those interested in receiving notifications about the APWL can sign up at the [TCEQ GovDelivery](#) webpage.

This document elaborates on the APWL process, detailing how areas become listed and delisted, and identifying practices that have been effective in improving air quality. Neither this document nor the process detailed herein are intended to limit the TCEQ's ability to address APWL areas, but rather the APWL protocol is intended to build on those elements that have been successful in the past. The TCEQ provided an opportunity for public comment on the APWL protocol. The TCEQ encourages members of the public, the regulated community, and other stakeholders to submit any future suggestions on improving the APWL protocol or suggestions regarding the listing or delisting of an area or pollutant to the APWL Coordinator at APWL@tceq.texas.gov. The TCEQ will provide an opportunity for public comment on any significant changes to this document.

Vision and Mission of the APWL

Organized intra-agency involvement is needed to comprehensively implement the APWL's iterative process and to effectively engage internal and external stakeholders while consistently addressing areas with elevated levels of pollutant(s) of concern.

The vision for this program is:

- to reduce ambient air toxic concentrations below the applicable levels of concern in APWL areas as quickly as possible;
- to identify potential contributing sources in specific APWL areas;
- to develop strategic actions to obtain timely and effective emission reductions from identified contributing sources; and
- to provide mechanisms for involving TCEQ programs and stakeholders in the APWL process.

To support this vision, the APWL process will involve experts from divisions across the TCEQ. These experts will implement strategic action plans to improve air quality for each of the existing and future APWL areas and effectuate communication strategies to inform, engage, and coordinate efforts with affected external stakeholders. The TCEQ will appoint an APWL Coordinator who acts as the key contact and point person for enacting this mission. The APWL Coordinator leads each APWL project and is responsible for updating and maintaining all documents, ensuring timely progress in achieving short- and long-term goals, and ensuring consistency across TCEQ-initiated activities. The APWL Coordinator represents the TCEQ in meetings with internal and external stakeholders. The APWL Coordinator is also responsible for facilitating internal and external APWL briefings as necessary and is the official liaison for the APWL program between the TD, other divisions of the TCEQ, the Executive Director, and external stakeholders.

The intra-agency APWL protocol is intended to provide general guidance on the steps the APWL Coordinator and participating program areas of the TCEQ will take when listing, delisting, and

addressing levels of concern in APWL areas. The TCEQ will follow the steps provided in the protocol and will also assess each situation individually to facilitate achieving timely and effective pollutant reductions. The annotated flow chart in this protocol outlines the APWL process, including notification procedures.

This protocol was created by an intra-agency procedural work group, which included representatives from the program areas identified below. Because of the numerous divisions, experts, and initiatives involved in executing a successful strategic action plan, the APWL could have agency-wide implications on daily program activities, as indicated in Appendix 2, Program-Specific Procedures. The APWL Coordinator will meet with appropriate TCEQ Deputy Directors, Area Directors, and Division Directors as often as necessary to evaluate the effectiveness of the APWL protocol and its ancillary documents.

APWL Areas of Expertise

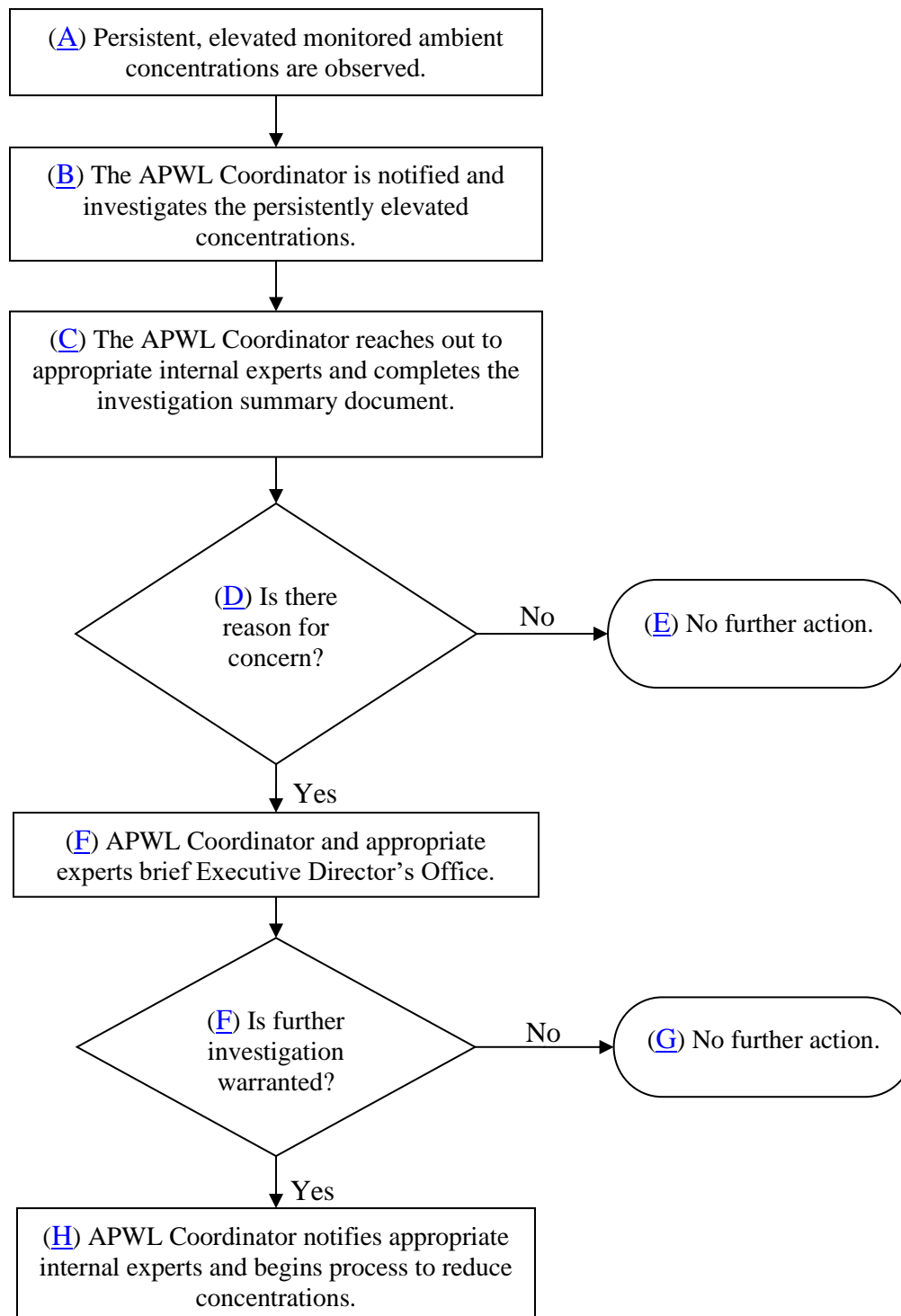
Experts from various areas of the agency are involved for each potential and active APWL area. Specifically, TCEQ program areas that have expertise relating to the processes believed to be contributing to elevated concentrations of, or to the assessment of, pollutant(s) of concern are asked to provide a representative to review and comment on new or significant changes to existing APWL areas. These program areas are either directly involved with permitting of potentially contributing facilities, the collection and assessment of ambient air monitoring data, the health effects evaluation of the monitoring data, or other technical support to the team:

- APWL Coordinator – organizes, oversees, and coordinates TCEQ-initiated investigations and/or activities related to the APWL, in current or potential APWL areas. The APWL Coordinator also serves as the APWL program liaison for the TCEQ in coordination with external stakeholders, TCEQ offices, legislators, and the regulated community. The APWL Coordinator compiles, updates, maintains, and distributes all documents created in relation to current or potential APWL areas.
- Office of the Executive Director
 - TD – evaluates ambient air quality data from a human health and welfare perspective and determines whether concentrations of pollutants indicate a potential for adverse health effects. The TD also reviews air quality permits and modeling data with an emphasis on protecting human health and welfare.
 - Agency Communications – coordinates the TCEQ’s response to all media inquiries, prepares and distributes agency news releases, and coordinates, produces, and distributes regulatory and general informational materials, both printed and web-based.
 - Intergovernmental Relations Division (IGR) – coordinates TCEQ responses to congressional and state legislative inquiries and constituent issues, legislative initiatives, and interim committee studies affecting the agency. IGR also coordinates TCEQ’s testimony and participation during legislative sessions to ensure that the Legislature is informed of the TCEQ’s initiatives and activities. This includes notification of legislative

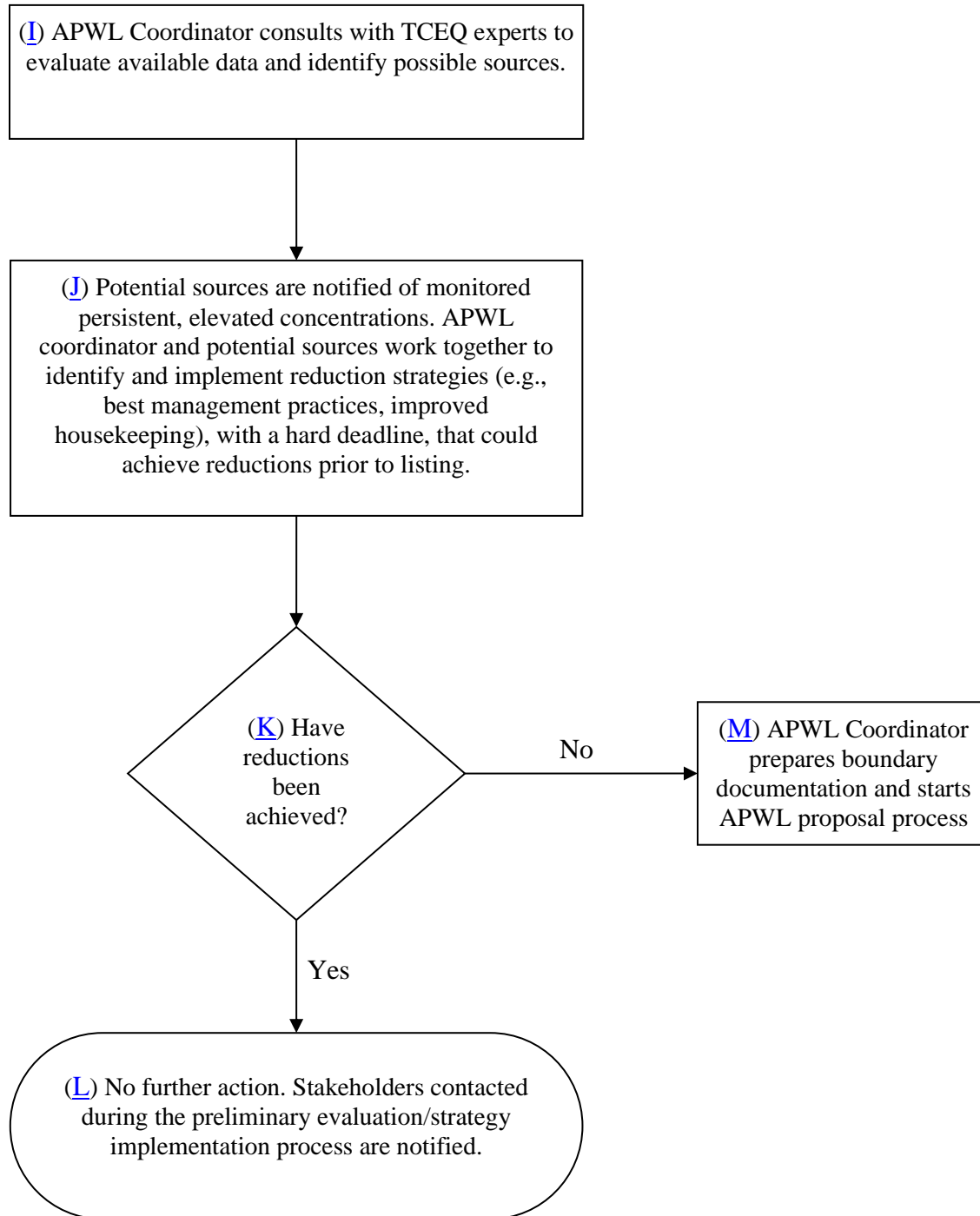
officials during the consideration, proposal, and delisting of APWL areas. IGR also coordinates all environmental issues relating to the U.S. and Mexico border.

