

**To the Mayor and Members of the City Council****April 30, 2024**

Page 1 of 2

**SUBJECT: TCEQ AIR QUALITY PERMITTING PROCESS AND POTENTIAL CITY ROLE IN AIR QUALITY MONITORING**

The purpose of this informal report is to provide an overview of the Texas Commission on Environmental Quality (TCEQ) air permitting process, regional air quality challenges in North Texas, and air quality monitoring in Fort Worth.

**TCEQ Air Quality Permitting Process**

Applying for a TCEQ air quality permit is a technical and legal process requiring information on the applicant and operational plans. After the TCEQ receives an air quality permit application, it undergoes an administrative review to determine whether or not the applicant has provided all the necessary information. Once the application is determined to be administratively complete, TCEQ will issue a public notice which describes the location and nature of the proposed activities, how to obtain additional information, and where the completed application can be viewed. The notice also provides instructions for being included on mailing distribution lists, submitting comments, and requesting public meetings or contested case hearings.

In addition to administrative review, a permit application undergoes a technical review to ensure it complies with state and federal regulatory requirements. Ultimately, TCEQ will issue a decision on the permit application; this decision is published in the newspaper and distributed through the mailing distribution list.

If there is significant interest in an application or if a state legislator makes a request, the TCEQ will hold a public meeting for the purpose of allowing interested parties to learn about the application, to ask questions of both the applicant and TCEQ, and to offer formal comments. As a stakeholder and voice for the residents, the City may take the opportunity to issue public comment and/or contest the permit using the TCEQ's procedures during the public comment period.

**Regional Air Quality Challenges in North Texas**

Through the Clean Air Act (CAA), the United States Environmental Protection Agency (EPA) regulates air pollutants and defines air quality standards known as the National Ambient Air Quality Standards (NAAQS). There are six criteria pollutants defined by the EPA: ozone, particulate matter, lead, sulfur dioxide, carbon monoxide and oxides of nitrogen. There are two NAAQS pollutants that commonly create concerns for North Texas: ozone and particulate matter.

**Ozone**

Following the CAA Amendment in 1990, the EPA first declared that the Dallas-Fort Worth Metroplex (DFW) region was in nonattainment for ozone in 1991. The region has remained in nonattainment since 1991. Today, there are two NAAQS ozone standards in effect; DFW is in nonattainment for both standards:

- 2008 Ozone Standard (75 parts per billion): DFW 10-county region is in Severe nonattainment and may move to Extreme nonattainment. Under a severe classification, the DFW area is required to attain the 2008 eight-hour ozone standard by the end of 2026 to meet a July 20, 2027 attainment date.

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Page 2 of 2

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- 2015 Ozone Standard (70 parts per billion): DFW 10-county region is in Moderate nonattainment and may move to Serious nonattainment. Under a moderate classification, the DFW area is required to attain the 2015 eight-hour ozone standard by the end of 2023 to meet an August 3, 2024 attainment date.

For the 2008 Ozone Standard specifically, any nonattainment area classified as Severe or Extreme that fails to attain the ozone standard by the required date activates Section 185 of the CAA. Section 185 requires each major stationary source of volatile organic compounds (VOC) and nitrogen oxides (NOx) which are located within the nonattainment area to pay a fee to the state for each year following the nonattainment year for emissions above a baseline amount. VOCs and NOx emissions are precursors to ozone. Permitted facilities across DFW could pay a combined total of \$45 million each year, per estimates provided by the North Central Texas Council of Governments (NCTCOG).

**Particulate Matter**

On February 7, 2024, EPA announced a final rule for NAAQS related to fine particle pollution, also known as particulate matter (PM<sub>2.5</sub>). PM<sub>2.5</sub> refers to the diameter of the fine particles that are 2.5 microns or less. With the revision of the annual PM<sub>2.5</sub> standard from 12.0 micrograms per cubic meter (µg/m<sup>3</sup>) to 9.0 µg/m<sup>3</sup>, EPA will begin formulating an implementation schedule. The DFW region could be placed in nonattainment with this standard in the future.

**Air Quality Monitoring in Fort Worth**

The TCEQ is responsible for providing regulatory air quality monitoring services in Texas with a statewide monitoring network. This is commonly referred to as the regulatory network which meets EPA requirements. Public and private partners across the region may elect to supplement regulatory networks with community air quality sensors for specific pollutants. To review air quality monitoring data, consider:

- Air Now (EPA and other federal agencies): [www.AirNow.gov](http://www.AirNow.gov)
- Texas Air Monitoring Viewer (TCEQ): <https://www.tceq.texas.gov/gis/geotam-viewer>
- Shared Air DFW (University of Texas at Dallas): <https://www.sharedairdfw.com/>

Staff members are actively exploring various community air quality sensor technologies and options to augment air quality compliance investigations within the City through monitoring. In addition, staff continue to review various grant opportunities and partnerships to promote regional air quality.

For any questions, concerns or comments, please contact Cody Whittenburg, Interim Environmental Services Director at 817-392-5455 or [Cody.Whittenburg@fortworthtexas.gov](mailto:Cody.Whittenburg@fortworthtexas.gov).

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