

# **REGIONAL AIR QUALITY PLANNING ADVISORY COMMITTEE**

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## **MEETING SUMMARY**

Thursday, March 25, 2021 – 10:00 A. M.  
Houston-Galveston Area Council  
Virtual Teams Meeting

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### **MEMBER PRESENT**

City of Houston – Win Colbert  
Harris County – Kristen Lee  
Harris County Pollution Control – Latrice Babin  
Fort Bend County – Joel Patterson  
Houston Advanced Research Center – Mustapha Beydoun  
EXXON– Sherman Hampton  
Port Houston – Trae Camble  
City of LaPorte – Kristen Gauthier  
Environmental Defense Fund– Grace T. Lewis

### **ALTERNATE PRESENT**

METRO – Vincent Sanders  
TXDOT– Charles Airiohuodion  
EHCMA – Steve Smith  
Greater Houston Partnership – Steven Will  
American Lung Association – Paulette Wolfson

### **OTHERS PRESENT**

Bradley Flowers  
Ken Adler

### **STAFF PRESENT**

Houston-Galveston Area Council – Andrew DeCandis  
Houston-Galveston Area Council – Ben Finley  
Houston-Galveston Area Council – Cassandra Marshall  
Houston-Galveston Area Council – Gilbert Washington  
Environmental Protection Agency – Carl Young  
TCEQ – Alison Stokes  
TCEQ – Katie Campbell  
TCEQ TERP – Nate Hickman  
TCEQ – Graham Bates

### **BRIEFING**

#### **Overview**

- a. The RAQPAC Members and Alternates were presented with agency reports (EPA update, TCEQ update, TERP Update, Regional Air Quality Monitoring update); and the meeting concluded with no announcements.
- b. Go to <http://www.h-gac.com/board-of-directors/advisory-committees/regional-air-quality-planning-advisory-committee/meeting-material.aspx> to view the meeting materials for this meeting.

### **CALL TO ORDER**

#### **ITEM 1A. Introductions**

Win Colbert called the meeting to order and members were introduced.

#### **ITEM 1B. Approval of Meeting Summaries (1-28-21, 2-25-21, 3-25-21)**

Approval of minutes held for quorum.

### **AGENCY REPORTS**

#### **ITEM 2A. EPA Update (Carl Young)**

**A representative from the Environmental Protection Agency (EPA) briefed the committee on a few topics:**

Revised Cross-State Air Pollution Rule Update

- The Clean Air Act interstate transport requirement is for EPA is to approve a State Implementation Plan (SIP) or promulgate a Federal Implementation Plan (FIP) to prohibit emissions from a State to other States which would: (1) significantly contribute to nonattainment of a new or revised standard, or (2) interfere with maintenance of a new or revised standard. As a partial remedy for interstate transport and the 2008 ozone standard of 75 parts per billion (ppb) EPA promulgated the Cross-State Air Pollution Update Rule (CSAPR Update) in October 2016. The CSAPR Update included an emissions trading program for nitrogen oxides (NOx, an ozone precursor) for power plants in 21 States (including Louisiana and Texas).
- The CSAPR Update was remanded to EPA for failing to fully address the agency's interstate transport obligation. Under a recent court ruling EPA was subject to a March 15, 2021 deadline to issue a final rule fully addressing good neighbor obligations for 7 of the 21 upwind states covered by the CSAPR Update remand. In October 2020 EPA proposed to lower ozone season power plant emission budgets for NOx in Louisiana and 11 other States in the eastern U.S. and create a new emissions trading group (Group 3) for these States. Louisiana was linked to interference of maintenance of the 2008 ozone standard in Houston. The 11 other States were linked to nonattainment or interference of maintenance in Connecticut. EPA also proposed that Texas and several other States have no further interstate transport obligations under the 2008 ozone standard.
- On March 15, EPA signed a final rule revising the CSAPR update to revise power plant emission budgets for Louisiana and 11 other States and to find that Texas and several other States have no further interstate transport obligations under the 2008 ozone standard. The final rule will reduce NOx emissions from power plants in Louisiana and the 11 eastern States and improve air quality.
- Update on Court Decision on the Implementation Rule for the 2015 Ozone Air Quality Standard
- In late January the D.C. Circuit Court issued an opinion on a challenge to EPA's implementation rule for the 2015 ozone air quality standard in nonattainment areas.
- The Court vacated:
- Allowing interprecursor trading for emission offset requirements.
- Use of an implementation-based option for milestone compliance demonstrations that is found in the implementation regulations.
- Use of already implemented measures to meet the contingency measure requirement for failure to attain or failure meet a reasonable further progress milestone.

