

REGIONAL AIR QUALITY PLANNING ADVISORY COMMITTEE

MEETING SUMMARY

Thursday, June 29, 2023 – 10:00 A. M.

Houston-Galveston Area Council

Virtual Teams Meeting

MEMBER PRESENT

City of Houston – Win Colbert
City of Houston – Nguyen Ly
Fort Bend County – Joel Patterson
Waller County – Brooke Bacuetes
Port Houston – Trae Camble
Harris County Precinct 2 – Kristen Lee
Environmental Defense Fund – Grace Lewis
Baylor College Medicine – Winifred Hamilton
METRO – Edmund Petry
ECHMA – Mary Jane Mudd

ALTERNATE PRESENT

TxDOT – Charles Airiohuodion
City of Houston – Darryl Tate
Harris County Pollution Control – Stuart Mueller
Air Alliance Houston – Harrison Humphreys
League of Women Voters-Houston – Katie Campbell-Shumway
Port Houston – Kenneth Gathright
Associated General Contractors of America – Marc Anderson

OTHERS PRESENT

Environmental Defense Fund – Philip Martin
AE COM – Bradley Flowers

STAFF PRESENT

Houston-Galveston Area Council – Andrew DeCandis
Houston-Galveston Area Council – Cassandra Marshall
Houston-Galveston Area Council – Carrie Evans
Houston-Galveston Area Council – Caroline Bailey
Houston-Galveston Area Council – Ben Finley
Houston-Galveston Area Council – Diane Domagas
Houston-Galveston Area Council – Gloria Brown
Houston-Galveston Area Council – Ayo Jibowu
Houston-Galveston Area Council – Veronica Waller
Houston-Galveston Area Council – Carlene Mullins
TCEQ – Vanessa DeArman
TCEQ – Denine Calvin
TCEQ – Alison Stokes
TCEQ/TERP – Nate Hickman

BRIEFING

Overview

- a. RAQPAC Members and Alternates were presented with agency reports (EPA update, TCEQ update, TERP Update and Regional Air Quality Monitoring update), and the meeting concluded with information items and 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. Introduction

Grace Lewis called the meeting to order, and members were introduced.

ITEM 1B. Approval of Meeting Summaries (5-25-2023)

Meeting summary approved.

AGENCY REPORTS

ITEM 2A. EPA Update (Jeff Riley)

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

Reconsideration of the Decision to Retain 2015 Ground-level Ozone NAAQS

On March 1, 2023, EPA's draft [Policy Assessment](#) (PA) Version 2 was made available online, and a March 15, 2023 [Notice of Availability](#) began a 30-day public comment period on the document.

Although the reconsideration/review process is not yet complete, we note the following excerpt from the draft PA, p. 211: *"Accordingly, we conclude it is appropriate in this reconsideration of the 2020 [review of the ozone standard] to consider retaining the current primary standard of 0.070 ppm [ozone], as the fourth highest daily maximum 8-hour concentration averaged across three years, without revision."*

However, on June 9, 2023, EPA received comments from the CASAC Ozone Panel on the draft PA; a majority of the CASAC Ozone Panel members (all but one) believe the primary ozone NAAQS *should be revised to within a range of 55 to 60 ppb*. The CASAC Ozone Panel also had recommendations addressing the secondary ozone NAAQS. To view the CASAC Ozone Panel comments:

https://casac.epa.gov/ords/sab/r/sab_apex/casac/ar?clear=12&session=5714036991737. CASAC did not request a second draft. The final PA is the next step (the final PA will not have a public comment period), followed by EPA's proposed decision, expected in Spring 2024.

Please refer to the CASAC website at <https://casac.epa.gov> and EPA's [ozone standards Policy Assessments page](#) for additional details.

Final 2015 Ozone NAAQS Good Neighbor Plan

On March 15, 2023, EPA issued its [final 2015 Ozone NAAQS Good Neighbor Plan](#), which secures significant reductions in nitrogen oxides (NOx) from power plants and industrial facilities. The Plan ensures that 23 states (including Texas) meet the Clean Air Act's "Good Neighbor" requirements by reducing NOx pollution that significantly contributes to problems attaining and maintaining EPA's 2015 Ozone NAAQS in downwind states.