- Office of Air (OA)
 - Air Quality Division –
 - Air Modeling and Data Analysis (AMDA) Section – evaluates ambient air quality data to understand the nature of emission sources; findings from this analysis can confirm, add to, or identify data gaps, such as unreported or under-reported emissions.
 - Emissions Assessment Section (EAS) – identifies magnitude and location of potential emissions sources for a pollutant or group of pollutants in an APWL area using reported emissions data.
 - APD – reviews permit applications and coordinates with other TCEQ divisions before authorizing changes to facilities in an APWL area. APD can also require modifications to permits during the permitting process to address current or potential APWL areas. The Air Dispersion Modeling Team reviews dispersion modeling in support of air permit applications. Part of the review involves accessing ambient air monitoring data, if available.
- Office of Compliance and Enforcement (OCE)
 - Monitoring Division (MD) – provides ambient air monitoring data and technical support in determining the feasibility of monitoring requests.
 - Enforcement Division – assesses administrative penalties to regulated entities based on impacts analyses of effects on human health and the environment. Information for the impacts analysis is compiled from field investigators, the TD, the Program Support Section, and other program areas. The Enforcement Division provides corrective actions for entities to achieve compliance if they have not already taken corrective action.
 - Regional Offices – provide local knowledge of areas in and around an APWL area and conduct compliance investigations at facilities that have the potential to emit the pollutant of concern. Regional investigators also collect and review sampling around area facilities and report exceedances to the appropriate groups. The Program Support Section provides technical support to Regional Office staff (Field Operations) with issues relating to compliance investigations.
 - Program Support and Environmental Assistance Division (EAD) – provides technical and reconnaissance support to Regional Office staff with issues relating to compliance investigations in addition to providing compliance and pollution prevention assistance to businesses and local governments.
- Office of Legal Services (OLS)
 - Environmental Law Division – provides legal support to other divisions to ensure that actions taken comply with applicable rules and regulations and are legally enforceable and also negotiates with external stakeholders.
 - Litigation Division – provides legal support to the Enforcement Division and coordinates the creation of Supplemental Environmental Projects, which can include funding for additional monitoring in APWL areas.

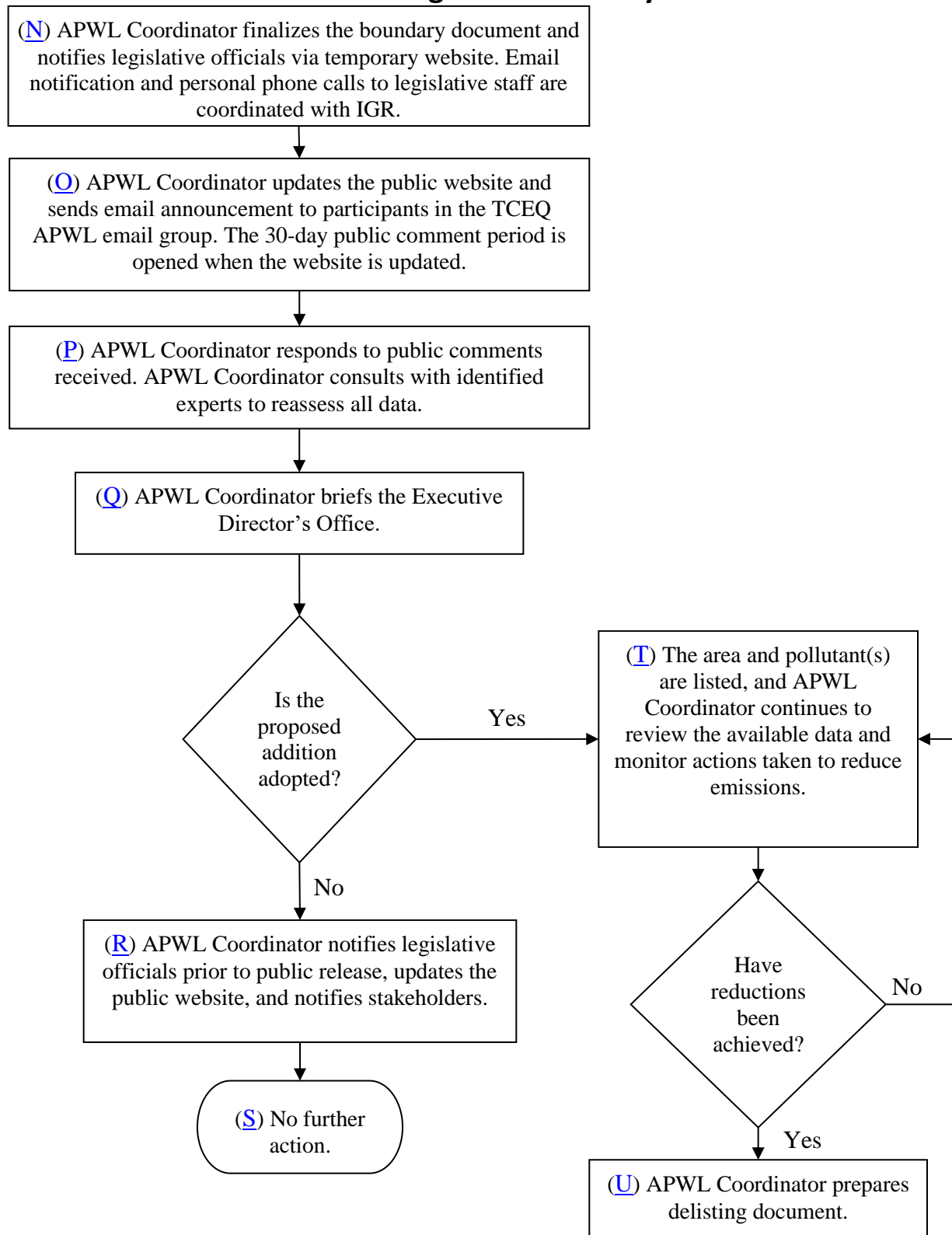
Procedure for Preliminary Evaluation of Potential APWL Areas