The court's mandate was issued this week.

#### **ITEM 2B. TCEQ Update (Graham Bates)**

##### **TCEQ staff gave an update on the following:**

##### Emissions Inventory Update

- The 2020 point-source air emissions inventories are due Wednesday, March 31, 2021 unless otherwise directed by the commission, per the emissions inventory reporting rule 30 Texas Administrative Code Section 101.10. Resources and guidance on point source emissions inventories are located at: <https://www.tceq.texas.gov/airquality/point-source-ei/psei.html>

##### Tax Relief for Pollution Control Property Advisory Committee Nominations

- The Tax Relief for Pollution Control Property Advisory Committee provides recommendations to the TCEQ on matters relating to use determinations for pollution control property/equipment and the implementation of Texas Tax Code Section 11.31. The advisory committee is made up of members selected to represent the following groups: industry, appraisal districts, taxing units, environmental groups, and members who are not representatives of any of those groups but have substantial technical expertise in pollution control technology and environmental engineering.

- Tax Relief for Pollution Control Property Advisory Committee members serve four-year staggered terms. One of the advisory committee members, an appraisal district representative, whose term expires on December 31, 2021, has resigned his position effective December 31, 2020. Under 30 Texas Administrative Code §5.7, if a member of the advisory committee resigns prior to the expiration of his or her term, the TCEQ shall appoint a replacement who shall serve the remainder of the unexpired term.
- The TCEQ expects to fill the vacancy on April 14, 2021.
- Nominations were accepted to fill the unexpired term from November 13 through December 16, 2020 and the nominations period is now closed.
- For additional questions or information about the nominations, please contact Elizabeth Sartain of the Tax Relief for Pollution Control Property Program at Elizabeth.Sartain@tceq.texas.gov.
- Rules for United States Environmental Protection Agency's (EPA) Oil and Natural Gas Control Techniques Guidelines (CTG)
- On January 13, 2021, the commission approved the proposed Chapter 115 volatile organic compounds (VOC) reasonably available control technology (RACT) Rules for EPA's Oil and Natural Gas CTG (Rule Project No. 2020-038-115-AI). The proposed rulemaking would incorporate rules to address the emissions sources in the EPA's CTG and ensure RACT is implemented for each of these emission sources as required under the Federal Clean Air Act (FCAA).
- The public hearing was held on February 23, 2021 at 10 a.m. CST. Because of Winter Storm Uri, the public comment period was extended from March 2, 2021 to March 16, 2021. \* Additional information on the rulemaking is available at <https://www.tceq.texas.gov/rules/prop.html>.
- For additional questions or information about the proposed rulemaking, please contact Frances Nikki Clark of the Stationary Source Programs Team at Frances.Clark@tceq.texas.gov.
- Update on the Texas Low Emission Diesel (TxLED) Program
- On March 5, 2021, the EPA issued an extension to the temporary waivers effective immediately for compliance with the Texas Low Emission Diesel (TxLED) requirements that apply in 110 Texas counties in response to the fuel supply emergency caused by refinery and distribution terminal disruptions resulting from the unusually severe temperatures and frozen precipitation throughout the state of Texas. The fuel waivers will continue through March 25, 2021.
- Retail outlets and wholesale purchaser-consumers that receive gasoline or Ultra Low Sulfur Diesel under these waivers may continue selling or dispensing this fuel after March 25, 2021, until their supplies are depleted. \* Please contact Guy Hoffman at 512-239-1981 or [guy.hoffman@tceq.texas.gov](mailto:guy.hoffman@tceq.texas.gov), or Michael Regan at 512-239-2988 or [michael.regan@tceq.texas.gov](mailto:michael.regan@tceq.texas.gov) with questions.

