

REGIONAL AIR QUALITY PLANNING ADVISORY COMMITTEE

MEETING SUMMARY

Thursday, June 24, 2021 – 10:00 A. M.
Houston-Galveston Area Council
Virtual Teams Meeting

MEMBER PRESENT

City of Houston – Win Colbert
City of Houston – Nguyen Ly
City of Texas City – Gary Scoggin
EHCMA – MaryJane Mudd
Environmental Defense Fund – Grace T. Lewis
Fort Bend County – Joel Patterson
Harris County, Precinct 2 – Kristen Lee

ALTERNATE PRESENT

Air Alliance Houston– Harrison Humphreys
Houston Advanced Research Center – Ebrahim Eslami
Harris County Pollution Control– Stuart Mueller
League of Women Voters –Katie Campbell
METRO – Vincent Sanders
TXDOT – Charles Airiohuodion
Williams Brothers Construction – Marc Anderson
Greater Houston Partnership – Steven Will
Harris County – Jeffrey Parsons

OTHERS PRESENT

Charlie Gagen
Doug Lewin
Clay Pope
Adrian Shelley

STAFF PRESENT

Houston-Galveston Area Council – Andrew DeCandis
Houston-Galveston Area Council – Sanford Klanfer
Houston-Galveston Area Council – Ben Finley
Houston-Galveston Area Council– Carlos Lugo
Houston-Galveston Area Council – Jim Mahood
Houston-Galveston Area Council – Sandra Holliday
Houston-Galveston Area Council – Patrick Mandapaka
Houston-Galveston Area Council – Cassandra Marshall
Houston-Galveston Area Council – Carlene Mullins
Houston-Galveston Area Council – Frank Pagliei
Houston-Galveston Area Council – Veronica Waller
Environmental Protection Agency – Carl Young
TCEQ – Graham Bates

BRIEFING

Overview

- a. The RAQPAC Members and Alternates were presented with agency reports (EPA update, TCEQ update, and Regional Air Quality Monitoring update); and the meeting concluded with 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, 4-29-21, 5-27-21)

Meeting summaries approved.

AGENCY REPORTS

ITEM 2A. EPA Update (Carl Young)

A representative from the Environmental Protection Agency (EPA) briefed the committee:

Reconsideration for the Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standard

On June 10 EPA announced that it is reconsidering the December 2020 decision to retain the PM_{2.5} standard. Available scientific evidence and technical information indicate that the current standards may not be adequate to protect public health and welfare, as required by the Clean Air Act. EPA expects to issue a proposal for comment in Summer 2022 and finalize its decision in Spring 2023. More information is available at:

<https://www.epa.gov/naaqs/particulate-matter-pm-air-quality-standards>

Serious Area Attainment Deadlines for the 2008 Ozone Air Quality Standard

Ozone nonattainment areas like Houston that are classified as Serious for the 2008 ozone standard of 75 parts per billion (ppb) have an attainment deadline of July 20, 2021. EPA will use calendar year data for 2018-2020 to determine whether these areas attained by the attainment deadline. The Clean Air Act calls for EPA to publish a determination on whether these ozone nonattainment areas attained the 2008 ozone standard by the attainment deadline within 6 months of the deadline.

EPA has received a request to grant the Houston area a 1-year extension of the attainment date as the area's 4th highest daily maximum 8-hour average in the 2020 attainment year is 75 ppb.

It is expected that EPA will publish a national proposal for the Serious ozone nonattainment areas that will cover:

- Determinations of Attainment by the Attainment Date
- Extensions of the Attainment Date
- Reclassification of Areas to Severe

The national proposal is expected to be published this summer in order for EPA to meet the January 20, 2022 date for publishing the attainment determinations for areas that are classified as Serious for the 2008 ozone standard. It is also expected that the proposal will address the request for a 1-year extension of the Houston attainment date. Publication of the proposal in the Federal Register will start a 30-day comment period.

ITEM 2B. TCEQ Update (Graham Bates)

TCEQ staff gave an update to the members regarding the latest information:

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.
- Adoption will be considered on June 30, 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.
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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. The TCEQ will soon be accepting applications for potential advisory committee members from the following affiliations: three industry representatives, two appraisal district representatives, one taxing unit representative, and one independent technical expert. The nomination period is expected to open in early July, and full details will be available for the next meeting.
- 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.