The final Good Neighbor Plan ensures that emissions reductions will happen as quickly as possible and be aligned with Clean Air Act deadlines for states to achieve the 2015 Ozone NAAQS – which vary according to the severity of nonattainment.

- The initial phase of NOx emissions reductions takes effect as soon as possible prior to the August 3, 2024, attainment date for areas classified as Moderate nonattainment
- Further emissions reductions phase in at the beginning of the 2026 ozone season to coincide with the August 3, 2027, attainment date for Serious nonattainment areas
([press release](#)) / ([more info](#)) / ([fact sheet](#))

On June 5, 2023, The final Good Neighbor Plan was published in the Federal Register ([88 FR 36654](#)).

On June 29, 2023, EPA signed an interim final rule ensuring the Good Neighbor Plan's requirements as to the 2015 ozone NAAQS will not take effect for sources in Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Texas due

to judicial orders that partially stay, pending judicial review, a separate, earlier EPA action which disapproved certain SIP revisions. ([fact sheet](#))

ITEM 2B. TCEQ Update (Vanessa DeArman)

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

Houston-Galveston-Brazoria (HGB) 2015 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) Attainment Demonstration and Reasonable Further Progress State Implementation Plan (SIP) Revisions

On May 31, 2023, the commission approved the proposal of the executive director's recommended HGB moderate area attainment demonstration and reasonable further progress SIP revisions.

The HGB 2015 eight-hour ozone NAAQS SIP proposal documents are available at the [HGB Latest Ozone Planning Activities](#) webpage.

The TCEQ will offer a public hearing in Houston on July 11, 2023, at 7:00 p.m. at the Houston-Galveston Area Council located at 3555 Timmons Lane #100. The hearing is offered to receive testimony regarding proposed SIP revisions resulting from reclassification of the HGB area from marginal to moderate nonattainment for the 2015 eight-hour ozone NAAQS (Project Nos.: 2022-022-SIP-NR and 2022-023-SIP-NR). The hearing will be conducted in English, and Spanish language interpretation services will be made available. For more information, visit the [Texas SIP Revisions](#) webpage.

Quadrennial Review

The TCEQ is conducting a review of agency rules in the Texas Administrative Code (TAC). This process is undertaken to comply with statutory requirements at Texas Government Code, Section 2001.039, and the regulations at 1 TAC Chapter 91, Subchapter D. The purpose of rule review is to determine if the need for TCEQ's rules continues to exist and is limited to consideration of its rules for re-adoption, re-adoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting its rules continue to exist. Recommended changes to the rules in each applicable chapter of the TAC will not be considered for rule amendments as part of this review. Any such changes may be considered in a future rulemaking action by the commission.

To view the TAC chapters the commission is currently taking comment on, please visit the [Comment Online with TCEQ Public Comments](#) link on TCEQ's [Rules and Rulemaking](#) webpage. Thirty-day public comment periods for the chapters being reviewed open as notices are published in the *Texas Register*. To view the complete rule review schedule, please visit the [View TCEQ's Rule Review Plan](#) link on TCEQ's Rules and Rulemaking webpage.

Tax Relief for Pollution Control Property Advisory Committee

The TCEQ is accepting applications for potential Tax Relief for Pollution Control Property Advisory Committee members from the following affiliations: three industry representatives, one taxing unit representative, one environmental group representative, and one representative from a school or junior college district in which property is located that is or was previously subject to an exemption under Texas Tax Code, §11.31. Members whose terms are expiring may apply again and must reapply to be considered for reappointment. The application period is expected to open on June 30, 2023, and close on July 31, 2023. The terms will last four years, beginning January 1, 2024.

To apply, complete the nomination form and submit it to TCEQ at txrelief@tceq.texas.gov by 5:00 p.m. on July 31, 2023. Applications received after that date will only be considered if there are insufficient qualified applicants. You can apply to nominate yourself or someone else to the advisory committee, but TCEQ asks that only interested persons be nominated.

Further information, as well as the link to the nomination form, can be found on TCEQ's [Tax Relief Advisory Committee](#) website.

Questions regarding the advisory committee application process can be directed by phone to Elizabeth Sartain of the Tax Relief Program at (512) 239-3933 or by email to txrelief@tceq.texas.gov.

