

April 30, 2010

Kathy Pendleton, P.E., Air Quality Division MC164
Texas Commission on Environmental Quality,
P.O. Box 13087, Austin, Texas 78711-3087

Re: Comments on Section 185 Failure-To-Attain Fees Termination Determination

Submitted Via: Email kpendlet@tceq.state.tx.us

Dear Ms. Pendleton,

TPC Group appreciates the opportunity to provide comments on the proposed Section 185 Failure-to-Attain Fee Termination Determination. TPC Group is a Houston-based company, with operating facilities in Houston's East End (Milby Park area), Port Neches (Jefferson County), and Baytown. We have approximately \$2 billion in annual sales revenue, and employ nearly 800 full time employees and contractors. We recently underwent a company name change, and were formerly known as Texas Petrochemicals.

TPC Group wholeheartedly supports the Section 185 Failure-to-Attain Fee termination determination. The greater Houston area measured attainment for the 8-hour 0.08 ppb ozone standard for the year 2009, based on data collected in the years 2007, 2008, and 2009. Achieving attainment in the year 2009 was no small feat, and was the direct result of quantifiable and enforceable reductions in emissions throughout the Houston-Galveston-Brazoria (HGB) ozone nonattainment area. Industry has contributed heavily to these emissions reductions through reductions in NO_x, VOC, and HRVOC emissions, especially during the past decade, at a cost of billions of dollars to industry as a whole, and including a cost of millions of dollars to TPC Group. These emissions reductions have been extremely successful at reducing area-wide ozone concentrations.

We commend TCEQ for its robust and thorough analysis of potential impacts of both weather and the economic downturn on measured ozone attainment, both showing little or no impact of these factors. Many in the area, especially Environmental Non-Government Organizations (ENGOS) and EPA, have long contended that HGB's improving air quality and measured attainment resulted from favorable weather and the economic downturn, and yet the area has so many emissions reductions due to permanent and enforceable reductions. Thus, we are not surprised at the results of TCEQ's analyses of these factors.

Having invested heavily in emissions reductions as a company during recent years, we believe that our money is much better spent towards real emissions reductions that benefit the area in better air quality, rather than in fees that serve little or no air quality benefit. It is clear that investments made

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by us and by others over the past decade have paid out handsomely in improved air quality for the region. Therefore, it is appropriate that TCEQ pursue the termination determination.

EPA has already indicated its general agreement with TCEQ's action to submit a termination determination, through its Federal Register publication on January 5, 2010, in the footnote on page 232, and in oral comments made at various venues over the past few months. We believe that TCEQ's "Request for Determination Regarding Termination of the One-Hour Ozone Section 185 Fee Obligation" provides compelling evidence that EPA should approve the termination determination.

Again, TPC Group supports TCEQ's termination determination for the Section 185 Failure-to-Attain fees. We encourage the agency to make a final approval of this action and submit it to EPA for their approval. If we can be of further assistance, please contact me at marise.textor@tpcgrp.com or 713-840-5410.

Sincerely,



Marise Lada Textor
Corporate Director – Regulatory Affairs