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## SUMMARY

### TWG Meeting

August 5, 2021

10:00 am – 12:00 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 Venugopal will **compile a survey** to send to TWG participants regarding presentation and discussion topics for the upcoming year.

## Next Meeting

Thursday, November 4, 2021 (tentative)

## Participants

There were approximately **45** TWG participants in attendance via Microsoft Teams.

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

## Primary Discussion Items

**Kirk Fauver** (FHWA) presented on the Formation of the Statewide Resiliency Working Group:

[Formation of the Statewide Resiliency Working Group \(in the State of Texas\)](#) (PDF)

**Shelley Pridgen** (TxDOT) presented on the TxDOT Research and Technology Implementation Division:

[TxDOT Research and Technology Implementation Division](#) (PDF)

**Kasey Savanich** (TCEQ) presented on the Ozone Formation in the San Antonio Area:

[Ozone Formation in the San Antonio Area](#) (PDF)

## Agency Information & Updates

### EPA, Jeff Riley

- **Rulemaking Reviews** – Along with January 20, 2021, Executive Order (EO) 13990, the White House issued a list of agency actions for heads of the relevant agencies to review. Implementation of these agency actions may be impacted by EO 13990, and therefore these rulemakings must be reviewed for consistency with the EO.

The rulemakings include:

- “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program,” 84 Fed. Reg. 51310 (September 27, 2019). Preempted state & local tailpipe GHG emissions standards & zero emission vehicle mandates.
- “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). Set CAFE & CO2 standards that increase 1.5% in stringency each year from model years 2021-2026.
- “Review of the National Ambient Air Quality Standards for Particulate Matter,” 85 Fed. Reg. 82684 (December 18, 2020). Reconsideration of the December 2020 decision to retain the existing PM NAAQS.
- “Review of the Ozone National Ambient Air Quality Standards,” 85 Fed. Reg. 87256 (December 31, 2020). Reconsideration of the December 2020 decision to retain the existing ozone NAAQS.
- **SAFE Vehicles Rule Part One** – On April 26, 2021, EPA issued a Notice of Reconsideration seeking public input on its reconsideration of the Agency’s 2019 SAFE Vehicles Rule Part One: One National Program Rule for the purposes of rescinding the action taken by the prior administration.

The agency held a virtual public hearing on June 2, and the public comment period on the Notice of Reconsideration was open until July 6. On July 27, a group of lawmakers urged EPA to reinstate the California vehicle emissions waiver. Although the lawmakers stressed that the withdrawal of California’s waiver under the Clean Air Act was unlawful, a number of state attorneys general wrote separately to EPA, arguing that a restoration of the waiver would be unconstitutional. The Agency is currently reviewing comments.

- **SAFE Vehicles Rule Part Two** – on August 5, 2021, EPA proposed the Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards to strengthen federal GHG emissions standards for passenger cars and light trucks by setting stringent requirements for reductions through Model Year 2026.

These proposed standards would increase in stringency from MY 2022 to MY 2023 by 10 percent, followed by a nearly five percent stringency increase in each model year from 2024 through 2026. This proposal would significantly strengthen current standards, which become only 1.5 percent more stringent each year. EPA is not proposing to revise GHG emissions standards for MY 2021 and MY 2022.

For more information, see [EPA’s Proposed Rule Webpage](#).

- **PM NAAQS Reconsideration** – On June 10, 2021, EPA announced it will reconsider the Dec. 2020 decision to retain the existing standard.

EPA anticipates a draft Policy Assessment will be released later in 2021. The effort will supplement the 2019 Integrated Science Assessment & build on it as a foundation of science for the reconsideration. The revised Policy Assessment and updated quantitative analyses will be reviewed by the newly-appointed chartered CASAC panel (announced by agency June 2021) & special PM panel (call for nominations published in [FR 6/25](#)). Call for PM panel nominations closed July 16<sup>th</sup>. Anticipated PM

reconsideration schedule – Issue proposal summer 2022, final spring 2023. This effort includes reconsideration of secondary NO<sub>x</sub>/SO<sub>x</sub>/PM NAAQS.

- **Ozone NAAQS Reconsideration** – EPA’s December 31, 2020 “Review of the Ozone National Ambient Air Quality Standards,” final rule was also identified as agency action for review under EO 13990, but only internal discussions are currently underway. No anticipated schedule/etc. has been developed and released for this reconsideration effort.
- **El Paso 2015 Ozone Remand** – Multiple petitioners (i.e., several environmental and public health advocacy groups, three local government agencies, and the state of Illinois) filed six lawsuits challenging certain ozone designations promulgated on April 30, 2018, including El Paso’s A/U designation.
  - On July 10, 2020, the D.C. Circuit remanded to the EPA, but did not vacate, 16 challenged designations, including El Paso County.
  - The remand requires EPA to issue revised designations “as expeditiously as practicable.”
  - On May 24, 2021, EPA acted in response to the July 2020, D.C. Circuit Court remand. The Agency issued a final action to revise the boundaries for six nonattainment areas in four states (Illinois, Indiana, Missouri and Wisconsin) and reaffirm the April 30, 2018, designation associated with Ottawa County, Michigan. In the case of the Doña Ana County, NM and Denver Metro/North Front Range, CO nonattainment areas, upon further review, EPA intends to revise its initial designation. Because EPA’s intended designations for the associated remanded counties of El Paso, TX and Weld, CO, respectively, disagree with the states’ area recommendations, EPA on May 25, 2021 sent letters to each state opening a 120-day period for the states to provide additional information based on the existing record. EPA’s action also opened a 30-day period for the public to comment.
  - The state deadline for response to the “120-day letters” was July 26th, both Texas and Colorado issued responses to EPA. Further, 119 public comments were received (there was a letter-writing campaign in the CO area), EPA is currently reviewing these comments and responses, and will finalize these challenged designations after the conclusion of the 120-day period.