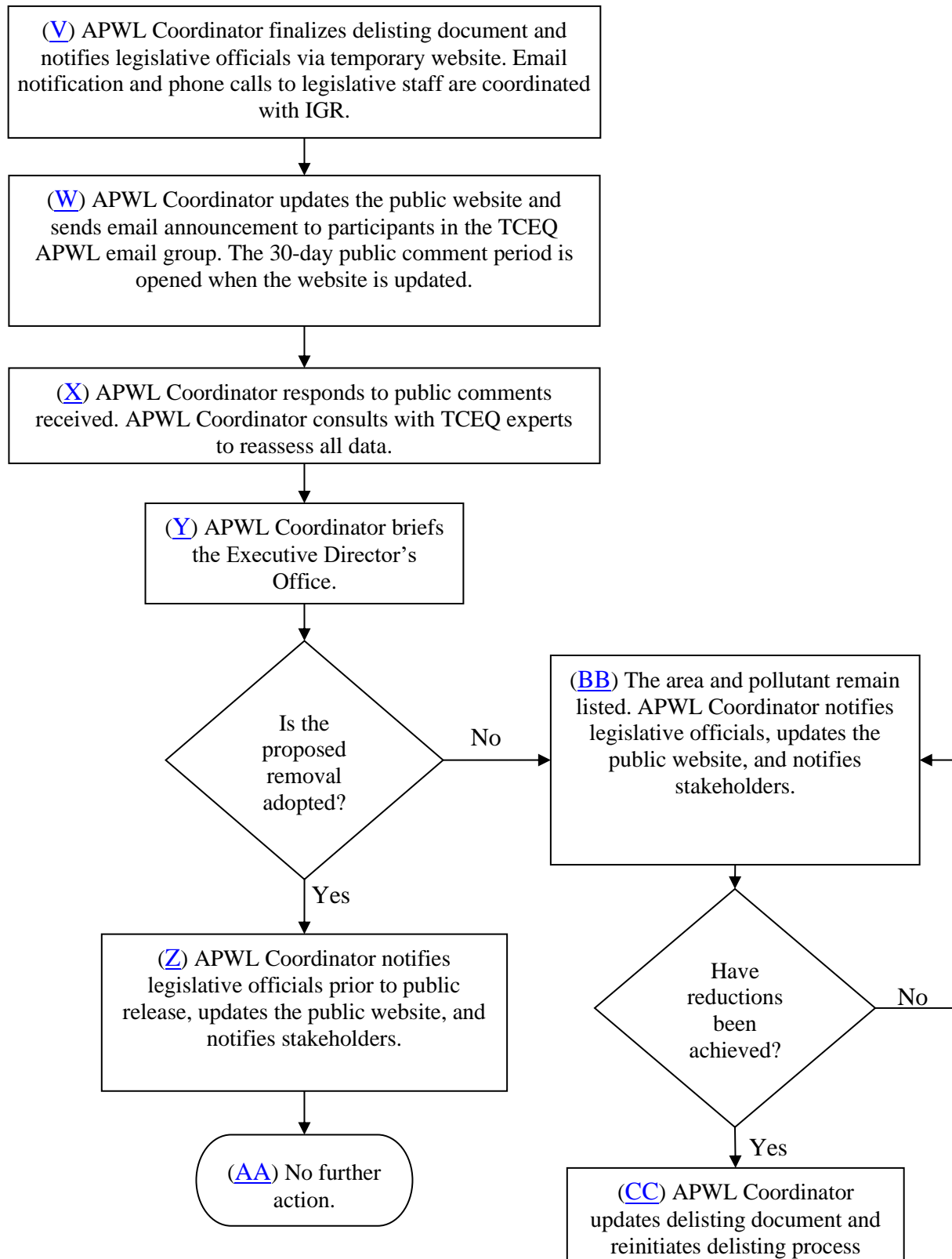
Procedure for APWL Source Identification



Procedure for New APWL Listings and Boundary Reevaluations



Procedure for APWL Delistings



The following letters A through CC correspond to the lettered items in the flow chart.

- A.** Mobile or stationary monitoring data indicates persistent and/or frequent, elevated levels of air toxics above a state standard, AMCV, or other established metric designed to identify concentrations of concern, as applicable, in a particular area. Observations may come from any responsible party, such as staff in the TD, MD, or OCE. The monitoring data used to make recommendations may be obtained from TCEQ-sponsored monitoring, which is subject to validation by TCEQ MD staff, or from monitoring sponsored by external entities (i.e., industry, local government, non-profit, or academia). Although monitoring conducted by external entities may not be validated by TCEQ staff, a monitoring project used to initiate an APWL investigation would generally need to include some sort of TCEQ-approved quality assurance procedure.
- B.** The responsible party contacts the APWL Coordinator, who further investigates the elevated concentrations. The APWL Coordinator contacts the appropriate Regional and Area Directors, APD, MD, and may also contact county and local air pollution control agencies to solicit input on potential sources, any complaints received, and data validation. Many times, the TD will receive preliminary, unvalidated data and the APWL Coordinator will check with the MD to determine if the elevated concentrations are valid before continuing to investigate. In addition, the Regional Office is contacted to determine if the elevated concentrations are due to a single event (i.e., emissions event or maintenance, startup, or shutdown activity) that is not expected to be representative of normal operating conditions. The TCEQ may contact individual companies or other external stakeholders to gather information and notify them of the elevated concentrations.
- C.** The APWL Coordinator completes the initial investigation of the data and prepares the investigation summary document containing all information received about the concentrations of the pollutant(s) of concern and any applicable emissions event(s), including the date, time, and quantity of the elevated concentrations; the pollutant(s) of interest; meteorological data; a description of the area, including dominant land use (i.e., industrial, rural, etc.) and proximity to residential areas; a preliminary map of the area and potential sources; and contact information for all persons contacted during the investigation, including a summary of all external communications. The APWL Coordinator provides the compiled information collected during the initial investigation to the TD, who makes a preliminary determination regarding the potential for health effects, and to the other appropriate area experts, to determine if there is a reason for any additional concerns. All investigation summary documents and supporting data are stored in a database maintained by the APWL Coordinator.

