



Texas Commission on Environmental Quality

Early Action Compact

For Attainment of the 8-hour Ozone Standard

Presented to NETAC Policy Committee

November 1, 2002



History of 8-hour Ozone Standard

- 1997 - Finalized by EPA as part of mandatory periodic review of standard
- 1998 - American Trucking Association lawsuit
- February 2001 - Supreme Court ruling upheld standard
 - Remanded implementation issues to lower court
- Lower court ruling issued March 2002
 - EPA plans to propose implementation rulemaking soon



Why Do We Need Alternatives?

- Nonattainment designation has significant impacts:
 - Transportation conformity budgets must be met or highway funds may be cut off
 - Major new or modified construction must offset its emissions to build in the area
 - Area's economic growth is restricted
- Attainment plans tailored to an area's needs and developed by the area itself are likely to be more effective



Protocol for Early Action Compacts

- Proposed by TNRCC
- Developed in cooperation with EPA (Region 6 and Washington) and Environmental Defense
- Finalized March 20, 2002
- Limited window of opportunity



Principles of Protocol

- Early emission reductions to attain the 8-hour ozone standard
- Local control, with broad-based public input
- State support to ensure technical integrity of the early action plan
- Early action plan incorporated into the SIP



Principles of Protocol (cont.)

- Effective date of nonattainment designation and/or designation requirements is deferred
 - *As long as all compact terms and milestones are met*

- Safeguards to return to traditional SIP requirements if terms and/or milestones not met
 - Credit given for emission reductions already made



Qualifying Areas

- Areas attaining the 1-hour ozone standard
- Areas approaching or monitoring exceedances of the 8-hour ozone standard
- In Texas:
 - Austin
 - San Antonio
 - Corpus Christi
 - Victoria
 - Northeast Texas



Step 1- The Compact

- Details how plan will be developed
- Lays out enforceable milestones with specific deadlines
- Must be signed by December 31, 2002



Step 2 – Plan Development

- Components of plan
 - Emissions inventory
 - Modeling
 - Control strategies
 - Maintenance for growth planning
- Plan to be included in SIP by December 31, 2004
- Any adopted rules must be implemented by December 31, 2005
- Must address emissions growth until at least 2012



EPA Designation Commitments

- If area is meeting milestones at time of designation and is violating standard:
 - Effective date of designation and/or designation requirements is deferred
- If area attains in 2007:
 - Area redesignated as attainment
 - No further requirements
 - Future planning to maintain standard is up to local area



EPA Commitments - Safeguards

- If area fails to meet terms and/or milestones:
 - Forfeit participation
 - Enter 8-hr implementation process
 - No delays or favorable treatment
- If area fails to attain in 2007:
 - Immediately designated nonattainment
 - SIP revision due from state by December 31, 2008
 - No delay in attainment date



Summary of Key Dates

- 12/31/02: Submit signed compact with milestones
- 6/16/03: Identify/describe local strategies being considered for use in plan*
- 3/31/04: Submit modeling/plan to state*
- 12/31/04: State submits SIP to EPA
- 12/31/05: Implement any required rules
- 12/31/07: Attain 8-hour standard

*New milestone



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- For more information, contact:

Mike Magee
SIP Development Team

Tel.: (512) 239-1511

Fax: (512) 239-4808

E-mail: mmagee@tceq.state.tx.us