

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 22, 2023

Michael Gamez  
Acting Regional Administrator  
U.S. Department of Housing and Urban Development  
Fort Worth Regional Office  
307 W. 7th St., Suite 1000  
Fort Worth, TX 76102

VIA EMAIL

Subject: Finding on Certain Projects Subject to Air Quality General Conformity Review

Dear Acting Administrator Gamez:

General conformity requirements in 40 Code of Federal Regulations (CFR) Part 93, Subpart B and United States Environmental Protection Agency (EPA) guidance allow a federal agency to determine that an action is exempt from general conformity requirements if it concludes the action to be *de minimis* based on comparison to a previous project that is similar in size and scope to the proposed action and for which an emissions analysis was completed. General conformity *de minimis* thresholds in 40 CFR §93.153(b)(1) are based on criteria pollutant and classification, with lower thresholds associated with higher nonattainment classifications. Effective November 7, 2022, the Dallas-Fort Worth (DFW) and Houston-Galveston-Brazoria (HGB) ozone nonattainment areas were reclassified to severe for the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS) (87 FR 60926). The general conformity *de minimis* threshold for this classification is 25 tons per year (tpy) of nitrogen oxides (NO<sub>x</sub>) or volatile organic compounds (VOC) emissions, which is currently the lowest general conformity *de minimis* threshold for any ozone nonattainment area in Texas.

The Texas Commission on Environmental Quality (TCEQ) reviewed a list of historical projects determined by the United States Department of Housing and Urban Development (HUD) Region VI to be categorically similar to HUD-funded projects. Attachment A: Finding on Air Quality General Conformity Review contains a list of the historical projects found by the TCEQ to contain adequate emissions analysis documentation. The historical projects in Attachment A are grouped according to those with estimated NO<sub>x</sub> and/or VOC emissions less than 50 tpy but greater than or equal to 25 tpy, and those less than 25 tpy. The TCEQ finds that proposed HUD-funded projects in Texas, including projects that qualify under 24 CFR §58.35 as categorical exclusions, that are categorically similar to the historical projects listed in Attachment A and that are comparable or smaller in scope and size are not expected to exceed the thresholds listed.

Candace Valenzuela

Page 2

September 22, 2023

The TCEQ provides this finding to assist HUD's review of future potential projects. However, it is a federal agency's responsibility to comply with the National Environmental Policy Act and federal general conformity requirements. This finding applies solely to general conformity determinations regarding ozone and is valid until September 22, 2025 or until a final EPA action invalidates the finding. When expired or invalidated by EPA action, the finding and project categories and historical analyses included in Attachment A may be re-evaluated.

If you have questions concerning this finding, please contact Jamie Zech at [jamie.zech@tceq.texas.gov](mailto:jamie.zech@tceq.texas.gov) or (512) 239-3935.

Sincerely,

Donna F. Huff, Deputy Director  
Air Quality Division  
Texas Commission on Environmental Quality

Attachment

cc: Guy Donaldson, U.S. Environmental Protection Agency Region 6

## **Attachment A: Finding on Air Quality General Conformity Review**

The following is a list of historical projects for use by Region VI of the United States Department of Housing and Urban Development (HUD) to determine whether projects in Texas would be considered by the Texas Commission on Environmental Quality (TCEQ) to be *de minimis* for air quality general conformity purposes. The projects are grouped according to HUD project type and estimated emissions.

It is a federal agency's responsibility to comply with the National Environmental Policy Act and federal general conformity requirements.

### **WATER/WASTEWATER IMPROVEMENTS**

#### **NO<sub>x</sub> and VOC < 50 tpy and ≥ 25 tpy**

None listed

#### **NO<sub>x</sub> and VOC < 25 tpy**

Palos Verdes Recycled Water Pipeline Project, 2017, <https://www.westbasin.org/wp-content/uploads/2017/09/9-22-17-PV-Pipeline-Project-Notice-and-CEQA-Study-PDF.pdf>, accessed August 4, 2023.

Sacramento Regional County Sanitation District's South Sacramento County Agriculture and Habitat Lands Recycled Water Program, 2017, [https://www.regionalsan.com/sites/main/files/file-attachments/feir\\_southcountygag\\_2-10-2017002\\_0\\_0.pdf](https://www.regionalsan.com/sites/main/files/file-attachments/feir_southcountygag_2-10-2017002_0_0.pdf), accessed August 4, 2023.

Las Vegas Paiute Tribe Snow Mountain Reservation Public Water System Improvement Project, 2017, [https://www.epa.gov/sites/production/files/2017-08/documents/environmental\\_assessment\\_for\\_the\\_las\\_vegas\\_paiute\\_tribe\\_snow\\_mountain\\_reservation\\_public\\_water\\_system\\_improvement\\_project.pdf](https://www.epa.gov/sites/production/files/2017-08/documents/environmental_assessment_for_the_las_vegas_paiute_tribe_snow_mountain_reservation_public_water_system_improvement_project.pdf), accessed August 4, 2023.