- D. The TD determines whether the monitored ambient air concentrations indicate a potential health or welfare concern, while other area experts determine whether there is the potential for concerns such as emissions. The experts rely on the information collected during the initial investigation and best professional judgment to determine both the potential for exposure, the potential for adverse health or welfare effects, and air concentrations above appropriate action levels. If, for example, a chemical concentration from a single ambient air sample is slightly above the AMCV, but the sample was collected in an area not frequented by members of the public, the TD may determine that it does not indicate a potential health concern. All factors are considered, and the rationale for the final determination by the experts is documented in the investigation summary document.
- E. If the experts determine through the initial investigation of the data that the detected concentrations of the pollutant(s) do not indicate a potential health or other concern, no further action is taken. The APWL Coordinator updates the investigation summary document and supporting data to include the justification for the decision to not further evaluate the area for the APWL program.
- F. If the experts determine in its initial investigation of the data that the detected concentrations of the pollutant(s) may indicate a potential health or other concern, all data are presented to the Executive Director's Office. The Executive Director will determine whether to continue the investigation of the elevated concentrations or to wait for further information. The APWL Coordinator updates the investigation summary document to include the final determination.
- G. If the Executive Director determines that further investigation is not warranted, the APWL Coordinator finalizes the investigation summary document. No further action is necessary.
- H. If the Executive Director determines that further investigation and possible listing of the pollutant and area on the APWL is warranted, the APWL Coordinator will notify the interested internal parties and work to identify any additional program area experts that are needed. The APWL Coordinator provides email notification to the appropriate Deputy Directors, Area Directors, and Division Directors from TCEQ programs, as appropriate, which may include Area and Regional Offices, Enforcement Division, Office of the Executive Director, APD, MD, OLS, Agency Communications, IGR, EAD, and OCE. The internal notification to these programs includes the investigation summary document and all available data. Each program is responsible for assigning a representative with expertise in the particular area and/or process(es) that is/are believed to contribute to the elevated levels of the pollutant(s). These experts will review the investigation summary document and all available data in order to focus TCEQ efforts to reduce ambient levels of the

pollutant or class of pollutants in the area of concern. The APWL Coordinator ensures timely progress in setting and attaining goals and aids in coordination of tasks with experts.

- I. The APWL Coordinator utilizes the experts from each program area to review the available data and identify possible sources. The APWL Coordinator compiles and maintains all data obtained in this review in the database. The APWL Coordinator also identifies any additional information and technical experts necessary to properly evaluate the situation.
- J. From the information available, the APWL Coordinator notifies potential contributing sources of the pollutant(s) in an effort to address the elevated monitored concentrations. The APWL Coordinator will attempt to contact and collaborate with sources that would have the greatest immediate impact on air quality; therefore, smaller sources may not be notified during this step. The APWL Coordinator and program area experts work with the potential sources to identify and implement strategies that could reduce ambient concentrations of the pollutant(s) of concern. This step can be done concurrently with the development of the draft boundary proposal. Strategies may include air permit alterations, focused reconnaissance or field investigations, enforcement actions, voluntary emission reduction agreements, enhanced monitoring, and/or compliance agreements. These reduction strategies may focus on installation, repair, or maintenance of pollution control technology; implementation of good housekeeping or best management practices; or similar emission reduction efforts that would reduce ambient air pollutant levels below a level of concern. Implementation of the reduction strategies is documented in the investigation summary document. The APWL Coordinator also determines if additional monitoring needs to be conducted in the area to properly assess the cause of the elevated pollutant levels. The APWL Coordinator updates the investigation summary document to include potential sources and reduction strategies. All documents generated are maintained by the APWL Coordinator. This strategy implementation process will include specific deadlines that are determined by the APWL Coordinator on a case-by-case basis.
- K. At the end of the deadline for the implementation of the identified strategies, the APWL Coordinator consults with the identified TCEQ experts to determine if efforts were successful in reducing ambient concentrations of the pollutant. Monitoring data are not necessarily the only indicator of reductions at this point. Reductions can also be determined by the addition of emission control technology to potential sources, repairs of equipment, etc. The APWL Coordinator with the help of the Area and Regional Offices will determine if verification site visits or additional monitoring investigations are necessary. The APWL Coordinator presents a final recommendation to the Executive Director.

- L.** If the Executive Director, through consultation with the APWL Coordinator and/or TCEQ experts, determines that the ambient concentrations of the pollutant have been reduced and the issue has been fully resolved (i.e., reductions in ambient concentrations or emissions of the pollutant(s) of concern have been achieved in its reduction strategy time frame), no further action is required. The APWL Coordinator notifies all stakeholders contacted during the preliminary evaluation and reduction strategy implementation process of the decision to not pursue further emission reduction activities in the area.
- M.** If the APWL Coordinator and Executive Director do not determine that the problem has been effectively resolved, the APWL Coordinator finalizes the boundary proposal and supplemental documentation, as described in the guidance provided in Appendix 4, APWL Boundary Guidance Document.
- N.** The APWL Coordinator updates the investigation summary document, determines the specific means of notification (i.e., certified letter, phone call, or email) and identifies the affected stakeholders (e.g., industry, environmental groups, local programs, and the public). The APWL Coordinator works with IGR to notify legislative officials whose districts fall within the proposed APWL area via a temporary website he/she creates. The APWL Coordinator works with IGR to email legislative officials with the link to the temporary website two weeks prior to the public release of the proposed listing. The information that the APWL Coordinator provides to legislative officials must include the monitoring data related to the area. The APWL Coordinator also works with IGR to follow up the emails with personal phone calls to legislative staff if needed.
- O.** The APWL Coordinator updates the public APWL website with details regarding the proposal to add the pollutant(s)/area to the APWL. Information provided on the website includes, but is not limited to, the APWL boundary, the pollutant(s) of concern, details describing compliance with standards and/or the potential for human health concern, the beginning and end dates of the 30-day public comment period, and information on the public comment procedures. The APWL Coordinator sends email notification of the updates to the website to all subscribers to the APWL email group.
- P.** The APWL Coordinator develops a response to all public comments submitted during the comment period. The APWL Coordinator consults with the group of experts to reassess all available data, including any new monitoring data or data provided by potential sources during the comment period, to determine if the pollutant(s)/area will be listed on the APWL.

