
SUMMARY

TWG Meeting

February 4, 2021

10:00 am – 12:10 pm

Microsoft Teams Virtual Meeting

Follow-up Actions from THIS MEETING

- **Kristi Holstead** will compile the notes from the meeting and provide the slides on the TWG website.
- Kristi Holstead and Madhu will be sending out a doodle poll for training in March

Next Meeting

Thursday, May 6, 2021 (tentative)

Participants

There were approximately 51 TWG members in attendance via Microsoft Teams.

Madhu Venugopal led the meeting. Venugopal began the meeting by welcoming the attendees.

Primary Discussion Items

Michael Regan (TCEQ) presented on the Texas Fuel Study:

[Texas Fuel Study](#) (PDF)

Chris Kite (TCEQ) presented on Senate Bill 604 Analysis:

[Senate Bill 604 Analysis: Direct Environmental Benefit of Alternatively Fueled Vehicles](#) (PDF)

Agency Information & Updates

EPA, Jeff Riley

Jeff Riley provided the following updates (reviewed by Jeff Riley):

- **Rulemaking Reviews** – On January 20, 2021, the White House issued a list of agency actions that heads of the relevant agencies shall review in accordance with Executive Order 13990 of January 20, 2021: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. The identified agency actions are recently published rulemakings whose implementation may be impacted by EO 13990, and therefore these rulemakings must be reviewed for consistency with the EO.
- **Rulemakings identified that may be relevant to TWG members:**
 1. "Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information," 86 Fed. Reg. 469 (January 6, 2021).
 - a. On February 1, 2021, the U.S. District Court for the District of Montana granted the Biden EPA's request to vacate this rule and remand it to EPA without discussion, after the agency argued in a motion filed late Jan. 31 that the court's

prior decision in *Environmental Defense Fund (EDF), et al. v. EPA* removed the legal basis for the Trump-era policy.

2. "Review of the Ozone National Ambient Air Quality Standards," 85 Fed. Reg. 87256 (December 31, 2020).
3. "Review of the National Ambient Air Quality Standards for Particulate Matter," 85 Fed. Reg. 82684 (December 18, 2020).
4. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks," 85 Fed. Reg. 24174 (April 30, 2020).
5. "Air Plan Approval; Texas; Dallas-Fort Worth Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards," 85 Fed. Reg. 19096 (April 6, 2020).
6. "Air Plan Approval; Texas; Houston-Galveston-Brazoria Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards; Section 185 Fee Program," 85 Fed. Reg. 8411 (February 14, 2020).
7. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program," 84 Fed. Reg. 51310 (September 27, 2019).

Review of these rulemakings does not suggest that they will be withdrawn or revised.

- **Regulatory Freeze Pending Review** – On January 20, 2021, the White House issued a memo to the heads of Executive departments and agencies for guidance on rules pending publication in the Federal Register. Based on the experience of a similar process during the previous presidential administration transition, EPA Region 6 expects that this may result in either delayed publication of recently signed rulemakings, or extension of the effective date for published rulemakings. The effective date extension would be established by a national Federal Register notice. The only EPA Region 6 rule relevant to TWG members that could be affected by this freeze is the final approval of the Houston 2008 Ozone NAAQS Serious area Reasonable Further Progress SIP, signed by the Regional Administrator on January 13, 2021.
- **MOVES3 (MOVES Model Update)** – On January 7, 2021, the Notice of Availability (NoA) for the MOVES3 model was published in the Federal Register. The NoA establishes the MOVES grace period of two years for regional emissions analyses, which ends on January 9, 2023. The NoA and grace period are not impacted by the Regulatory Freeze Pending Review.

TCEQ, Jamie Zech

Jamie Zech shared tentative, unofficial SIP planning schedules for potential reclassification SIP revisions under the 2008 and 2015 eight-hour ozone standards.

Zech provided RACT information as follows:

§51.1312 Requirements for reasonably available control technology (RACT) and reasonably available control measures (RACM).

(a) *RACT requirement for areas classified pursuant to §51.1303.* (1) For each nonattainment area classified Moderate or higher, the state shall submit a SIP revision that meets the VOC and NO_x RACT requirements in CAA sections 182(b)(2) and 182(f).

(2) *SIP submission deadline.* (i) For a RACT SIP required pursuant to initial nonattainment area designations, the state shall submit the RACT SIP for each area no later than 24 months after the effective date of designation for a specific ozone NAAQS.

(ii) For a RACT SIP required pursuant to reclassification, the SIP revision deadline is either 24 months from the effective date of reclassification, or the deadline established by the Administrator in the reclassification action.

(iii) For a RACT SIP required pursuant to the issuance of a new Control Techniques Guideline (CTG) under CAA section 183, the SIP revision deadline is either 24 months from the date of CTG issuance, or the deadline established by the Administrator in the action issuing the CTG.

(3) *RACT implementation deadline.* (i) For RACT required pursuant to initial nonattainment area designations, the state shall provide for implementation of such RACT as expeditiously as practicable, but no later than January 1 of the fifth year after the effective date of designation.

(ii) For RACT required pursuant to reclassification, the state shall provide for implementation of such RACT as expeditiously as practicable, but no later than the start of the attainment year ozone season associated with the area's new attainment deadline, or January 1 of the third year after the associated SIP revision submittal deadline, whichever is earlier; or the deadline established by the Administrator in the final action issuing the area reclassification.

(iii) For RACT required pursuant to issuance of a new CTG under CAA section 183, the state shall provide for implementation of such RACT as expeditiously as practicable, but either no later than January 1 of the third year after the associated SIP submission deadline or the deadline established by the Administrator in the final action issuing the CTG.

(b) *Determination of major stationary sources for applicability of RACT provisions.* The amount of VOC and NO_x emissions are to be considered separately for purposes of determining whether a source is a major stationary source as defined in CAA section 302.

