



Houston Ozone Status Update
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2008 Ozone NAAQS: HGB Area Bump-Up

Date	Event
July 20, 2018	Moderate nonattainment date (2014-2016 DV: 79 ppb)
Nov. 14, 2018	EPA publishes proposed attainment determinations
Jan. 20, 2019	CAA deadline for "failure to attain" finding.
May 7, 2019	NGOs file suit in the N.D. of California seeking order enjoining EPA to promulgate its attainment determinations under the 2008 ozone NAAQS. <i>Center for Biological Diversity et al v. Wheeler</i> , No. 3:19-cv-02462 (N.D. Cal.).
Aug. 7, 2019	Signature on EPA's determinations of attainment.
Sept. 2019	Effective date of the HGB area's bump-up to serious, assuming August publication.

Bump-up Implementation

- **“Serious” NSR Thresholds:**
 - Major Source/Modification: 50/25 tpy
 - 5 tpy netting trigger
 - 1.2:1 offset ratio
- **Chapter 116 NSR permits:** Must be issued prior to the effective date to “lock in” moderate requirements
- **PBRs:**
 - If registration required prior to construction, must have TCEQ’s “issuance” letter before effective date.
 - If not registered, may claim or self-certify before effective date
- **SIP Submittal Timelines:**
 - Attainment Demonstrations and RACT tied to attainment due August 3, 2020
 - RACT not tied to attainment due 18 months after effective date

1-hour/1997 Ozone NAAQS: TX Submittals and §185

Date	Event
Nov. 28, 2018	Texas §185 program submitted to EPA for approval
Dec. 14, 2018	HGB area SIP revision and redesignation request submitted to EPA for approval.
Mar. 27, 2019	Texas adopts the DFW area SIP revision and redesignation request.
May 16, 2019	EPA publishes a proposed rule to: (1) approve the Texas §185 program; and (2) terminate all anti-backsliding measures applicable to the HGB area under the revoked standards. EPA solicits comment on whether it may formally redesignate an area under a revoked NAAQS.
July 26, 2019	Court stays <i>Downwinders at Risk v. EPA</i> , the Fifth Circuit challenge to the Texas redesignation substitutes, in light of EPA's pending actions.

2015 Ozone NAAQS: El Paso and San Antonio

- *Clean Wisconsin v. EPA* (D.C. Cir.):
 - Challenge to certain initial area designations under the 2015 ozone NAAQS, including the attainment designation for El Paso County, Texas.
- *Texas v. EPA* (Fifth Cir.):
 - Challenge to EPA’s designations for the San Antonio area.
 - Briefing is complete.

No. 18-60606

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

STATE OF TEXAS; GREG ABBOTT, GOVERNOR OF TEXAS; TEXAS
COMMISSION ON ENVIRONMENTAL QUALITY; SIERRA CLUB,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; ANDREW
WHEELER, Administrator of the United States Environmental Protection Agency

Respondents.

Nos. 18-1203, 18-1205, 18-1206, 18-1208, 18-1212, 18-1214

U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Clean Wisconsin et al,
Petitioners,

v.

U.S. Environmental Protection Agency and
Andrew R. Wheeler, Administrator, U.S. Environmental Protection Agency,
Respondents, and

BCCA Appeal Group et al,
Intervenors.

2015 Ozone NAAQS: SIP Submittal Timelines

Estimated Deadlines under the 2015 Ozone NAAQS					
	Attainment Date	Infrastructure and Transport SIP	Emissions Inventory	Attainment Demonstration	Control Measure Implementation
Marginal	Aug. 3, 2021	Oct. 1, 2018	Aug. 3, 2020	Subject to EPA discretion	2023 (if reclassified)
Moderate	Aug. 3, 2024	Oct. 1, 2018	Aug. 3, 2020	Aug. 3, 2021	2023
Serious	Aug. 3, 2027	Oct. 1, 2018	Aug. 3, 2020	Aug. 3, 2022	2026
Severe	Aug. 3, 2033-35	Oct. 1, 2018	Aug. 3, 2020	Aug. 3, 2022	2032-34

2020 Ozone NAAQS Review

- **May 9, 2018:** Former Administrator Pruitt issues “Back-to-Basics” memo on reviewing the NAAQS. Commits to review the ozone and PM NAAQS by the 2020 statutory deadlines.
- **Oct. 2018:** EPA issues draft Integrated Review Plan, projecting the following timelines to complete review of the ozone NAAQS by 2020:
 - **Spring 2019:** Draft Integrated Science Assessment made available (not yet released)
 - **Fall 2019:** Draft Policy Assessment made available
 - **Spring 2020:** Proposed decision
 - **Late 2020:** Final decision.

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