

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

LaDonna Castanuela DEC 28 2009

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

**Resolution Concerning the 1997 Annual Fine Particulate Matter 2.5 (PM_{2.5})
National Ambient Air Quality Standard Designation Recommendation**

Docket No. 2009-1969-MIS

WHEREAS, the Texas Commission on Environmental Quality (Commission) met on December 4, 2009, to discuss and consider proposed designations for the 1997 annual PM_{2.5} National Ambient Air Quality Standard (NAAQS) for submittal to the Governor for his consideration and transmittal to the United States Environmental Protection Agency (EPA); and

WHEREAS, the Commission finds that the EPA requested submittal of designation for the 1997 annual PM_{2.5} NAAQS through a letter received by the Governor of Texas on October 8, 2009; and

WHEREAS, the Commission acknowledges that the FCAA, §107(d)(3), establishes a process for each Governor to provide recommendations to the EPA regarding appropriate designations for the 1997 annual PM_{2.5} NAAQS for their state; and

WHEREAS, the Commission acknowledges that the EPA has specified a deadline for the submittal of recommended designations for the 1997 annual PM_{2.5} NAAQS of 120 days from receipt of the October 8, 2009 letter; and

WHEREAS, the Commission acknowledges that the EPA recommends states identify attainment/nonattainment areas using the most recent three years of air quality data, stored in the EPA Air Quality System (AQS), from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 Code of Federal Regulations (CFR) Part 58; and

WHEREAS, the Commission acknowledges that 40 CFR Parts 50 and 51 grant the EPA authority to exclude air quality monitoring data from regulatory determinations related to exceedances or violations of the NAAQS and avoid designating an area as nonattainment, or redesignating an area as nonattainment, if a State adequately demonstrates that an exceptional event has caused an exceedance or violation of a NAAQS; and

WHEREAS, the Commission finds that based on certified AQS monitoring data from 2006-2008 excluding exceptional events, and the most recent data from 2009, which will be certified and submitted in accordance with EPA requirements, all monitors in Texas with data eligible for comparison to the 1997 PM_{2.5} Annual NAAQS were

reviewed, and the Commission finds that all of Texas should be recommended as attainment or unclassifiable;

RESOLVED, that the Commission hereby requests the Governor of Texas to submit a recommendation of attainment for the 1997 annual PM_{2.5} NAAQS to the EPA for consideration, by the EPA's requested deadline of February 5, 2010, and directs commission staff to provide supplemental information to the EPA to support designations, as necessary.

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ENVIRONMENTAL QUALITY

Bryan W. Shaw

Bryan W. Shaw, Ph.D., Chairman