(c) *RACM requirements.* For each nonattainment area required to submit an attainment demonstration under §51.1308(a) and (b), the state shall submit with the attainment demonstration a SIP revision demonstrating that it has adopted all RACM necessary to demonstrate attainment as expeditiously as practicable and to meet any RFP requirements. The SIP revision shall include, as applicable, other control measures on sources of emissions of ozone precursors located outside the nonattainment area, or portion thereof, located within the state if doing so is necessary or appropriate to provide for attainment of the applicable ozone NAAQS in such area by the applicable attainment date.

MPO's (For those in attendance) – Status & Updates

Allie Blazosky stated that AAMPO Deputy Director Jeanne Geiger has announced her retirement, effective February 26, 2021. Geiger had been at AAMPO for 23 years and is an invaluable member of the staff. She will be missed.

The AAMPO Transportation Policy Board took local action on the FY 2021-2024 TIP and MTP project list on Monday, January 25, 2021. This update of the TIP reflects changes to TxDOT projects necessitated by fiscal constraint issues occurring statewide. These updates nullified work toward transportation conformity determination of the FY 2021-2024 TIP previously locally approved in May 2020. AAMPO staff will be notifying IAC Consultative Partners of the January 2021 action and are awaiting a federal determination of conformity.

AAMPO will be seeking to begin a 2022 conformity process around October 2021. That conformity determination will be prompted by the development of the FY 2023-2026 TIP and new MTP, *Mobility 2050*.

AAMPO reached out to TCEQ regarding an update to the Bexar County 179B SIP revision. Jamie Zech responded that EPA has not taken action and has indicated that they haven't begun a review. Further, the EPA's 179B guidance came out after TCEQ submitted the Bexar

County 179B SIP revision, and TCEQ is now looking into the possibility of developing a follow-up SIP revision that complies with EPA's guidance.

Claudia Valles stated the El Paso MPO received comments from FHWA on the Destino 2045 Amendment on January 29, 2021. Currently, the El Paso MPO is working and planning to send a response to the consultative partners on February 5, 2021. The El Paso MPO is developing their new MTP RMS 2050. The El Paso MPO continues as planned to complete all analysis year networks for MTP RMS 2050 and send it to TTI for emissions assessment and hoping for the start of consultative partners Preanalysis Consensus meeting for MTP RMS 2050 later this year.

Valles introduced **Harrison Plourde** as the new Assistant Executive Director. Plourde stated that he has been with the El Paso MPO for four weeks. His background is in standard urban planning. Transportation planning is still new to him. He plans on attending the TWG meetings in the future.

Graciela Lubertino stated that H-GAC has been working on the conformity for the amendments to the 2045 RTP and 2021-2024 TIP. Dr. Lubertino has finished with the emissions calculations. Since there is a delay in the approval of the RFP SIP motor vehicle emission budgets for the 2008 eight-hour ozone standard for the reclassification of serious, H-GAC will be using the motor vehicle emission budgets established in the RFP SIP for the reclassification of moderate for the 2008 eight-hour ozone standard. Dr. Lubertino is working on background papers for TAC and TPC, presentations, and documentation. The public comment period should open in March 2021. H-GAC should be sending everything to the consultative partners for review by the end of April.

Andrew Decandis stated that Craig Raborn is the new Transportation Director for H-GAC.

Vivek Thimmavajjhala stated that NCTCOG is looking into what is happening with this ozone season. NCTCOG continues its plan for a 2022 conformity with an approval for the mobility plan by the RTC in June 2021 and a potential conformity determination by November 2021. NCTCOG is starting on a regional GHG emissions inventory as requested by some of NCTCOG's cities. NCTCOG has started working on the on-road mobile emissions inventories to support TCEQ's updates/revisions to the RFP and attainment demonstration SIPs for potential reclassification to the ozone standards.

NCTCOG's Model Development group updated NCTCOG's in-house travel demand model. All NCTCOG's conformity partners will receive an e-mail seeking availability to participate in an hour-long call where NCTCOG will provide overall updates to the travel model and any associated factors.

TxDOT TPP

Field representative updates: Raymond Sanchez (H-GAC, El Paso), Nick Page (NCTCOG, San Antonio), and Phillip Tindall (Beaumont, Port Arthur)

Raymond Sanchez had no additional comments.

Nick Page had no additional comments.

Phillip Tindall had no additional comments.

FHWA, Barbara Maley

Barbara Maley provided the following updates:

- **Staffing:** Anthony Jones has moved from USDOT FHWA-TX to USDOT VOLPE.
- **CMAQ Annual Reporting:** Nonattainment MPOs (receiving CMAQ monies in 2020) please continue to work with TPP/Peggy Thurin on your MPOs entries. Also, look in the CMAQ Tool (new and subsequent projects) that may have been returned and back in your court for revision.
- **Newsletter:** Latest newsletter has been shared; contains lots of good info. including training – often offered for free.
<https://www.fhwa.dot.gov/environment/sustainability/newsletter/>

TxDOT Updates

Janie Temple was unable to attend the full meeting, but shared the following update regarding the DMV Registration Data:

TxDOT is waiting on the final cost for the data, we will need to pay the invoice and then they can transmit the data. It will be 15-30 days after receiving the invoice for TxDOT to make the payment. Then DMV has to process the invoice before they can send the data. The step to process the invoice took almost a month last time but we anticipate it will be around 10 days this time.

Tim Wood had no additional comments.

TTI, Madhu Venugopal and Reza Farzaneh

Reza Farzaneh provided an update of MOSERS and the [Texas Air Quality Portal](#) (Portal). The new addition of MOSERS is finalized and released (through the Portal).

(Meeting Concluded)