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SIP Revision: Beaumont-Port Arthur (BPA) Redesignation Request and Maintenance Plan for the One-Hour Ozone Standard and Second 10-Year Maintenance Plan for the 1997 Eight-Hour Ozone Standard, January 30, 2019

On January 30, 2019, the Texas Commission on Environmental Quality (TCEQ) adopted the BPA Redesignation Request and Maintenance Plan State Implementation Plan (SIP) revision for the One-Hour Ozone National Ambient Air Quality Standard (NAAQS) and Second 10-Year Maintenance Plan for the 1997 Eight-Hour Ozone NAAQS.

Summary of the SIP Revision

Adoption Date: 01/30/2019

Proposal Date: 10/17/2018

EPA Action: Second 10-year Maintenance Plan approved on June 8, 2020 ([85 FR 35041](#)). Redesignation Request and Maintenance Plan for the One-Hour Ozone NAAQS withdrawn from United States Environmental Protection Agency (EPA) consideration on 10/02/2020.

Background: Historically, the EPA has not formally redesignated areas for a revoked NAAQS. The one-hour ozone NAAQS was revoked on June 15, 2005; however, the BPA area was not attaining the standard at the time of revocation and remained subject to continuing serious area anti-backsliding requirements. The EPA finalized a determination of attainment for the BPA area for the one-hour ozone standard on October 20, 2010 ([75 FR 64675](#)) and determined that the redesignation of the area to attainment for the 1997 eight-hour ozone NAAQS removes the requirement for the continued application of one-hour anti-backsliding measures. Though the BPA area was never formally redesignated to attainment for the revoked one-hour ozone NAAQS, the maintenance plan for the 1997 eight-hour ozone NAAQS effectively acted as a maintenance plan for the one-hour ozone NAAQS.

On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit issued an opinion in the case *South Coast Air Quality Management District v. EPA*, 882 F.3d 1138 (D.C. Cir. 2018). The case was a challenge to the EPA's final 2008 eight-hour ozone standard SIP requirements rule, which revoked the 1997 eight-hour ozone NAAQS as part of the implementation of the more stringent 2008 eight-hour ozone NAAQS. The court's decision vacated parts of the EPA's final 2008 eight-hour ozone standard SIP requirements rule, including the redesignation substitute, removal of anti-backsliding requirements for areas designated nonattainment under the 1997 eight-hour ozone NAAQS, waiving requirements for transportation conformity for maintenance areas under the 1997 eight-hour ozone NAAQS, and elimination of the requirement to submit a second 10-year maintenance plan.



To address the uncertainty created by the court's ruling, the TCEQ developed this formal redesignation request and maintenance plan SIP revision for the BPA area for the one-hour ozone NAAQS and a second 10-year maintenance plan for the 1997 eight-hour ozone NAAQS for submittal to the EPA. On January 30, 2019, the commission adopted this redesignation request and maintenance plan SIP revision to meet Federal Clean Air Act (FCAA), §107(d)(3)(E) requirements for redesignation of the BPA area to attainment for the one-hour ozone NAAQS and to meet FCAA, §175A(b) requirements to submit a second 10-year maintenance plan for the 1997 eight-hour ozone NAAQS. The TCEQ submitted this SIP revision to the EPA on February 5, 2019.

Key Changes: This SIP revision includes a request that the BPA area be redesignated to attainment for the revoked one-hour ozone NAAQS and provides a maintenance plan that will ensure the area remains in attainment of the NAAQS through 2032. The SIP revision includes a request that the EPA also consider this plan as a second 10-year maintenance plan for the one-hour ozone standard. The SIP revision also includes a second 10-year maintenance plan for the 1997 eight-hour ozone NAAQS. The maintenance plans use a 2014 base year inventory and include interim year inventories for 2020 and 2026, establish motor vehicle emissions budgets for 2032, and include a contingency plan.

SIP Narrative and Appendices

Files linked from this page are in Portable Document Format ([PDF](#)).

BPA Redesignation Request and Maintenance Plan for the One-Hour Ozone Nonattainment Area and Second 10-Year Maintenance Plan for the 1997 Eight-Hour Ozone Nonattainment Area SIP Revision (Non-Rule Project No. 2018-027-SIP-NR)

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