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

Since our last meeting in May, there has been six exceedances of the 2008 75 ppb ground level ozone standard and six of the 70ppb standard. So far, this year the region maximum fourth highest value is 78ppb. The design value for 2019-2021 period is 75 ppb as measured at the Bayland Park Monitoring Station.

Moving on the final PM 2.5 average at the Clinton Road monitor in April was 9.41 µg/m³ and so far in April, we have seen an average of 10.44. Additionally, charts were presented for PM 2.5 over the last twenty years for all our regional monitors for the last twelve months. We have added some additional PM 2.5 monitors that have not been included in this report. The new monitors are the Conroe Relocated Station, Houston East, and Seabrook Friendship Park.

ACTION ITEMS

ITEM 3A. (Andrew DeCandis)

None

DISCUSSION ITEMS

ITEM 4A. 2021 Legislative Session Wrap-up Roundtable

Doug Lewin gave an update to the committee members on energy and power. There were a lot of activity during this session. He mentioned the incident which occurred in February. We were without power and water for several days, majority of people throughout the state. Because of this, this session was heightened to extremely interesting session on energy and power. A few bills that were discussed are:

- SB3-This is the largest most impactful bill related to not just power grid but energy system overall. Discussion continued this bill doesn't address everything, but it puts some powerful steps into place. Particularly, the stuff around communication. To name a few, the outage alert system that goes into place, obviously one of the biggest problems we had during February was the uncertainty of how long this was going to last. Communication was clearly one of the biggest problems that could have prevented the loss of life had it been addressed. The coordination between agencies particularly on the gas and power industries which are deeply intertwined and related in actuality, but in regulation and coordination of events like this really are very deficient. In further discussion, coordination if it is not followed through by the agency, local governments whoever has the implementation requirement responsibility that matters. There are provisions in SB-3 that require utilities to figure out who their critical care customers are to really try to make the rolling outages the part of the bill was fairly weak. It was pointed out that if this is implemented, we need to watch for this.
- There was a huge effort to add various cost to renewable energy for various reasons given for why to do that. But the end result would be a lot of extra cost on renewables speaking specifically of the senate bill 1278, which was tacked on to SB3. This means that renewables would have to purchase ancillary service and the network effect will continue to see renewable energy in the state. The legislature and policy maker need to do a lot to make sure the grid is resilient. Despite the assertion that nothing is being built, there is a lot of understudy with money down. It was mentioned that you will continue to see additional renewables.
- There were a lot of different proposals to have different fees on electric vehicles. None of these passed. At some point, something will pass that will have a fee on electric vehicles, but for now there isn't one.
- HB17-does not allow cities to ban gas infrastructure on new building codes. Also, to incentivize electric homes. It was noted that one of the problems we have in the winter that we don't have in the summer. We don't use a lot of natural gas in the homes in the summertime. Efforts to put more gas in the homes would exacerbate the problems.
- SB398-This is meant to expand the use of solar. It removes some use of municipality to restrict solar on residential and small commercial.
- Berkshire Hathaway Energy- to have 10 watts of natural gas built at a cost of eight billion dollars, which would have meant several dollars a month for the next 40 years for every resident. This would have been a lot for governmental, and commercial entities. But it did not pass.
- HB2275-Climate changes are happening. In order to have realistic infrastructure around the state is a no brainer. We will see pushes and federal dollars to have water, hospital, nursing homes to stay in operating capacity.

Clay Pope gave an overview to the committee on their efforts to keep members and their stakeholders aware of the upcoming Legislative sessions. Discussions continued that we thought this would be a slower session because we had a change in the speaker. Typically, where there is a change in the committee make up. This is always an educational lag. The senate has an informal rule limiting the number of bills that would be filled. Discussion continued that it was going to a Covid session. It turned completely away for that once the hurricane and the snowstorm happened. In further discussion, there was not a lot of environmental bills that passed through the system. But there were some that did. A few were mentioned:

- HB4472-There was a big change last year. The past bill HB3475 that said all TERP revenue collected would actually go to the TERP fund. That 250 million a year that's generated on an annual basis under this bill is said a minimum of 35 percent would go to TXDOT for congestion mitigation projects. So that means 165

million a year would be spent on TERP projects. Right now, roughly 77 million a year is appropriated. It's not the 250 million a year going to TERP that we expected it is an increase. There were some adjustments made within the TERP statute. It was noted that it makes it easier for TERP to be utilized to capture the methane emission and the priming basin. It also makes it so that tugboats have a little bit more flexibility. They only have to be within the non-attainment area 55 percent of the time. The projects that TXDOT can spend money on has to be projects that can be mitigated congestion and improve air quality that are currently planned, completed, and they have to do an estimate cost per ton on the reduction of NOX, particulate matter, and VOC's for each of the projects. It will be interesting to see what the numbers are. It was pointed out that other parts of the nation that it is extremely high cost per ton for their congestion mitigation projects.

