

## **AIR QUALITY UPDATE**

### **Background**

Currently H-GAC is working on a new conformity determination to support amendments to the 2040 Regional Transportation Plan (RTP) and 2017-2020 Transportation Improvement Program (TIP). Major elements of the amendments include:

- Adjustment to the scope, schedule, and funding of projects;
- Addition of projects funded in partnership with the Texas Transportation Commission, including the North Houston Highway Improvement Project; and
- Addition of TxDOT projects that are undergoing environmental review and project development activities.

This conformity determination demonstrates compliance to the new emission budgets based on the revision to the air quality SIP for the 2008 8-hour Ozone Standard.

H-GAC initiated work in August 2017 including consultation with partner agencies and public review and comment. The Transportation Policy Council approved this conformity finding on January 26, 2018. It was formally submitted for interagency review the same day. All agencies except the Federal Highway Administration (FHWA) have been received and responses to comments prepared. Once comments have been received from FHWA H-GAC will submit any required revisions to its conformity documentation and seek formal concurrence from all review agencies.

The recent court ruling in the South Coast Air Quality Management District v. EPA et al. could result in EPA being unable to provide conformity determinations for pending transportation plans and programs in regions originally classified as nonattainment for the 1997 standard. The following summary details the impact of this ruling on the Houston region.

Due to the 2008 Ozone Implementation Rule, H-GAC was no longer required to demonstrate conformity to the 1997 ozone standard. Under the Court ruling, EPA may not have the ability to approve our current conformity since it does not address the 1997 ozone standard. This court decision threatens the amendment of our Regional Transportation Plan and development of our next TIP, which is scheduled for adoption by the Transportation Policy Council this May. In addition, final approval of environmental documents for major projects like the I-45 North Corridor cannot be completed without the revised Plan.

**Current Situation**

It is unclear whether the South Coast court case will delay or prevent approval of our pending conformity finding. There is a consensus that an expedited review and approval of our conformity finding by FHWA (prior to mid-April) could provide the best opportunity for approval by all review agencies, including US EPA. Recently, a pending conformity finding for the Atlanta Region was approved by FHWA without comment from US EPA (who neither approved or disapproved of the conformity finding).

H-GAC and TxDOT have communicated our concerns to the Texas Division of FHWA and sought their expedited review. No commitment to an accelerated review has been forthcoming to date.

**Action Requested**

Information only.