#### **ITEM 2C. TERP Update (Nate Hickman)**

##### **TERP staff gave an update on available TERP programs.**

Texas Emissions Reduction Plan (TERP)

Terp staff gave an update on available TERP programs.

#### **ITEM 2D. Regional Air Quality Monitoring Update (Andrew DeCandis)**

Since our last meeting in February, there have been no exceedances of the 2008 75 ppb ground-level ozone standard or of the 2015 70 ppb standard. So far this year, the design value for the 2019 through 2021 period is 68 ppb as measured as measured at the Conroe and Galveston monitoring stations.

Moving on to PM, the final PM<sub>2.5</sub> average at the Clinton Road monitor in February was 9.21 µg/m<sup>3</sup> and so far in February, the average has been 9.47. Additionally, you can see the monthly average PM<sub>2.5</sub> concentrations over the last year at the seven local regulatory monitors within the region, as well as the annual averages for those same seven stations between 2001 and the present. As a reminder, we do have a new PM<sub>2.5</sub> monitor in the region collocated at the Houston Westhollow off Highway 6 in West Houston.

## **ACTION ITEMS**

### **ITEM 3A. (Andrew DeCandis)**

None

## **DISCUSSION ITEMS**

### **ITEM 4A. There's Something in the Air: Shifting Regulatory Winds Under a New Administration (Anne Idsal Austin, Pillsbury Winthrop Shaw Pittman)**

Anne Austin gave an overview to the committee on how the circuit accepted and remanded the Trump administration of the Clean Power Plan and replacement with the affordable clean energy rule. The EPA was granted a request to stay and indicate the need to proceed with GHG emissions, rather than revert to the Obama administration rule.

As discussion continued, it was also mentioned that all agencies are required to review all regulations, orders, guidance, and policies enacted over the last four years. A moratorium was established on new oil and gas lease permits on federal land and waters until a comprehensive review of federal oil and gas permitting and leasing practices is completed.

In further discussion, EPA is reportedly giving serious consideration to getting secondary NAAQS for CO2. EPA plans to use an integrated approach for using its environmental justice screening and mapping tool. The community participation as environmental justice relates is a way to promote project goals and address concerns in a proactive way.

To what extent this new CCUS project prompt environmental justice concerns is an open question.

### **ITEM 4B. Overview of the Harris County Community Air Quality Monitoring Program (Dr. Latrice Babin, Harris County Pollution Control)**

Dr. Latrice Babin presented the members with issues related to air pollution, water pollution, and hazardous and solid waste disposal.

## **INFORMATION ITEMS**

### **ITEM 5A. H-GAC Update (Andrew DeCandis)**

Staff gave an update on the following information:

- H-GAC has applied for an EPA Diesel Emission Reduction Act grant to replace existing diesel vehicles with zero emission models. Should this project be funded, a call for projects will be held for local fleets to request funding to assist with the purchase of electric and hydrogen-powered medium- and heavy-duty vehicles as well as certain types of off-road equipment.
- H-GAC's regional Bus Inventory Survey is underway. H-GAC is looking to hear from bus operators within the region to better understand the number, type, and operations of buses within the 8-county H-GAC MPO region. This survey will help to point the way towards future emission reduction efforts and funding opportunities within our region. If you wish to participate, please visit: <https://www.h-gac.com/clean-vehicles/regional-bus-survey>.

## **ANNOUNCEMENTS**

### **ITEM 6A.**

None

Next meeting: April 29, 2021

## **ADJOURNMENT**

Meeting adjourned at 11:40A.M.