- HB1284-This was related to carbon capture utilization and storage. It sets up primary, so the railroad has primacy over this issue. It makes it easier for them to make application to EPA for the class six injection laws. Currently, it was broken up that onshore was the railroad commission and offshore was TCEQ. The Houston region will have a huge issue with this. It will require discussion.
- SB872-Dry cleaners environmental response program will continue until September 2041.
- SB900-For storage vessel for the result of ITC fires incident at the Houston Ship Channel. This bill was to put into statute that the company has to follow best practices create an inspection program by the TCEQ. This was agreed upon by everyone.
- HB2390-Gulf coast authority will be able to finance and projects will move forward.
- Did not pass-The construction of chapter 313 tax abatement agreement. Bill 312 covers counties. Bill 313 is for school districts.
- It was mentioned these are two different concepts. One was rewritten, but it died. They tried to do a two-year extension and that did not make it. It will be put into place by next year unless the governor put this as a part of the call for special session.
- SB13-If you boycott energy companies it is illegal for the state to buy out energy companies.
- SB2116-Four companies can not be involved in critical infrastructure in the state. It was pointed out that China, Iran, Russia, and North Korea are being listed out.

Lastly, the agencies that are going under sunset are TCEQ, the water development board, and PUC. They have started the process and the agencies have to do a self-evaluation. As discussion continued, if they think they are deficient in performing their duties they have to submit this to the sunset staff. Its due in September. They solicited responses from the members to reach out to the Sunset staff if you have ideas that you think could improve the agencies.

Adrian Shelley continued the discussion on aggregate production industry, specifically, concrete batch plants. They are usually adjacent to residential areas. In further discussion a bill that did not pass that was being pushed by the City of Houston. which would have given the City of Houston and Harris County the ability to veto a permanent application for a concrete batch plan within their jurisdiction. It was mentioned that there is a specific need for Houston to find a solution in zoning.

- SB952-This bill passed in legislation. There were modest improvements to the maps that will be submitted with a concrete plan application. This will be unique for Houston facilities. TCEQ is unable to conduct site visits. Improving the map will help to solve these kinds of problems.
- SB900-This bill has some blind spots. Permits narrow range of operator to abide by best management practices, which include the American Petroleum standard for tanks. Notably, these are old standards. The construction standards for tanks rely on outdated assumption about rain volume. The recommended standard is 12 inches of rain with in a 24-hour period. We have had 7 storms that were larger since the year 2000 in Houston.
- National Fire Association Standards-The problem is not being addressed for the forever chemical that was used to fight the ITC fires. These chemicals traveled into the ship channel and they do not degrade. The forever chemicals are recommended in the standard that will be used to form the best practices that Texas will use. They are making progress.
- SB1772-Established a be friendly habitat. Law makers were signaling these endorsements. Abbott vetoed that he was not interested in voluntary factor they do not do anything.

- SB398-This solar bill of rights will have impacts with HOA's . They might want to impose strict regulations by residential members.
- HB4472-requires TXDOT to do the same kind of analysis. For NOX, VOC's and particulate matter.

Lastly, TERP funds are increasing more. CMAQ has been used to expand our highways. We are hoping to further increase going forward.

INFORMATION ITEMS

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

The committee was informed the work on the PM 2.5 Path Forward for 2021 is continuing. A meeting was held this month to get an update on how all the participant are coming along with the report. Additionally, the new development material for this year draft will be completed for the subcommittee to review on August 1, 2021.

In further discussion the next subcommittee meeting will be held on July 15, 2021 at 2p.m. The meeting invite has been distributed to the participating members. Staff solicited help from anyone that would like to be apart of the PM 2.5 report you can reach out to Andrew DeCandis and let him know.

ANNOUNCEMENTS

ITEM 6A.

None

Next meeting: July 29, 2021

ADJOURNMENT

Meeting adjourned at 11:23A.M.