- Q.** The APWL Coordinator briefs the Executive Director’s Office on the final recommendation to add the proposed pollutant(s)/area to the APWL. The Executive Director and executive management make the final determination on whether to adopt the proposed addition to the APWL.
- R.** If it is decided that the proposed addition to the APWL is not warranted, the APWL Coordinator works with IGR to provide a one- to two-week advanced notification to legislative officials, including access to a temporary website with information regarding the justification for the decision, and follow-up phone calls to their staff. The APWL Coordinator updates the public website to indicate that the area and pollutant(s) were not added to the APWL, and all supporting documents, including responses to public comments and justification for the decision, are provided on the “Considered But Not Adopted” APWL website. The APWL Coordinator notifies stakeholders and sends email notification of the updates to the website to all subscribers to the APWL email group.
- S.** After all notifications of the decision to not adopt the addition to the APWL are made, no further action is needed.
- T.** If the listing of the pollutant(s) and the boundaries are finalized, the APWL Coordinator: (1) works with the IGR to provide a one- to two-week advanced notification to legislative officials, including access to a temporary website with final information on the addition, and follow-up phone calls to staff; (2) updates the public website to include the final boundary, responses to public comments, and justification for addition; (3) contacts each company located in the new APWL area and communicates certain expectations of facilities that operate within APWL areas (for example, explain that increases in an APWL contaminant are subject to more stringent permitting requirements, which generally includes offsetting actual increased emissions of APWL contaminants with equivalent reductions); and (4) notifies the remaining stakeholders and sends email notification of the final change to all subscribers to the APWL email group. The area experts keep the APWL Coordinator informed of monitored pollutant trends in the APWL area. The APWL Coordinator also: (5) routinely evaluates whether necessary reductions in ambient concentrations of the pollutant(s) of concern are achieved; (6) continues to review the actions taken to reduce emissions while keeping both internal and external stakeholders engaged and informed in the process; and (7) briefs the Executive Director as necessary.
- U.** When it is determined that monitored concentrations of the pollutant(s) are below a level of concern, the APWL Coordinator and appropriate TCEQ experts brief the Executive Director’s Office and recommend that the area/pollutant(s) be delisted from the APWL. The Executive Director must approve the decision before the APWL

delisting process begins. The APWL Coordinator prepares the delisting documentation.

- V. The APWL Coordinator determines the specific means of notification and the affected stakeholders (e.g., industry, environmental groups, public), works with the IGR to notify legislative officials whose districts fall within the area of the proposed removal via a temporary website he/she creates, and works with the IGR to email legislative officials with the link to the temporary website one to two weeks prior to the public release of the proposed delisting. The information that the APWL Coordinator provides to legislative officials must include the monitoring data related to the area. The APWL Coordinator also works with the IGR to follow up the emails with personal phone calls to legislative staff.
- W. The APWL Coordinator updates the public APWL website with details regarding the proposal to remove the APWL pollutant(s)/area. Information provided on the website includes, but is not limited to, a description or map of the APWL boundary, the pollutant(s) of concern, details supporting the decline in ambient concentrations of the pollutant(s) of concern, and justification for the determination that monitored concentrations meet standards and/or are no longer a potential health concern. The beginning and end dates of the 30-day public comment period and information on the public comment procedures are also provided. The APWL Coordinator notifies stakeholders and sends email notification of the updates to the website to all subscribers to the APWL email group.
- X. The APWL Coordinator develops a response to all public comments submitted during the comment period. The APWL Coordinator consults with the group of experts to reassess all available data, including any new monitoring data or data provided by potential sources during the comment period, to determine if the pollutant(s)/area should be removed from the APWL. The APWL Coordinator may evaluate whether or not to revise the existing boundary based on available data and comments received.
- Y. The APWL Coordinator briefs the Executive Director's Office on the final recommendation to remove the proposed pollutant(s)/area from the APWL. The Executive Director and executive management make the final determination on whether to adopt the proposed removal from the APWL.
- Z. If the delisting of the pollutant(s)/area is finalized, the APWL Coordinator updates the public website to include the responses to public comments and justification for delisting. The APWL Coordinator notifies stakeholders and sends email notification of the final change to all subscribers to the APWL email group.

- AA.** After the final decision is made public, the APWL Coordinator ensures that all documentation regarding the former APWL area is maintained and available to the public, either on the archived website or upon request.
- BB.** If it is decided that the proposed removal from the APWL is not warranted, the APWL Coordinator updates the public website to indicate that the pollutant(s)/area were not removed from the APWL, and all supporting documents, including responses to public comments and justification for the decision, are provided on the “Considered But Not Adopted” APWL website. Additionally, the APWL Coordinator notifies the remaining stakeholders and sends email notification of the updates to the website to all subscribers to the APWL email group. The APWL Coordinator and group of experts reassess the available information on the area and pollutant(s) of concern to determine if additional air monitoring or compliance investigation activities are required. These additional activities will be contingent upon availability of resources (i.e., personnel and equipment). The APWL Coordinator will continue to implement emission reduction plans and gather additional air monitoring data until sufficient reductions have been made to be able to remove the pollutant(s)/area from the APWL.
- CC.** If the area experts determine that the desired ambient air concentrations of the pollutant(s) of concern have been achieved, the APWL Coordinator briefs the Executive Director and recommends that the area/pollutant(s) be delisted from the APWL. If approved by the Executive Director, the APWL Coordinator will begin the delisting process described in Step V.

Appendix 1

Acronyms and Abbreviations

Acronyms and Abbreviations	Definitions
AMCV	Air Monitoring Comparison Values
AMDA	Air Modeling and Data Analysis Section
APD	Air Permits Division
APWL	Air Pollutant Watch List
EAD	Environmental Assistance Division
EAS	Emissions Assessment Section
IGR	Intergovernmental Relations Division
MD	Monitoring Division
OA	Office of Air
OCE	Office of Compliance and Enforcement
OLS	Office of Legal Services
SIP	State Implementation Plan
TCEQ	Texas Commission on Environmental Quality
TD	Toxicology Division

Appendix 2

Program-Specific Procedures

APWL Coordinator

The APWL Coordinator organizes, oversees, and coordinates all activities related to current and potential APWL areas. The APWL Coordinator conducts the initial investigation of elevated concentrations of a pollutant at the request of the responsible party, such as the TD, MD, or OCE. If the TD determines that monitored concentrations and the information provided by the APWL Coordinator during the initial investigation indicate a potential health concern, the APWL Coordinator consults with appropriate program area experts in the TCEQ to evaluate the potential sources of the pollutant(s) in the area and implement strategies to reduce emissions of the pollutant(s). The APWL Coordinator also coordinates with program area experts to create all APWL-related documents and updates, maintains, and distributes those documents as necessary. The APWL Coordinator serves as the APWL program liaison for the TCEQ in coordination with external stakeholders, appropriate TCEQ offices, legislators, and the regulated community. The APWL Coordinator will assess the need to secure additional help from entities outside of Texas or the U.S. for areas located near a state or international border.