2024 Texas Environmental Excellence Awards (TEEA) Application Period Now Open

The TCEQ is now **accepting** applications for the 2024 TEEA through August 25, 2023. The TEEA is an annual awards program that honors achievements in environmental preservation and protection.

The categories for nomination include Agriculture, Civic/Community, Education, Environmental Educator of the Year, Individual, Innovative Operations/Management, Pollution Prevention, Technical/Technology, Water Conservation, and Youth.

Instructions for how to apply, or nominate, are available on the [TEEA](#) webpage.

ITEM 2C. TERP Update (Nate Hickman)

TERP staff gave an update to the members on the latest information:

Texas Emissions Reduction Plan (TERP)

TCEQ has opened and closed all of the TERP grant programs this state fiscal biennium. As in recent biennia, the TERP programs were largely over-subscribed, with the exception of the Texas Natural Gas Vehicle Grant Program. The next two-year cycle of TERP grants will begin after September 2023.

Visit www.terpgrants.org for the latest information on new program openings and other announcements, as well as program requirements, application forms, and project summary reports. Contact TERP staff by phone at (800) 919 TERP (8377) or by email at terp@tceq.texas.gov.

88th Texas Legislature

House Bill (HB) 4885 was signed by the Governor and will become effective September 1, 2023. The bill will make the following changes to the Texas Emissions Reduction Plan (TERP):

- redistribute funding amounts amongst the TERP initial program allocations and change the allocation for administrative costs from \$16 million per fiscal year to not more than 15 percent of TERP Trust revenue each biennium.
- **establish the Texas hydrogen infrastructure, vehicle, and equipment (THIVE) grant program.**
- increase the amount that TCEQ may contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station from \$216,000 per fiscal year to \$500,000 per fiscal year and add energy efficiency programs administered by the Public Utility Commission (PUC) or the State Energy Conservation Office (SECO), as well as the implementation of advanced building energy codes, to the types of projects that may be included in the contract; and
- add downstream “refining” oil and gas activities to projects eligible for New Technology Implementation Grant Program (NTIG) grants.

Texas Volkswagen Environmental Mitigation Plan (TxVEMP) Program

Opening today! TxVEMP All-Electric Program with over \$80 million in funding to upgrade or replace qualifying vehicles and equipment operating in eligible areas with new electric models. Grants can reimburse up to:

- 100% of the cost for government entities
- 75% of the incremental cost for non-government entities
- Eligible project categories include the replacement or repower of:
- Class 8 Local Freight Trucks and Port Drayage Trucks

- Class 4-8 School Bus, Shuttle Bus, or Transit Bus
- Class 4-7 Local Freight Trucks
- Airport Ground Support Equipment
- Forklifts and Port Cargo Handling Equipment
- Applicants purchasing on-road vehicles or non-road equipment may request additional funding for electric charging or hydrogen refueling infrastructure.

[Sign up for TxVEMP updates](#) to learn more about this program. Please contact us at 1-800-919-8377 or VWsettle@tceq.texas.gov with any questions.

Visit www.txvwfund.org for the latest information on new program openings and other announcements, as well as program requirements, application forms, and project summary reports.

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

Since our last meeting in May, there have been six exceedances of the 2008 75 ppb ground-level ozone standard and eight exceedances of the 2015 70 ppb standard.

So far for 2023, the region’s maximum 4th highest value is 86 ppb as measured at the Houston East Monitor. Also, for the year the partial year regional design value for the 2021 through 2023 period is 79 ppb as measured at the Houston Bayland Park monitor followed by 78 ppb at the Houston East and the Houston Harvard Street monitor. We have already exceeded both current ozone standards for the year for our region.

Moving on to PM conditions, you can see the annual average concentrations for all the region’s regulatory PM 2.5 monitors region going back to 2001 as well as the readings for those same stations over the most recent 12 months.

ACTION ITEMS

ITEM 3A.

None

DISCUSSION ITEMS

ITEM 4A. Texas Legislative Session Wrap Up – *(Philip Martin, EDF)*

Philip Martin updated the members on the latest 8th legislative session. The session convened on January 10th, and it will end on May 29th, of this year. Discussion continued that coming up on the last month of the session and the last day for the governor to veto any bills that come out of the session is June 18th. Currently, we are at the 108th day of the session out of 140 days. The Current bills are as follows:

HB 5- cut renewable projects out of the revised Chapter 313 program despite, 115 of 254 Texas counties having such projects.

