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Houston Regional Group

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Ms. Kim Herndon
MC 206
Air Quality Division
Chief Engineer's Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Ms. Herndon,

Enclosed are the comments of the Houston Regional Group of the Sierra Club (Sierra Club) regarding the Texas Commission on Environmental Quality's (TCEQ) proposed Eight-Hour Ozone and Fine Particulate Matter Transport State Implementation Plan (SIP) Revision for the Clean Air Interstate Rule (CAIR).

The Sierra Club is very disappointed with this proposed SIP. Instead of making specific progress in attaining the eight-hour ozone standard by reducing ozone and precursor emissions caused by transport, both inside and outside Texas, TCEQ has the audacity to say that it does not have to do anything. While a weak U.S. Environmental Protection Agency (EPA) may allow TCEQ to once again declare victory and extol its virtues as an air quality agency the truth lies behind TCEQ and EPA and not in front. The truth is dependent on what has not been done for three decades and not what has been done.

For over three decades the TCEQ and its predecessor agencies have adopted a minimalist and incremental policy of ozone and precursor air pollution control and reduction. This policy has resulted in declarations of attainment of the ozone standard many times, with EPA's acquiescence. In reality this policy has led to the failure of every ozone SIP in Houston for over 30 years. TCEQ has a perfect track record of failure. The Sierra Club has a perfect track record of success in calling for additional air pollution reductions and predicting the failure of each SIP that TCEQ and EPA approved and extolled. Who should the public believe now?

TCEQ boldly lists the SIPs and regulations/rules it has approved over the past eight years as victories instead of the defeats they are. The goal is to attain the ozone standard and not just reduce emissions. TCEQ tries to turn the Federal Clean Air Act Amendments on their head by equating reductions in ozone and precursors with success when only attainment of the ozone standard really signals victory. TCEQ's strategy is like a football coach declaring victory because his/her team scored 30 points when they usually score 14 points. The coach unfortunately does not point out that the opposing team scored 50 points.

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." *John Muir*

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Just as TCEQ's modeling, approved by EPA, predicted attainment of the ozone standard many times in the past now EPA's March 2005, "Technical Support Document for the Final Clean Air Interstate Rule – Air Quality Modeling", regarding attainment of the eight-hour ozone standard in 2010 by the states which Texas transports ozone and precursor emissions to (Denver, Memphis – West Memphis, St. Louis, and Baton Rouge), does the same. But this is untrue.

Modeling has failed to demonstrate attainment every time it has been used for SIPs because the emissions inventory (EI) is faulty. We now know there are much greater amounts of ozone precursors than thought in the past. This remains true today and has been shown by TCEQ's 2000 and 2005-2006 air quality studies in the Houston area. A faulty EI means faulty modeling; means faulty predictions of precursor and ozone transport; means faulty attainment of the ozone standard. The king has no clothes.

What TCEQ should have done with this SIP was reduce transport within Texas and thus it would have reduced transport outside of Texas. It is ironic that only a few years ago TCEQ was pointing a finger at Houston and saying the reason the Beaumont – Port Arthur and Dallas – Fort Worth areas were not attaining the ozone standard was due to transport of ozone and precursors from Houston. Apparently this transport phenomena stops at the Texas state line and does not cause problems for other states. How convenient and neat. It is too bad TCEQ has not cleaned up its own backyard so that real attainment can be achieved by other parts of Texas and the country more quickly.

It appears to the Sierra Club that TCEQ has no real commitment to attain the ozone standard in the Houston area. TCEQ failed to submit a SIP this year which showed that the Houston area will attain the eight hour ozone standard.

We are told that we have to wait 12 more years (49 years after the Federal Clean Air Act was passed) for attainment of the ozone standard. This is too long. The sad thing is TCEQ sentences the public, the people who own the TCEQ, to more years of unhealthy air pollution. This means that greater numbers of people will die and become ill due to TCEQ's minimalist and incremental policy of excruciatingly slow air pollution clean-up.

The public does not deserve such disdain. The Sierra Club can only hope that the TCEQ will care more in the future about the death and illness of people than it shows now with this SIP. The Sierra Club opposes the approval of this SIP because it does not reduce significantly and or resolve the transport of ozone, precursors, and non-attainment areas in Texas or in other states.

The Sierra Club urges TCEQ to "do the right thing" and withdraw this SIP. TCEQ should prepare and submit an SIP that vigorously addresses the ozone and

precursors transport problem in Texas and in adjacent states. It is the least that TCEQ can do to protect the public.

The Sierra Club appreciates this opportunity to comment. Thank you.

Sincerely,



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