Office of the Executive Director

Toxicology, Risk Assessment, and Research Division

The TD routinely reviews ambient air monitoring data from stationary network monitors and mobile monitoring investigations. The TD compares monitored concentrations to state standards (in the case of sulfur dioxide and hydrogen sulfide), the pollutant-specific, health- and welfare-protective AMCVs, which the TD derives from the available scientific literature, or other established metrics designed to identify concentrations of concern. The guidelines for deriving AMCVs and the values the TD derives for air permit evaluations were externally peer reviewed by national and internationally recognized experts in the field of inhalation toxicology and underwent two rounds of public comment. The [TD guidelines](#) are publicly available on the TD's website. The TD also considers information about the potential for exposure, representativeness of the samples, meteorological conditions, and other factors to help determine the potential for health effects.

The TD communicates conclusions about the potential for adverse health effects to other divisions of the TCEQ through health effects evaluation memos and the final determination of the potential for health effects in the data investigation summary/determination document. All these documents are maintained in a database by the TD or APWL Coordinator. Annual [health effects evaluation memos](#) of stationary network monitoring data are available on the TD's public website. Health effects evaluations of mobile monitoring projects and data investigation summary/determination documents are available from the TD or APWL Coordinator by request.

Office of Compliance and Enforcement

Enforcement Division

The Enforcement Division assesses administrative penalties to regulated entities based on impacts analyses on human health and the environment. For alleged violations that are documented by an investigation, a record review, or by a TCEQ Program Area *and* that are referred to the Enforcement Division, an Enforcement Coordinator will be assigned to the case. The Enforcement Coordinator is responsible for developing the enforcement case, which includes assessing administrative penalties that are consistent with the current penalty policy and protocol, and for identifying any corrective actions that the owner or operator must take or has already taken to achieve compliance with the state and/or federal rules. Each enforcement case is reviewed and approved by the management within the Enforcement Division.

Alleged violations can also be documented in a disclosure by the owner or operator under the Texas Environmental, Health, and Safety Audit Privilege Act (Audit Act). For violations disclosed under the Audit Act, the Audit Act allows immunity to the owner or operator from any enforcement action as long as the owner or operator has disclosed the violations and is taking actions to resolve the violations in a reasonable amount of time. For environmental audits that are conducted at a major source in order to review compliance with the requirements of the Title V Operating Permits Program, the Enforcement Division will determine, on a case-by-case basis, the consideration for immunity from administrative and civil penalties afforded by the Audit Act. The owner or operator and the Enforcement Division management will negotiate the terms of a compliance agreement that allows the owner or operator to develop a plan to achieve compliance with the state and/or federal rules in a reasonable and timely manner.

Program Support and Environmental Assistance Division

EAD staff provide technical and reconnaissance support to Regional Office staff with issues relating to compliance investigations in addition to compliance and pollution prevention assistance to businesses and local governments. The EAD assists with coordination between Regional Offices and the TD when issues arrive with monitoring data or sampling procedures.

Monitoring Division

Ambient Monitoring Section

The Ambient Monitoring Section offers consultative assistance to the TD and the APD by providing technical assistance, identifying logistical issues, and preparing a cost estimate for ambient monitoring activities. Technical assistance typically includes identifying the type of monitoring equipment, test methods, and mobile monitor site locations. The section provides guidance on the most feasible way to meet the needs of the TD and the APD.

For fixed monitoring sites, the section deploys new monitoring sites using input from the TD and other data customers, as well as available modeling or monitoring data. Fixed monitoring

locations are often dictated by the availability of adequate space, electrical utilities, and safe access. When industries conduct monitoring as part of an agreement with the TCEQ, the section provides assistance to ensure that the monitoring location will meet the TCEQ standards.

The best monitoring approach for an area may be mobile monitoring, as opposed to a fixed site. After careful review, and if resources permit, the section provides mobile monitoring to APWL areas.

Data Management Section

The Data Management Section collects, displays, reports, and archives ambient air monitoring data. This section also manages, reviews, validates, qualifies, and uploads air monitoring data to the U.S. Environmental Protection Agency Air Quality System database. In addition to providing meteorological and air quality forecasts, the section maintains the technical reporting and display infrastructure (data polling, web architecture, and databases) for ambient air data at the TCEQ.

When industries conduct monitoring as part of an agreement with the TCEQ, the Data Management Section provides assistance in acquiring and displaying data for public and/or agency access and assistance with the use of databases to store monitoring measurements and meteorological data. The section provides training and guidance in the use of validation tools and procedures to ensure that the data that are collected and displayed are comparable to the data collected by the TCEQ.

Regional Offices

Regional Offices can make significant use of APWL information when planning regional investigation activities. Additional reconnaissance and targeted site investigations can be conducted at sources within an APWL area in a direct effort to identify unknown or under-reported sources of the contaminant of concern. In some cases, a special project team can be developed within the region to focus on a particular APWL area and develop detailed investigation and monitoring strategies. Depending on the APWL area, Regional Offices may also establish and utilize triggered notifications for targeted compounds at specific air monitoring stations to identify activities that may contribute to elevated ambient pollutant levels. Regional Offices may also work directly with the Office of the Executive Director and others to monitor air concentrations around area facilities, report elevated air monitoring data, and/or develop voluntary compliance agreements with entities to reduce emissions.