SB2627 and **SJR 93** -3% interest loans to build new plants on the state’s dime.

HB1500- Performance credit mechanism that will pay generators for being available at times when demand and supply are tight; EDF joined TxOGA to advocate for a \$1 billion cost cap.

SB1555 -registration and inspection fees for rental and vehicles must occur after 3 years of purchase, instead of 2 years.

SB 2152 -requires TCEQ to ascertain the contribution of foreign emission detected at each federal monitoring site and recommend potential updates to the SIP to take those results into account.

Concrete batch plants-Harris County is home to 188 of these plants, which pollute the air with dangerous fine particulate matter. They are located in predominately Black and Latino neighborhoods. Lawmakers filed 19 bills To address permitting and emissions. Reforms on zoning and emissions from concrete batch plants failed to move forward.

HB2127- Blanket prohibition on cities and counties adopting local ordinances in certain policy areas, including some agricultural and environmental issues (Death Star Bill).

SB1017-prohibits cities from adopting ordinances that differentiates between energy sources-for example, a city could no longer phase out the use of gas-powered lawn equipment. Some concerns could prevent cities from offering incentives for EV charging stations or choosing to use solely zero emission vehicles for their city fleets.

SB784- municipalities or other political subdivisions may not enact ordinances or other measures that directly regulate greenhouse gases.

SB1860-Cities cannot request voter approval for the addition of a climate policy to a municipal charter w/o legislative approval.

HB 4885-annual TERP modification bill. It adds a grant program to assist in the purchase of hydrogen infrastructure, hydrogen vehicles, and other related equipment-maximum \$8 million per year.

- Doubles the number of available Light Duty Vehicle Purchase of lease incentive program from 2,000 to 4,000 Per biennium, adds language allowing TCEQ to adjust these limitations based on previous demand for incentives.
- Slightly adjust spending percentages for natural gas, technology improvement programs.

HJR 111-did not pass but will be back. Would create a constitutional amendment that dedicates significant revenue to TERP funds, increasing the program by as much as 40-50% in future years.

SB 505- \$200 annual fee on EVs, intended to replace the lost revenue from gas tax but significantly overstates the amount.

SB 1001- Public charges will be inspected by TDLR, who also inspects gas pumps. It also creates a complaint process and ensures prices are clearly posted on charges.

SB1002-public charging services are provided competitively, requires fast tracking of utility infrastructure upgrades needed to provide charging services, allows utilities to recover their costs, and allows utilities to install chargers in limited areas where no competitors have provided services.

SB 1732-Provides universal charging access, ensuring any EV can charge, with an adaptor, if needed. At any charging station.

SB1364- increase weight limitations for natural gas and electric vehicles by 2,000lbs.

House Bill 1 (budget), Rider 48 in TxDOT-creates a statewide taskforce to evaluate MHDV charging infrastructure and capacity.

- TxDOT, TCEQ, ERCOT, and PUC must coordinate with cities. utilities, fleets, community groups, and local governments.
- Must evaluate all federal, state, local laws that impact manufacturing, operations, and investments in MHDVs.
- Must identify how best to exchange information about fleet charging profiles among fleets, utilities, and ERCOT.
- Must recommend how statewide coordinate, laws, and regulations can support growth in the state.
- Provide report to the Legislature by October 1, 2024

INFORMATION ITEMS

ITEM 5A. H-GAC Update

None

ANNOUNCEMENTS

ITEM 6A.

1. Joel Patterson notified the committee of his upcoming meeting with Fort Bend County Precinct 1 Judge K.P. George and Vincent Morales. It was further discussed that he hopes to discuss sustainable initiatives to hopefully get some agreed action items from this meeting.
2. Winifred Hamilton discussed concerns with the committee regarding upcoming fireworks and the health affects they have on our community. It was further discussed what RAQPAC position is regarding this.

NEW BUSINESS

ITEM 7A.

Next meeting: July 27, 2023

ADJOURNMENT

Meeting adjourned at 11:05A.M.