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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 22, 2020

Colonel Timothy Vail
Commander and District Engineer
USACE Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Via Email

Subject: General Conformity Concurrence for the Houston Ship Channel Expansion Channel Improvement Project, Harris, Chambers, and Galveston Counties, Texas

Dear Colonel Vail:

The Texas Commission on Environmental Quality (TCEQ) completed its review of the Draft General Conformity Determination for the Houston Ship Channel Expansion Channel Improvement Project in Harris, Chambers, and Galveston Counties that was received September 9, 2020 as well as the subsequent revisions received October 19, 2020. The TCEQ reviewed the action in accordance with the general conformity requirements established in Title 40 Code of Federal Regulations (CFR) Part 93 Subpart B and concurs with the determination submitted by the United States Army Corps of Engineers (USACE) that the project conforms to the Texas State Implementation Plan (SIP).

The proposed action is located in the Houston-Galveston-Brazoria (HGB) ozone nonattainment area, which is currently classified by the United States Environmental Protection Agency (EPA) as serious for the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS) and marginal for the 2015 eight-hour ozone NAAQS. General conformity requirements apply according to the serious classification because that is the more stringent standard. The USACE presented data demonstrating that the proposed action would result in nitrogen oxides (NO_x) emissions that exceed the general conformity *de minimis* threshold of 50 tons per year (tpy) in project years 2021 through 2025, with estimated emissions of 1,473 tpy in three of those years. The proposed action is also expected to result in volatile organic compounds emissions that exceed the general conformity *de minimis* threshold in project years 2022 through 2025, with estimated emissions of 119 tpy in three of those years.

The general conformity demonstration for this action relies on 40 CFR §93.158(a)(5)(i)(a), which requires that the state determine and document that the total direct and indirect emissions from the proposed action will not exceed the emissions budget specified in the applicable SIP. The general conformity emissions budget used for this demonstration was allocated from the *Reasonable Further Progress SIP Revision for the HGB 2008 Eight-Hour Ozone Nonattainment Area*, adopted by the TCEQ December 15, 2016 and approved by the EPA February 13, 2019 (84 FR 3708). Based on the general conformity emissions budget allocated from the applicable SIP, the TCEQ concurs with the USACE's determination.

Although the USACE sufficiently demonstrated conformity for this project, the TCEQ suggests adoption of pollution prevention and/or reduction measures, such as those listed below, in conjunction with this and future projects:

- Encourage construction contractors to apply for Texas Emissions 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, lower emissions vehicles and equipment whenever possible;
- Select equipment based on lowest NO_x emissions instead of lowest price; and
- Purchase and permanently retire surplus NO_x offsets prior to commencement of operations.

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

Sincerely,



Donna F. Huff, Director
Air Quality Division

cc: Guy Donaldson, Branch Chief, EPA Region 6 Air & Radiation Division