Bay Bridge Pump Station and Force Mains Replacement Project (Project No. SP-178), 2017, <https://www.ocsd.com/Home/ShowDocument?id=19600>, accessed August 4, 2023.

### **FLOOD AND DRAINAGE IMPROVEMENTS**

#### **NO<sub>x</sub> and VOC < 50 tpy and ≥ 25 tpy**

Alamo Creek and Ulatis Creek Detention Basins Project (SCH No. 2010022023), 2011, <https://www.ci.vacaville.ca.us/government/public-works/flood-control-storm-information/alamo-creek-and-ulatis-creek-detention-basins-project>, accessed August 4, 2023.

#### **NO<sub>x</sub> and VOC < 25 tpy**

Termino Avenue Drain Project (SCH No. 2000111022), 2008, [http://www.ladpw.org/pdd/reports/Termino\\_EIR08\\_Final.pdf](http://www.ladpw.org/pdd/reports/Termino_EIR08_Final.pdf), accessed August 4, 2023.

Fagatogo Stormwater Modification, American Samoa Disaster Relief Office (FEMA-1506-DR-AS, HMGP #1506-4), 2008, <https://www.hSDL.org/?view&did=484703>, accessed August 4, 2023.

Period of Applicability: 09/22/23 to 09/22/25

## **STREET IMPROVEMENTS**

**NO<sub>x</sub> and VOC < 50 tpy and ≥ 25 tpy**

None listed

**NO<sub>x</sub> and VOC < 25 tpy**

Century Boulevard Extension Project Between Grape Street and Alameda Street, City of Los Angeles (CML-5006(810)), 2016,  
<http://eng2.lacity.org/techdocs/emg/docs/CenturyBoulevardExtension/EnvironmentalAssessment.pdf>, accessed August 4, 2023.

## **PUBLIC FACILITIES**

**NO<sub>x</sub> and VOC < 50 tpy and ≥ 25 tpy**

None listed

**NO<sub>x</sub> and VOC < 25 tpy**

Los Angeles Department of Water and Power West Los Angeles District Headquarters Administration Building, 2005,  
[https://www.ladwp.com/cs/idcplg?IdcService=GET\\_FILE&dDocName=LADWP004459&RevisionSelectionMethod=LatestReleased](https://www.ladwp.com/cs/idcplg?IdcService=GET_FILE&dDocName=LADWP004459&RevisionSelectionMethod=LatestReleased), accessed August 4, 2023.

Hollywood-La Kretz Customer Service and Community Center Project, 2011,  
[https://www.ladwp.com/cs/idcplg?IdcService=GET\\_FILE&dDocName=LADWP003782&RevisionSelectionMethod=LatestReleased](https://www.ladwp.com/cs/idcplg?IdcService=GET_FILE&dDocName=LADWP003782&RevisionSelectionMethod=LatestReleased), accessed August 4, 2023.

## **HOUSING**

**NO<sub>x</sub> and VOC < 50 tpy and ≥ 25 tpy**

13-Lot Residential Development (APN 224-142-01) and Annexation, Escondido, California, 2014,  
[https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/Pickering/Initial%20Study-MNDPickering2ResidentialAnnexationProject2014-06-17\(Final\).pdf](https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/Pickering/Initial%20Study-MNDPickering2ResidentialAnnexationProject2014-06-17(Final).pdf), accessed August 4, 2023.

**NO<sub>x</sub> and VOC < 25 tpy**

Reseda Boulevard Mixed-Use Project, City of Los Angeles (Case No. ENV-2015-3703-MND), 2018,  
<http://planning.lacity.org/StaffRpt/InitialRpts/CPC-2015-3702.PDF>, accessed August 4, 2023.

The Alexan Project, City of Los Angeles (Case No. ENV-2006-6302-MND-REC 1), 2016,  
<http://planning.lacity.org/StaffRpt/MND/ENV-2006-6302-MND-REC1.pdf>, accessed August 4, 2023.

Sepulveda LLC Apartments Project, City of Los Angeles (Case No. ENV-2016-2752-MND), 2016,  
<https://planning.lacity.org/StaffRpt/InitialRpts/CPC-2016-2751.PDF>, accessed August 4, 2023.

Morgan Knolls Subdivision, Placer County, California, 2018,  
<https://www.placer.ca.gov/DocumentCenter/View/32554/Morgan-Knolls-Tentative-Subdivision-Map-and-Variance---Extension-of-Time-20130316-PDF>, accessed August 4, 2023.

Quail Cove Subdivision Project, Antioch, California, 2018,  
<https://www.antiochca.gov/fc/community-development/planning/QuailCove/QuailCoveISMND.pdf>, accessed August 4, 2023.