

ORDER OF COMMISSIONERS COURT

Authorizing Harris County Attorney to File Comments with the Environmental Protection Agency (EPA) regarding its Proposal to Disapprove the Texas State Implementation Plan (SIP) Contingency Measures

The Commissioners Court of Harris County, Texas, met in regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on _____, with all members present except _____.

A quorum was present. Among other business, the following was transacted:

ORDER AUTHORIZING HARRIS COUNTY ATTORNEY TO FILE COMMENTS WITH EPA REGARDING ITS PROPOSAL TO DISAPPROVE SIP CONTINGENCY MEASURES FOR 2008 SERIOUS OZONE NONATTINAMENT AREAS

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Lina Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom Ramsey, P.E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lesley Briones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The adopted order follows:

WHEREAS, on May 13, 2020, the Texas Commission on Environmental Quality (TCEQ) submitted State Implementation Plan (SIP) revisions for the Houston-Galveston-Brazoria serious ozone nonattainment area (HGB Area) under the 2008 ozone National Air Ambient Quality Standard (NAAQS) to EPA for approval (the SIP Submittal).

WHEREAS, federal law requires the SIP Submittal to include contingency measures that would be implemented if the HGB Area fails to meet reasonable further progress or fails to attain the 2008 ozone standard by the attainment date;

WHEREAS, SIP contingency measure for the HGB Area were already implemented control measures, such as federal vehicle and engine emission certification programs;

WHEREAS, in 2019, Harris County submitted comments to the TCEQ requesting that SIP contingency measures include prospective measures that would take effect at the time the area failed to attain compliance with the 2008 ozone standard;

WHEREAS, on September 29, 2020, EPA proposed to approve proposed SIP contingency measures;

WHEREAS, on January 29, 2021, the U.S. Court of Appeals for the District of Columbia Circuit issued a decision in *Sierra Club, et al. v. EPA*, 985 F.3d 1055 (D.C. Cir. 2021) vacating

EPA's interpretation that allowed states to rely on already-implemented control measures to meet the requirements for contingency measures in nonattainment plans;

WHEREAS, in light of the *Sierra Club* decision, the EPA is proposing to disapprove the 2008 serious ozone SIP contingency measures; and

WHEREAS, requiring TCEQ to submit a SIP with prospective contingency measures will improve HGB area air quality.

THEREFORE, IT IS ORDERED that the County Attorney is authorized on behalf of Harris County to file comments with the EPA regarding its proposal to disapprove the 2008 serious ozone SIP contingency measures.