

Bryan W. Shaw, Ph.D., *Chairman*
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Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 13, 2011

Mr. Guy Donaldson, Chief
Air Planning Section (6PD-L)
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Attn: Docket ID No. EPA-R06-OAR-2011-0335

Re: *Federal Register*, Vol. 76, No. 71, April 13, 2011, Notice of Proposed Rulemaking, Approval and Promulgation of Implementation Plans; Texas; Proposed Disapproval of Interstate Transport State Implementation Plan Revision for the 2006 24-Hour PM_{2.5} NAAQS

Dear Mr. Donaldson:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to respond to the United States Environmental Protection Agency's (EPA) proposed disapproval of the Texas State Implementation Plan (SIP) revision to satisfy the Federal Clean Air Act (FCAA), §110(a)(2)(D)(i)(I) requirement to address Texas' significant contribution to downwind nonattainment or interference with maintenance in another state with respect to the 2006 National Ambient Air Quality Standard (NAAQS) for fine particulate matter (PM_{2.5}).

The following is a summary of the TCEQ's comments. Detailed comments on the EPA's proposed action on the Texas SIP are enclosed.

- The September 25, 2009, EPA "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-Hour Fine Particle (PM_{2.5}) National Ambient Air Quality Standards (NAAQS)" was published four days after the FCAA-required deadline for submittal of such SIP revisions, and it did not adequately describe how to complete the required technical analysis, in light of the gap between the remand of the Clean Air Interstate Rule (CAIR) and the finalization of the replacement Transport Rule.
- If the finalized Transport Rule serves as the Federal Implementation Plan (FIP) that the EPA intends to implement for Texas, the TCEQ strongly objects to the EPA proposing a rule that might apply to Texas at finalization without providing adequate notice and information necessary for meaningful comment in the Transport Rule proposal.
- Because the Transport Rule is the EPA's intended remedy for certain states' §110(a)(2)(D)(i)(I) SIP deficiencies, the TCEQ reiterates its request first stated in comments for the proposed Transport Rule that the EPA should provide guidance for states whose participation in the Transport Rule program is fundamentally different from their participation in the CAIR program.

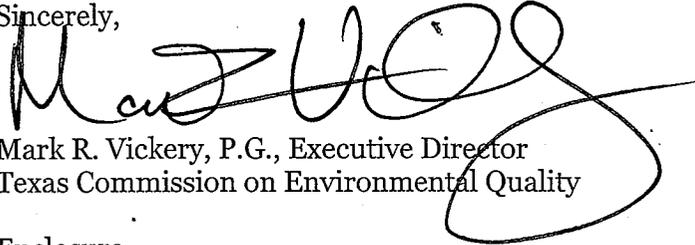
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The TCEQ appreciates the opportunity to comment on this proposed rulemaking. If there are any questions concerning the TCEQ's comments, please contact Ms. Susana M. Hildebrand, P.E., Chief Engineer, at 512-239-4696 or susana.hildebrand@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Vickery". The signature is stylized and cursive, with a large loop at the end.

Mark R. Vickery, P.G., Executive Director
Texas Commission on Environmental Quality

Enclosure