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Comments on the Proposed Houston Galveston Brazoria (HGB) Severe Classification Attainment Demonstration (AD) SIP Revision for the 2008 Eight-Hour Ozone NAAQS ("HGB AD SIP Revision"); Docket No. 2023-1223-SIP/Project No. 2023-110-SIP-NR

Last year, local news outlets including the Houston Chronicle reported that the Houston MSA had its hottest summer on record and a record number of TCEQ-issued Ozone Action Days. This will likely be our headline every summer going forward due to the ongoing effects of fossil fuel-caused climate change, making ozone attainment ever more out of reach, and making the role of ozone SIPs ever more critical to preserving human life in the Houston MSA.

I offer these comments on the proposed SIP Revision for the 2008 ozone standards:

This plan has direct implications for TCEQ permitting and compliance because there are existing "loopholes" that are not addressed by, and will ultimately undermine this plan.

1. The first is fugitive emissions. Rapid spikes in ozone that contribute to high ozone days are often due to unauthorized and uncontrolled industrial flaring allowed by TCEQ based on self-reported need from the polluter. The SIP strong requirements that dis-incentivize industrial flaring and add more stringent pollution control requirements on flare technology. This need couldn't be more timely. For example, on December 23, 2023, the TPC Group petrochemical facility flared for 8 straight hours. See photo URL:

<https://abc13.com/power-outage-causes-flaring-at-se-houston-chemical-plant-/14218961/>

2. Another concern for implementation is the Nonattainment NSR Program. I would not assume, as the SIP does, that approval of non-attainment NSR regulations from 1995 are sufficient today - three decades later. In fact, a report from Inside Climate News last month showed evidence from TCEQ that the major NSR permitting process, and, thus, the major source threshold for ozone-precursor pollutants, is regularly and routinely circumvented by large polluters. I would like to see this addressed in the SIP as well and, if necessary, through changes to the Texas Administrative Code.

3. Ozone exposure is a civil rights, health equity, and environmental justice issue.

A report published by the Environmental Integrity Project in late 2023 showed that minority households in the Houston MSA are more likely to be exposed to ozone concentrations higher than the federal standard and the least likely to have seen improvements in ozone exposure since the standards were set in 2008. Everyone has a right to breathe clean air.

The revised SIP recognizes the health effects of ozone on sensitive groups like children but does not acknowledge the disproportionate impact on communities of color. In light of Executive Order 14096, this is a gross oversight. The SIP address the disproportionate impact of ozone in the Houston MSA as a driving factor for the control strategies recommended AND for an enhanced focus on the pollution sources impacting communities of color most.

4. A proposed 3% reduction is a bare minimum. In fact, we already know what our future attainment status will be since we were also re-designated further from attainment in comparison to the newer ozone NAAQS for 2015. As our understanding of air quality science improves, and the standards for keeping communities safe from ozone consequently strengthen, we here in Houston remain further and further away from healthy levels. The Houston area needs more than small, incremental changes and "business as usual" measures to bring down ozone levels once and for all.

5. This plan is myopic in its treatment of mobile emissions. It includes considerable focus on reducing individual vehicle emissions, but no consideration is given to decisions that incentivize dependence on single-occupancy vehicles at scale. Highway expansions create induced demand and induced congestion both of which create more ozone-causing air pollution. This SIP should include a climate-oriented approach to regional transportation planning, which is already the purview of HGAC, the entity charged with ensuring emission conformity for the SIP.

6. The public participation process for this plan has been devoid of fair notice and due process. The TCEQ released four different SIPs over the Thanksgiving holidays when members of the public are least expected to analyze and comment on these complex SIPs. Despite requests from Air Alliance Houston and other public interest groups, you refused to extend the public comment period. The comment period should be extended for a minimum of 30 days.