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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 5, 2017

Janelle Stokes
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Coastal Section Regional Planning and Environmental Center
U.S. Army Corps of Engineers
2000 Fort Point Road
Galveston, Texas 77550

Subject: General Conformity Determination Concurrence for Freeport Harbor Channel Improvement Project, Reach 2 Widening and Stabilization Component, Brazoria County

Dear Ms. Stokes:

This letter concerns the draft General Conformity Determination (GCD) for the *Freeport Harbor Channel Improvement Project, Brazoria County, Texas*, which was received April 10, 2017 from the United States Army Corps of Engineers (USACE). The Texas Commission on Environmental Quality (TCEQ) reviewed the draft GCD in accordance with requirements of 40 Code of Federal Regulations (CFR) Part 93, Subpart B. The proposed project is located in Brazoria County, which is one of eight counties comprising the Houston-Galveston-Brazoria (HGB) ozone nonattainment area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties). The HGB 2008 ozone standard nonattainment area is currently classified by the United States Environmental Protection Agency (EPA) as moderate.

The USACE presented data determining that the proposed project would produce estimated direct and indirect emissions of nitrogen oxides (NO_X), an ozone precursor, totaling 115.12 tons per year (tpy) in 2019. These estimated emissions are above the EPA's 100 tpy *de minimis* threshold for NO_X in moderate ozone nonattainment areas; therefore, in accordance with 40 CFR §93.153(b) a general conformity analysis is required.

Title 40 CFR §93.152 specifies that project emissions be compared with emissions budgets from the most recent EPA-approved SIP revision for the area. The most recent EPA-approved SIP revision for the HGB moderate ozone nonattainment area (approved effective April 21, 2015) is the *Emissions Inventory State Implementation Plan Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard for the Houston-Galveston-Brazoria and Dallas-Fort Worth Areas* (SIP Project No. 2013-016-SIP-NR). However, this SIP revision is not the most appropriate approved SIP revision for general conformity purposes as it consists solely of emissions inventories for 2011. Through consultation with TCEQ staff, EPA staff, and project partners, it was agreed that emissions for this project be compared with emissions budgets from the *Houston-Galveston-Brazoria Attainment Demonstration State Implementation Plan Revision for the 1997 Eight-Hour Ozone Standard* (SIP Project No. 2009-017-SIP-NR) and *Houston-Galveston-Brazoria 1997 Eight-Hour Ozone Standard Nonattainment Area Motor Vehicle Emissions Budgets Update State Implementation Plan Revision* (SIP Project No. 2012-002-SIP-NR). These SIP revisions were submitted to the EPA to satisfy Federal Clean Air Act requirements for severe nonattainment areas under the 1997 eight-hour ozone standard, and they were approved by the EPA effective February 3, 2014. The non-road and on-road mobile source budgets

established in these SIP revisions are more appropriate because they represent projected emissions for 2018, a year more in line with this project's construction phase. Additionally, the 2018 budgets are more conservative than the 2011 emissions inventories comprising the most recent, approved HGB area SIP revision.

The *Houston-Galveston-Brazoria Attainment Demonstration State Implementation Plan Revision for the 1997 Eight-Hour Ozone Standard* estimates 2018 non-road NO_X emissions of 32.92 tons per day (tpd) and 2018 off-road NO_X emissions of 85.66 tpd. Proposed project emissions would represent 0.10% and 0.50% of those budgets, respectively. The *Houston-Galveston-Brazoria 1997 Eight-Hour Ozone Standard Nonattainment Area Motor Vehicle Emissions Budgets Update State Implementation Plan Revision* establishes a NO_X motor vehicle emissions budget (MVEB) of 49.21 tpd for on-road mobile sources, of which proposed on-road mobile source project emissions represent 0.0019%.

Based on our review, and in accordance with 40 CFR §93.158(a)(5)(A), the TCEQ concludes that the total direct and indirect emissions from the proposed project, when considered along with all other emissions in the HGB ozone nonattainment area, will not exceed the 2018 emissions budgets specified in the SIP. We concur with the USACE's determination that the project conforms to the SIP and agree that the USACE sufficiently demonstrated conformity for this project. To assure continued air quality improvement in the HGB ozone nonattainment area, we advocate that pollution prevention and/or reduction measures be adopted in conjunction with this and future projects: 1

- encourage construction contractors to apply for Texas Emission Reduction Plan grants;
- establish bidding conditions that give preference to contractors who proactively limit air pollutant emissions and idling of construction vehicles;
- direct construction contractors to exercise air quality best management practices such as fueling vehicles late in the day during ozone season;
- direct contractors and operators to use newer, low-emission vehicles and equipment whenever possible;
- select equipment based on lowest NO_X emissions instead of lowest price; and/or
- purchase and permanently retire surplus NO_X offsets prior to commencement of operations.

Thank you for providing TCEQ staff the information necessary to evaluate the proposed project. We appreciate any appropriate updates as the project progresses, and we look forward to working with you on upcoming projects that affect air quality. If you require further assistance on this matter, please contact Ms. Jamie Zech at 512-239-3935 or jamie.zech@tceq.texas.gov.

Sincerely,

David Brymer, Director
Air Quality Division
Texas Commission on Environmental Quality

cc: Jeff Riley: United States Environmental Protection Agency

Terri Rector Fann, P.E.: HDR Inc.