## TCEQ, Jamie Zech

**Jamie Zech** provided the following updates:

- At the May meeting, I reported that the TCEQ submitted its RFP 2020 milestone compliance demonstration for the DFW and HGB 2008 ozone NAAQS serious nonattainment areas. On July 1, the EPA sent a Letter of Adequacy for the demonstration.
- I also reported in May that the TCEQ developed an ozone exceptional events demonstration for the DFW area. It was submitted to the EPA on May 25 along with a clean data determination request. On June 30, the EPA sent a letter of non-concurrence.

- (Wildfire events occurring at the Grapevine Fairway monitor on August 16, 17, and 21, 2020. The demonstration was posted for public comment on April 14, 2021, and the comment period closed on May 14, 2021.)
- On May 25, the EPA sent a 120-day letter notifying the Governor that the EPA intends to modify the designation for El Paso County to nonattainment as part of the existing Doña Ana partial-county (Sunland Park) ozone nonattainment area. On July 26, 2021, the TCEQ submitted a response requesting that the EPA not modify El Paso County's existing attainment/unclassifiable designation consistent with information submitted by the state. Designations are expected to be finalized this fall.
- On June 30, 2021, the commission adopted the 2021 RH SIP Revision and VOC rules to implement the EPA's oil and gas control techniques guidelines. These revisions were submitted to the EPA on July 20, 2021.
- Air Quality Division has begun developing a rule project to amend language in the I/M rules in Chapter 114 to include reference to digital license plates. This change is being proposed to implement SB 604 from the 86th session in 2019. It is expected to simply update rule language to add reference to digital license plates as an acceptable place for vehicle registration insignia stickers. Proposal November 17. March Adoption.

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

**Allie Blazosky** stated that AAMPO's current conformity (pending 2021-2024 TIP) was updated after an initial review from consultative partners. AAMPO is hopeful to move that forward and start getting on with the 2021-2024 TIP. AAMPO has also been conducting a call for projects that supports the development of the next TIP (2023-2026). Since that would be a new TIP, it would launch the new conformity. In the September/October timeframe, AAMPO will be reaching out to the interagency consultative partners to talk about launching that. AAMPO will have the projects selected in August 2021.

**Claudia Valles** stated that the El Paso MPO held the first consultation partners conference call to review the Pre-Analysis Consensus Plan for the new MTP RMS2050; we encourage partners to send their comments before August 20th. Also, the El Paso MPO continues to wait on responses to our last answers addressing the comments received concerning the Amendment Destino 2045 MTP.

**Graciela Lubertino** stated that H-GAC's conformity for amendments to the 2045 RTP is in flux at this moment. Due to mostly negative public comments, there is the possibility that some of the roadway projects will be taking out of the amendment. H-GAC is awaiting the final vote on the projects from the Transportation Policy Council. After that, due to the effects of what projects are taking out of the transportation plan, H-GAC needs to re-run the air quality conformity calculations and open for public comments. H-GAC has also received a request to do the emission inventories for greenhouse gases for the year 2020 from the City of Houston.

**Vivek Thimmavajjala** stated that NCTCOG, from a conformity standpoint, is still on the same track as previously reported. NCTCOG had some internal meetings to go through draft schedules. NCTCOG is looking at a June 2022 RTC approval for their mobility plan,

followed by a potential conformity determination around November timeframe. NCTCOG is also moving forward with the regional greenhouse gas emissions inventory. NCTCOG recently wrapped up on-road mobile emissions inventories using the MOVES3 model in supporting TCEQ's updates to the attainment demonstrations and reasonable progress SIPs, as NCTCOG is preparing for the potential reclassification to both the ozone standards.

## 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** stated that there was a meeting on June 21, 2021, to discuss the issues associated with the MPO's 2050 MTP development timeline. Some of the topics included the upcoming metropolitan planning area boundary change for the addition of Jasper County (which should not be significant in terms of conformity related activity because they are not in the maintenance area), travel demand model development, any conformity requirements associated with those activities and topics, and next steps.

## FHWA, Jose Campos

**Jose Campos** provided the following updates:

### Announcements

- 21-24 STIP approved
- Continuing to review and work on the El Paso and San Antonio transportation conformity determinations
- Working to provide comments for the El Paso pre-analysis consensus plan.

## TxDOT Updates

**Janie Temple** provided an update on the DMV Registration Data. Temple stated that the current request to the DMV is on hold (2020 year). Due to the statewide stay-at-home orders in 2020, everyone's registration was suspended. The DMV was not taking registration nor requiring them. TxDOT was not able to make an additional request until after April. Temple checked the DMV's website, and the request shows as "on-hold – other."

**Tim Wood** stated that TxDOT had an Air Quality Climate Change and Energy Subcommittee (AQCCES) call on Wednesday, August 4, 2021, to prioritize and potentially recommend research for NCHRP.

## TTI, Madhu Venugopal and Reza Farzaneh

**Madhu Venugopal** provided a TWG Year in Review slide showing presentation and discussion topics covered, e-mail distribution information, and trainings that occurred

during the year. Venugopal stated that it was a productive year.

Venugopal shared that the new TWG website should be published soon.

**Andrew Birt** stated that TTI has been working to get prepared for MOVES3. TTI has been developing new utilities, developing methods and procedures, and overhauling activity modeling (which gives the HPMS factors, seasonal adjustment factors, and other factors). TTI should be in a position that when the MOVES3 kicks in for conformity, TTI will be ready.

**(Meeting Concluded)**