

**To:** Harris County Commissioners Court

**Through:** Director Name, Title, Department

..prepared

**Prepared By:** Bridget Johnson, Executive Assistant, County Attorney Office

**Subject:** EPA Proposed Approval of the TCEQ State Implementation Plan concerning Reasonable Available Control Technology in Houston-Galveston-Brazoria Ozone Nonattainment Area

..end

**Project ID (If applicable):**

**Purpose and Request:**

..title

Request for authorization from Members of the Commissioners Court for the Harris County Attorney to file comments on EPA Proposed Approval of May 13, 2020 revisions to the TCEQ State Implementation Plan concerning Reasonable Available Control Technology (RACT) requirements for the Houston-Galveston-Brazoria (HGB) 2008 8- hour ozone National Air Quality Ambient Air Quality Standard

..end

**Background and Discussion:**

*[INSTRUCTIONS: In this section should concisely provide any background and analysis that the Commissioners Court needs to fully understand the action being requested. Please limit background to 3-4 sentences and include any reference to when this item was previously considered by Court. Background should include reference to study or order that led to this item or if the item is a result of compliance with any specific law or statutory requirements.]*

**Fiscal Impact:**

*[INSTRUCTIONS: A short description of the cost of the request and where you are requesting funding from. No more than 2 sentences. In addition please fill out the table below. This includes financial impact to the current fiscal year and subsequent fiscal years along with the source of funding (general fund, grant, etc.). If the amount is within the current budget, please indicate the amount from 'Existing Department Budget'. If all of or part of the request is a new expense, please indicate funding source in the space provided.]*

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
<b>Service Impacted:</b> <i>[Please provide service or division where expenditure will be used]*</i>			
Existing Budget			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
Existing Department Budget			
Please Identify Funding Source (General Fund, PIC, Special Revenue, Grant, Etc.)			
<i>[INSERT FUNDING SOURCE HERE]*</i>			
<b>Total Sources</b>			

**Alternatives:**

*[INSTRUCTIONS: In this section you should briefly discuss any viable alternatives, including the benefits and consequences of each. Include subtitles on the first line of each alternative to identify it. If appropriate, the financial impact of each alternative can be discussed. If taking no action is a viable alternative it should also be discussed, including any financial or other impacts that would result.]*

**Alignment with Strategic Objective:**

*[INSTRUCTIONS: Please write out the Department Strategic Objective impacted by this item.]*

**Attachments:**

*[INSTRUCTIONS: Please include a list of backup for this item with a short description of each if more than one.]*



OFFICE OF THE  
HARRIS COUNTY ATTORNEY  
**CHRISTIAN D. MENEFEE**

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March 22, 2021

Members of the Commissioners Court  
Harris County Administration Building  
1001 Preston, 6th Floor, Room 610  
Houston, Texas 77002

Re: Order authorizing Harris County Attorney to file comments on the EPA proposed approval of the TCEQ State Implementation Plan concerning Reasonable Available Control Technology in Houston-Galveston-Brazoria Ozone Nonattainment Area

Dear Members of the Court:

This is to request that the following topic be placed on the Commissioners Court agenda for March 30, 2021, under the County Attorney's portion of the agenda:

Authorization from Members of the Commissioners Court for the Harris County Attorney to file comments on EPA Proposed Approval of May 13, 2020 revisions to the TCEQ State Implementation Plan concerning Reasonable Available Control Technology (RACT) requirements for the Houston-Galveston-Brazoria (HGB) 2008 8- hour ozone National Air Quality Ambient Air Quality Standard

Sincerely,

CHRISTIAN D. MENEFEE  
Harris County Attorney

*Sarah Jane Utley*  
Sarah Jane Utley  
Environmental Division Director

APPROVED:

  
\_\_\_\_\_  
Jay Aiyyer  
First Assistant County Attorney

## **ORDER OF COMMISSIONERS COURT**

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 THE HARRIS COUNTY ATTORNEY TO FILE COMMENTS ON THE EPA PROPOSED APPROVAL OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) STATE IMPLEMENTATION PLAN (SIP) CONCERNING REASONABLE AVAILABLE CONTROL TECHNOLOGY (RACT) IN THE HOUSTON-GALVESTON-BRAZORIA (HGB) AREA**

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 S. Ramsey, P.E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<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, the Federal Clean Air Act (CAA) sets deadlines by which states must attain ozone standards and when an area fails to meet the deadlines, the Environmental Protection Agency must classify the areas to higher classifications that carry new deadlines and strengthen public health protections;

WHEREAS, the HGB area is nonattainment for the 2008 and 2015 ozone standards;

WHEREAS, on August 23, 2019, the HGB area failed the moderate nonattainment area deadline for the 2008 ozone standard, 75 parts per billion, and was reclassified to serious with a new attainment date of July 20, 2021;

WHEREAS, upon reclassification, the CAA requires new RACT and requires States to include any RACT that it intends to use to meet new in the SIP;

WHEREAS, on September 11, 2019, the TCEQ proposed a SIP revision to address the HGB area's new CAA obligations, but did not propose to implement any new RACT for the HGB area

WHEREAS, on October 28, 2019, Harris County Pollution Services Department submitted comments to the TCEQ on the proposed revisions;

WHEAREAS, on May 13, 2020, the TCEQ submitted its SIP demonstration to the EPA, which failed to implement any new RACT; and

WHEREAS, the EPA is proposing to approve the May 13, 2020 TCEQ SIP concerning RACT for the HGB 2008 8-hour ozone standard.

**THEREFORE, IT IS ORDERED** that the Harris County Attorney is authorized on behalf of Harris County to file comments with the EPA regarding the .May 13, 2020 revisions to the TCEQ State Implementation Plan concerning Reasonable Available Control Technology (RACT) requirements for the Houston-Galveston-Brazoria (HGB) 2008 8- hour ozone National Air Quality Ambient Air Quality Standard.

All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.