Office of Air

Air Quality Division

In general, air quality research funds from the Air Quality Division may be used to develop relevant data on air pollution as needed. The use of these funds must be consistent with TCEQ

priorities and needs, as identified by the Executive Director. Other efforts by the Air Quality Division are handled by the EAS or AMDA Sections.

Emissions Assessment Section

The EAS does not have a current process specific to the APWL, and it is unlikely that a process will be created. This section responds to data requests for information regarding a facility or area. Because the section currently provides data support for multiple TCEQ needs, the data retrieval process will remain the same for the APWL as for most other internal or external data requests. The EAS will continue to provide timely data on an as-requested basis and remains flexible to help meet unforeseen APWL needs.

Current review standards for the emissions inventory are risk-based. Some sites are subjected to more intensive review or data collection based on several factors, including magnitude or type of emissions, location of the source, or other current business requirements in the section or agency. Additionally, sources may have industry- or category-specific criteria used in the review process to ensure a complete and accurate inventory. Consistent with the processes used when any business requirements change, EAS management will determine if the level of review or information collected for the APWL is appropriate. Modifications will be made, if needed.

Air Modeling and Data Analysis Section

As with the EAS, the AMDA does not have a particular defined process specific to the APWL. The most pertinent functions this section provides are to analyze ambient air quality data and other data (e.g. emissions inventory, maintenance, startup, and shutdown events, and company records) as needed, to identify trends and patterns in pollutants, and to understand its sources better.

The AMDA currently performs analyses that range from long-term (e.g. multiple analyses in support of the SIP) to very short-term (e.g. conditions, concentrations, and possible causes of an ozone exceedance a day or two earlier). The section is experienced in responding to requests covering a range of timelines, as much of its workload originates from requests, and this is likely the role the AMDA will play in the process.

Air Permits Division

The APD ensures that permit review staff are aware and informed regarding areas of concern, pollutant(s) of concern, and facilities located in APWL areas. Permit review staff are alerted to any projects received by the APD within an APWL area. Data are entered into the New Source Review Permits Information Management System for documentation and tracking purposes. Permit review staff are required to follow the guidance provided in the APDG 5874, Modeling and Effects Review Applicability (MERA), process. The [MERA](#) Reference Guide is available on the APD's website.

In addition, the TD's mobile monitoring and regional monitoring analyses are provided to APD management and staff. The APD currently sends emails to appropriate TCEQ management prior to issuance for projects in APWL areas according to the MERA process. These emails include the proposed draft permit, the technical review, and any other pertinent information or memos. They also provide a final opportunity for key areas of the agency to address any remaining concerns.

Appendix 3

TCEQ Toxicology, Risk Assessment, and Research Division Investigation Summary Documentation

Example draft document, may be adjusted on a case-by-case basis.

Table 1. Area Under Consideration

County	
City	
TCEQ Region	
Pollutant(s)	
Exceedance Type (Health/Odor)	
Exceedance Duration	

Investigation Information

- Background
- Evaluation
 - Ambient Air Monitoring Data
 - Magnitude and Frequency of Exceedances(s)
 - Source Determination
 - Toxicology Division's Health Effects Review of Ambient Monitoring
 - Mobile Monitoring Data
- Supplemental Data (if source(s) is/are known)
 - Proximity to Residential Areas
 - Air Permits
 - Recently Issued Projects
 - Pending Projects
 - Compliance History
 - Complaint History
 - Point Source Emissions Inventory
- APWL Investigation Recommendation

Appendix 4

Guidelines to Delineate Boundaries for Air Pollutant Watch List Areas

Example draft document, may be adjusted on a case-by-case basis.

Boundary Delineation

If monitored ambient concentrations of a pollutant(s) are determined to be of potential health concern that should be addressed through the APWL, the APWL Coordinator collaborates with the TD and program area experts across the TCEQ. The APWL Coordinator draws upon the expertise of these experts to conduct a more thorough evaluation of all available data. Several factors are considered in this evaluation, including but not limited to, the following:

- Ambient Air Monitoring Data (mobile and/or stationary)
 - Magnitude and frequency of any exceedance(s)
 - Source-determination analyses
 - Trend analyses (e.g., seasonal emissions)
 - TD's health effects review memos of mobile and ambient air monitoring data
- Supplemental Data
 - Compliance history (e.g., number of odor complaints in the area)
 - Emissions inventory data from facilities
 - Proximity to residential areas and high-traffic roadways
 - Designated land use (e.g. commercial-industrial, residential, agricultural)
 - Pollution prevention efforts

The APWL Coordinator uses the information gained during the evaluation process to identify an area that includes the potential source(s) of the elevated concentrations of the pollutant, which will serve as the APWL boundary. The edges of this boundary will be defined by the closest manmade (e.g., streets, highways, or structures) or geographical boundaries. Because each air quality issue and location are unique, the specific factors taken into consideration for defining the boundary will be detailed in a supporting document with a GIS map showing the location of the proposed boundary. The boundary and supporting documentation are reviewed and approved by a group of TCEQ experts and their management and are provided to the Executive Director as part of the recommendation to add the pollutant(s) and area to the APWL.

APWL Boundaries Defined Before 2010

Boundaries of APWL areas that were finalized before 2010 underwent a procedure similar to the process described in this guidance document. Because these boundaries have already been established, an additional public comment period will not be provided for the existing boundaries; however, the APWL area boundaries may be reevaluated from time to time as warranted. Should additional review indicate the need for an adjustment (e.g., increasing or decreasing the geographical boundary or adding new sources within the area) to an APWL area,

the APWL Coordinator will follow the guidelines in this document, opening up any proposed changes for public comment.

Boundary Reevaluation

The APWL Coordinator along with a group of experts may reevaluate an existing APWL boundary based on the most current information available. Specifically, the APWL Coordinator will identify any new potential contributing sources in or near each APWL area, recognize any changes to the contributing sources previously identified or the designated land use of the APWL area, and evaluate the results of any additional ambient air monitoring data and field reconnaissance investigations. Conclusions from this reevaluation are documented in the boundary supplemental documentation, which will be made available on the APWL website. If it is determined that a boundary should be adjusted to reflect new information, the APWL Coordinator will follow the guidelines described in this document (including the opportunity for public comment) to propose and finalize the new boundary. Boundaries may be expanded or reduced in size.